

UNITED NATIONS  
INTEROFFICE MEMORANDUM



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MEMORANDUM INTERIEUR

The Secretary-General

TO:  
AI

DATE: 13 December

THROUGH:  
R/S DE

REFERENCE: \_\_\_\_\_

FROM:  
DE:

Johannes J. Manz  
SRSG for Western Sahara

PERSONAL AND CONFIDENTIAL

SUBJECT:  
OBJET:

Recommendations for further action

Thank you very much for giving me the opportunity to meeting with you on two occasions this past week. As agreed, please find below my observations and recommendations with regard to the future of MINURSO, including a plan for immediate action. They have, in my opinion, to be taken in order to overcome the present impasse.

1. As indicated to you, I am convinced that were we today to continue along present lines, we would not be in a position to attain our goals.

I know that you agree with me that we can go along with this case only as long as we feel confident that both sides of the conflict are given an equal opportunity.

Maintaining high standards is so much more difficult in a situation like the one we face, where the Parties are inherently unequal and thus do start off on a different footing.

The strength of our action must lie, not only in our impartiality and objectivity, but also in our ability to adapt to new circumstances and to respond to new needs as they arise.

2. Today we have already come a long way in our quest for resolving the problem with which we have been entrusted and we have a Plan which will help us see this task through. It is now our obligation to interpret this Plan in such a way that we can achieve the results it sets forth for us.

I have reached the conclusion that, by strictly following the original agenda, we would not achieve that goal. Instead, we now need to take one step back before proceeding along a slightly different track, while always staying within the framework of the Plan.





It is understandable that neither Party is at present willing to accept a solution which in their view would lead to a defeat in the Referendum. Similarly, we have reason to believe that should a referendum nonetheless be held today, neither Party would, in fact, accept the implications of a defeat, with the consequences this would have, both in the Territory and for the UN in general.

3. It is, therefore, in my view, our responsibility to find a different solution in the form of an agreement which both Parties can accept, even in "defeat". Such an agreement can only be sought and reached at the negotiating table, based on a model which would guarantee an outcome with neither a clear winner nor a clear loser.

It is my conviction that, while recognizing that this would have been impossible only a few months ago, the time for such negotiations has now come and I consequently propose that the Parties be engaged in such a process. Needless to say, any negotiated solution should still culminate in a referendum.

Since, however, this step is not directly envisaged in the Plan, I would suggest that in your forthcoming report to the Security Council, the necessary clearance for renewed discussions be sought.

4. In order to undertake the tasks envisaged above, the immediate needs of MINURSO will by necessity change, as will, temporarily, its nature. My specific recommendations below reflect the required changes.

4.1. Firstly, the repeated violations of the cease fire, reported by our UNMOs, will need to be addressed with some degree of urgency to maintain our impartiality and our credibility. To that effect two types of violations will need to be singled out, both of a military and a non-military nature. As regards the former, these have been observed and documented by our observers and are reflected in the draft letter attached, which I propose be sent to the Moroccan authorities through their Mission to the UN in New York.

Concerning the non-military violations, the movement of unidentified persons into the Territory, the so called "Second Green March", constitutes, in my view, a breach of the spirit, if not the letter, of the Peace Plan. It was, therefore, with great sadness that I took note of the contents of your letter on this subject to the King of Morocco dated November 18, which was sent without my prior consultation or even knowledge, although I had made very clear recommendations on this matter. I enclose a separate note outlining my view on this issue.



4.2. For the immediate future, I recommend that the MINURSO presence in the field be primarily that of a military peace keeping operation, maintaining only a small civilian presence. The Force Commander would thus become the senior UN official in the Territory, reporting to the Special Representative and to the Under-Secretary-General for Special Political Affairs.

To assist him in his task, there should be assigned a senior political adviser, a political affairs officer, a chief administrative officer and a press spokesperson. In addition, our military contingent will require a reinforcement, especially to help with logistical tasks, as per the Force Commander's recommendations.

4.3 With regard to the Office of the Special Representative, I have taken note of your instruction that this office is no longer required and should cease to exist. Instead the Special Representative will only require the assistance of a very small group of close collaborators to assist him in his assignment.

As you are aware, however, the Plan does not foresee the arrival of the Special Representative in the Territory until D-Day minus one week. In my view, this provision has to be adhered to since, per the Plan, his arrival in the Territory on a more permanent basis not only sets in motion a series of events but, more importantly, changes the legal framework of the MINURSO presence in the Territory. Consequently, the base of operations for the Special Representative will by necessity have to be one other than Laâyoune.

The staff which would thus remain with the Special Representative during this phase of the operation would be reduced to four, viz. the director of ~~the office~~, the special assistant, a political affairs officer and secretary/personal assistant.

Remaining staff could, as a result, return to their parent offices with a request that they be released again to MINURSO, if and when required, so as not to lose the experience gained during this phase.

4.4 With regard to the other tasks performed by MINURSO, I have instructed the so called "shared office" to continue its work developing and testing the data system which will be required for undertaking the referendum. That work has by necessity to be performed in New York, since this is where the computer equipment required is situated. This work, which engages one professional, one consultant and two general service staff, is to be completed before the end of January 1992.

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4.5 Similarly, the work of the Independent Jurist will have to continue identifying and preparing the release of political prisoners. Three persons, including the Independent Jurist himself, are presently engaged in this work, two of whom on a part time basis. It is foreseen that this task will likewise have been completed by the end of January. Since the work includes close collaboration with the "shared office", it is preferable that it be undertaken in New York.

4.6 Concerning the Identification Commission, finally, the situation is more complex and, while having taken note of your instructions that the Commission continue its work in the Territory, the Commission's status still needs to be studied from a legal standpoint, so as to conform with the MINURSO's mandate.

The position of Chairman, as you know, has been the subject of a separate note addressed to you on December 12, 1991. With regard to its members, the situation is less clear.

The ID Commission cannot, in my view, any longer be effectively deployed in the Territory and perform its work to identify and register the potential voters, unless and until the following three conditions have been met, viz. that the Commission's mandate be proclaimed by the Secretary-General, that it be supplied with clear instructions with regard to who will be eligible to participate in the referendum, and, finally, that the Commission be officially constituted by the Secretary General. In this regard please see the attached note, which describes my views on this subject in more detail.

5. It is my conviction that by applying the measures described ~~above~~ and in the enclosed notes now, the United Nations will be able to firmly retake the initiative in this complex process and that, as a result, we will be able to accomplish and fulfil our mandate and in the spirit of the assignment with which we have been entrusted by the Security Council.

While the Special Representative will, of course, have to seek the guidance of the new Secretary-General as soon as feasible, it is in my view imperative that the momentum not be lost as a result of the change of administration and that the work continue unhindered and without interruption also during the transition period.



6. As far as my own status is concerned, I shall inform you about my decisions as soon as I will have had a chance to talk to my authorities. It is indeed necessary to inform them about the new policy concerning the work of Special Representatives, as outlined by you.

7. However, the above recommendations do not depend upon the decision concerning my own future. As a result, I would appreciate to have your reaction and possible approval to proceed in accordance with the above recommendations.

Thank you again for your understanding.