



## General Assembly

Distr.  
GENERAL

4/41/673

3 October 1986

ENGLISH

ORIGINAL: ENGLISH/FRENCH

Forty-first session  
Agenda item 19

### IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

#### Question of Western Sahara

#### Report of the Secretary-General

1. At its fortieth session, on 2 December 1985, the General Assembly adopted resolution 40/50, which reads as follows:

"The General Assembly,

"Having considered in depth the question of Western Sahara,

"Recalling the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

"Recalling its resolution 39/40 of 5 December 1984 on the question of Western Sahara,

"Having considered the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 1/

1/ Official Records of the General Assembly, Fortieth Session, Supplement No. 23 (A/40/23), chap. X.

"Taking note of the report of the Secretary-General on the question of Western Sahara, 2/

"Recalling resolution AHG/Res.104 (XIX) on Western Sahara, 3/ adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session, held at Addis Ababa from 6 to 12 June 1983,

"1. Reaffirms that the question of Western Sahara is a question of decolonization which remains to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence;

"2. Reaffirms also that the solution of the question of Western Sahara lies in the implementation of resolution AHG/Res.104 (XIX) of the Assembly of Heads of State and Government of the Organization of African Unity, which establishes ways and means for a just and definitive political solution to the Western Sahara conflict;

"3. Again requests, to that end, the two parties to the conflict, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, to undertake direct negotiations, in the shortest possible time, with a view to bringing about a cease-fire to create the necessary conditions for a peaceful and fair referendum for self-determination of the people of Western Sahara, a referendum without any administrative or military constraints, under the auspices of the Organization of African Unity and the United Nations;

"4. Welcomes the efforts of the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to promote a just and definitive solution of the question of Western Sahara;

"5. Invites the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations to exert every effort to persuade the two parties to the conflict, the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, to negotiate, in the shortest possible time and in conformity with resolution AHG/Res.104 (XIX) and the present resolution, the terms of a cease-fire and the modalities for organizing the said referendum;

"6. Reaffirms the determination of the United Nations to co-operate fully with the Organization of African Unity with a view to implementing the relevant decisions of that organization, in particular resolution AHG/Res.104 (XIX);

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2/ A/40/692 and Corr.1.

3/ For the text, see resolution 38/40, para. 1.

"7. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara as a matter of priority and to report thereon to the General Assembly at its forty-first session;

"8. Invites the Secretary-General of the Organization of African Unity to keep the Secretary-General of the United Nations informed of the progress achieved in the implementation of the decisions of the Organization of African Unity relating to Western Sahara;

"9. Invites the Secretary-General to follow the situation in Western Sahara closely with a view to the implementation of the present resolution and to report thereon to the General Assembly at its forty-first session."

2. The present report is submitted in accordance with paragraph 9 of the above-mentioned resolution.

3. On 16 December 1985, I invited His Excellency Mr. Abdou Diouf, President of Senegal and current Chairman of the Organization of African Unity (OAU), to participate in a joint approach to the parties to the conflict within the context of the above-mentioned resolution. He welcomed my suggestion that we should work together in undertaking this initiative.

4. In a communication dated 20 March 1986, I invited His Majesty Hassan II, King of Morocco, and Mr. Mohammed Abdelaziz, Secretary-General of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO), to send their plenipotentiary representatives in order to begin in New York on 8 April 1986, under my auspices and those of the current Chairman of OAU, negotiations for the establishment of a cease-fire and the organization of a referendum in Western Sahara in accordance with the relevant resolutions of OAU and the United Nations. Accordingly, on 4 April, I received a letter from Mr. Abdelaziz accepting my invitation on behalf of the Frente POLISARIO. On 6 April, I received a similar communication from King Hassan II.

5. I also invited the Governments of the People's Democratic Republic of Algeria and the Islamic Republic of Mauritania to send observers duly authorized to follow these talks. The two Governments accepted this invitation. I also received from His Excellency M. Benjedid Chadli, President of Algeria, a letter encouraging that initiative. For his part the observer for Mauritania, in an oral message, conveyed to me the expression of his Government's support.

6. On 8 April, I initiated a first series of contacts between the representatives of the Kingdom of Morocco and those of the Frente POLISARIO. The current Chairman of OAU was represented at these talks by Mr. Médoune Fall, Minister of the Armed Forces of the Republic of Senegal. The Moroccan delegation was headed by Mr. Abbas El Kissi, Secretary-General of the Moroccan Government, and that of the Frente POLISARIO by Mr. Manfoud Ali Beiba, member of the POLISARIO Executive Committee.

7. During separate meetings with the two parties, I informed them of the nature of my mandate and the manner in which I intended to discharge it in close

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co-operation with the current Chairman of OAU, in accordance with paragraph 5 of General Assembly resolution 40/50. To enable us to discharge that mandate, it was necessary to obtain the agreement of the two parties to make known their views regarding all aspects of the establishment of a cease-fire and the organization of a referendum. That was the purpose of this first series of preliminary meetings.

8. I also deemed it appropriate to put forward certain guidelines and principles relating to the self-determination exercise, based on the practice and experience of the United Nations. This presentation and the clarifications requested of the parties and the proposals that the current Chairman of OAU and I intended to submit to them at a later stage were to be considered as essential stages in the process that would enable us to negotiate the terms of a cease-fire and the modalities of organizing a referendum. It seemed to me essential that the parties should agree to co-operate with the Secretary-General and the current Chairman of OAU on that basis.

9. During these talks, the parties informed me of their preliminary observations regarding our initiative. They also assured me, as well as the representative of the current Chairman of OAU, that they would co-operate with us in seeking a just and lasting solution to the problem of Western Sahara. These first contacts ended on 14 April, and it was agreed that they should be continued in New York on 5 May.

10. During this second series of talks I submitted to the parties, on my own behalf and on behalf of the current Chairman of OAU, separate questionnaires to ascertain their views on certain aspects of the terms of a cease-fire and the modalities for organizing the referendum. The Frente POLISARIO and the Government of Morocco communicated their replies to these questionnaires to me on 7 and 22 May, respectively.

11. On 28 May, I undertook in New York, together with the current Chairman of OAU, a first evaluation of these two series of contacts. We continued our discussion in Paris on 16 June. In a communication addressed to the parties on 23 June, I informed them that it appeared to us that:

(a) The preliminary contacts and the replies made to our questionnaires had clearly contributed to making both the positions of the parties and the obstacles to be overcome better known;

(b) The two parties recognized that the ultimate objective in Western Sahara was to enable the people of that Territory to exercise their right to self-determination in a free and impartial referendum without administrative or military constraints;

(c) The two parties agreed that the Territory in question was the zone known as Western Sahara as delimited by the existing international frontiers;

(d) The parties recognized that the modalities for the exercise of the right to self-determination - particularly with respect to the supervision of a cease-fire and the organization and conduct of a referendum - should be established in accordance with the relevant international practice and norms, within the framework of international arrangements;

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(e) Beyond these points of agreement, however, the positions of the parties remained far apart, particularly with regard to the arrangements for a cease-fire and the conditions under which the referendum should be organized and conducted. It seemed to us that greater flexibility should be required of the parties and that this should be the purpose of the next phase of our mission.

12. In a letter dated 23 June, I also informed the parties of my intention to meet them in the near future. Thus I was able to visit Rabat on 15 and 16 July for a discussion with King Hassan II.

13. At the end of this discussion, during which I informed the King of the conclusions that I and the current Chairman of OAU had reached, I emphasized the need for the parties to show greater flexibility in their positions so as to enable remaining difficulties to be resolved and thus give our initiative a chance. With this in mind, I put to him a number of suggestions that seemed to me to offer the possibility of bringing the positions of the parties closer together and enabling our mission of good offices to make progress. Regarding the exercise of the right to self-determination, I suggested to King Hassan that in order for the United Nations to be substantially involved in the proposed referendum, it would be necessary for the United Nations to be given full responsibility for the organization and conduct of the referendum.

14. In his reply, King Hassan II emphasized the importance of our initiative and said that his Government wished to give it every chance of leading to a just and lasting solution. In that spirit, the King stated that his Government would agree to the organizing and conducting by the United Nations of the referendum in Western Sahara, without any administrative or military constraints. The King added that Morocco would have no objection to the United Nations associating any particular person or organization in the discharge of its responsibilities. The King also affirmed that Morocco would accept the results of the referendum as being the free expression of the political will of the population of the Territory.

15. Unfortunately, my scheduled meeting with Mr. Abdelaziz, at Addis Ababa could not take place because I was obliged to cancel my journey for medical reasons. I therefore sent a communication to Mr. Abdelaziz, inviting him to meet me in New York or to send his representative. Mr. Abdelaziz replied that since he could not come to New York, he had delegated for that purpose Mr. Bachir Mustapha Sayeh, member of the Executive Committee of the Frente POLISARIO.

16. On 30 September, I met with Mr. Bachir Mustapha Sayeh and informed him of the conclusions I had reached with the current Chairman of OAU concerning the discussions held thus far with the representatives of Morocco. I informed him that the current Chairman of OAU and I considered it necessary for the two parties to show more flexibility in their positions in order for progress to be made.

17. Mr. Bachir took the opportunity to renew to me the support and appreciation of the Frente POLISARIO for our efforts to bring about a reconciliation between Morocco and POLISARIO. He also reiterated the position of the Frente POLISARIO regarding the present status of contacts. In order to break the deadlock, POLISARIO could see two possibilities:

(a) Direct negotiations between the two parties for concluding a cease-fire and establishing a timetable for the organization of a referendum; or

(b) That Morocco place the territory of Western Sahara under the responsibility of the United Nations, which would be entrusted to organize and conduct the referendum. In this respect, OAU should be associated fully with the process.

18. During his visit to United Nations Headquarters in September 1986, I reviewed with the new current Chairman of OAU, His Excellency Colonel Denis Sassou-Nguesso, President of the People's Republic of the Congo, the present status of the "good offices" mission of the United Nations and OAU. On that occasion, President Sassou-Nguesso said that OAU attached the highest importance to a just and peaceful solution to the problem of the Western Sahara and, for that reason, he would take an active, personal interest in the matter. He informed me that he had designated Mr. Nicholas Monjo to be his personal representative on all negotiations relating to this question.

#### Concluding remarks

19. The search for a negotiated, just and lasting solution to the Western Sahara conflict must continue to receive our full attention. It must be sustained until we reach our ultimate goal of enabling the people of that Territory to exercise their inalienable right to self-determination.

20. This initiative, in which Morocco and Frente POLISARIO have agreed to participate and for which both the United Nations and OAU have assumed responsibility, constitutes a credible framework for negotiations. It must therefore be given every chance to succeed. For our part, the current Chairman of OAU and I have every ground to be satisfied with the co-operation shown thus far by the parties to the conflict.

21. We are engaged in a step-by-step process. The next step will be for the Secretary-General of the United Nations and the current Chairman of OAU to submit to the parties a number of proposals to help the present phase and enable the people of Western Sahara to make progress along the path to self-determination in accordance with General Assembly resolution 40/50. These proposals will take into account internationally recognized norms and practices, the experience of the United Nations in this sphere and the specific nature of the situation in Western Sahara.

22. We should not underestimate the obstacles to be overcome. The positions of the parties on such basic questions as the arrangements for the cease-fire and the modalities for organizing and conducting the envisaged referendum remain far apart. It will be necessary for the parties to be more accommodating in their respective positions to facilitate a solution. It is against the degree of flexibility displayed that the political will of the parties for a just and lasting solution will be measured.

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