

United Nations
GENERAL
ASSEMBLY

THIRTY-NINTH SESSION

Official Records*



UN LIBRARY

DEC 10 1984

COPY
FOR REFERENCE
ONLY - DO NOT
CIRCULATE

FOURTH COMMITTEE
20th meeting
held on
Friday, 23 November 1984
at 10.30 a.m.
New York

SUMMARY RECORD OF THE 20th MEETING

Chairman: Mr. LOHIA (Papua New Guinea)

CONTENTS

TRIBUTE TO THE MEMORY OF MR. ALEKSEY FEDOSSEEVICH VATCHENKO, CHAIRMAN OF THE
PRESIDIUM OF THE SUPREME SOVIET OF THE UKRAINIAN SOVIET SOCIALIST REPUBLIC

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE
TO COLONIAL COUNTRIES AND PEOPLES (continued)

Question of Western Sahara

*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL
A/C.4/39/SR.20
3 December 1984
ENGLISH
ORIGINAL: FRENCH

The meeting was called to order at 11.05 a.m.

TRIBUTE TO THE MEMORY OF MR. ALEKSEY FEDOSSEEVICH VATCHENKO, CHAIRMAN OF THE PRESIDIUUM OF THE SUPREME SOVIET OF THE UKRAINIAN SOVIET SOCIALIST REPUBLIC

1. At the invitation of the Chairman, the members of the Committee observed a minute of silence in tribute to the memory of Mr. Aleksey Fedosseevich Vatchenko, Chairman of the Presidium of the Supreme Soviet of the Ukrainian Soviet Socialist Republic.

2. Mr. SOLTYSIEWICZ (Poland), speaking on behalf of the Eastern European States, Mr. IWATANI (Japan), speaking on behalf of the Asian States, Mr. AKYOL (Turkey), speaking on behalf of the Western European and other States, Mr. PFIRTER (Argentina), speaking on behalf of the Latin American States, Mr. OUEDRAOGO (Burkina Faso), speaking on behalf of the African States and Mr. FELDMAN (United States of America), speaking on behalf of the host country, paid tribute to the memory of Mr. Aleksey Fedosseevich Vatchenko, Chairman of the Presidium of the Supreme Soviet of the Ukrainian Soviet Socialist Republic.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (continued)

Question of Western Sahara (A/39/23 (Part VI), A/39/634 and Add.1, A/39/680; A/C.4/39/2 and Add.1-2; A/C.4/39/L.12 and L.13; A/AC.109/785)

Hearing of petitioners

3. The CHAIRMAN reminded the Committee that it had been decided, at the 3rd and 19th meetings, to grant the requests for hearings contained in document A/C.4/39/2 and Add.1.

4. At the invitation of the Chairman, Mr. Jallaud (Association des amis de la République arabe sahraouie démocratique) took a place at the petitioners' table.

5. Mr. JALLAUD (Association des amis de la République arabe sahraouie démocratique) pointed out that the Saharan people had now been fighting against the occupation of their territory by Morocco for nine years. Thus it had achieved notable diplomatic successes, especially the peace agreement signed between Mauritania and the Frente Popular para la Liberación de Saguia el-Hamra y Río de Oro (Frente POLISARIO) on 5 August 1979 and the recent decision by the Organization of African States (OAU) to admit the Saharan Arab Democratic Republic as a member State. The United Nations mission which had visited Western Sahara in May 1975 had noted that almost everyone they had met was categorically in favour of independence and against the territorial claims of Morocco and Mauritania and wanted the United Nations, the OAU and the League of Arab States to help the Territory to obtain and maintain its independence. The case of Western Sahara was therefore that of a people seeking independence as part of the decolonization process. Several obstacles, however, had delayed the normal course of that process

/...

(Mr. Jallaud)

and had led the Saharan people to organize a resistance movement to demonstrate their desire for independence. The Saharan State had thus come into being, and its liberation struggle was not yet complete, although it was growing stronger and more extensive every day and was now recognized by a number of States outside Africa.

6. The Saharan State was not a sudden or artificial phenomenon; it was the natural outcome of a long historical process. The Saharan people had, for several centuries, resisted invasion attempts by neighbouring countries, particularly attempts by the Moroccan dynasties. The Spanish settlers had given it frontiers, established by international conventions - the Paris Conventions of 1900 and 1904 and the Madrid Convention of 1912. Those frontiers were admittedly artificial and did not correspond to the social and geographical realities of the natural territory of the Saharan people, but the POLISARIO Front had, from the outset, made a point of respecting the principle of the inviolability of the frontiers inherited from colonial times, which had been proclaimed by the OAU. Furthermore, the former colonial Power had established a central authority and set up a number of administrative structures which helped to strengthen the Saharan people's awareness of their unity and their own identity. The modern Saharan nationalist movement had resulted from the convergence of a centuries-old tradition of popular resistance, a Saharan labour movement made up mainly of workers at the phosphate deposits mined by Spain, and the activities of young intellectuals who, in 1973, had founded the Frente POLISARIO to rid their country of colonial administration.

7. Spain had then sought to protect its interests in that resource-rich Territory by establishing a State. But it had had to abandon its plans and had handed Western Sahara over to Morocco and Mauritania. The POLISARIO Front, for its part, wanted genuine independence. As early as 1974, it had opted for the complete independence of the Saharan territory and outlined the main features of the future State, which should have a republican government, establish national unity, create a national economy and practise peaceful coexistence. The proclamation of the Saharan Arab Democratic Republic on 27 February 1976 - at a time when Moroccan and Mauritanian soldiers had been occupying the Territory - had been designed to fill a legal and institutional vacuum created by the departure of the Spanish administration, and had signalled the rejection of the annexation of the Territory by Morocco and Mauritania. The prerequisites for statehood already existed: a territory, albeit occupied in part by the Moroccan forces; a people - living in occupied towns, refugee camps and neighbouring countries; and a Government with a political organization and administrative structures.

8. Little by little, the Saharan Arab Democratic Republic had endowed the Territory with elaborate political and social structures. An educational system had been set up - with nursery and primary schools (approximately 90 per cent of the children at that level were attending school) and secondary schools - and a vocational training system; there was also a centre for the disabled. In addition, adult literacy programmes had been instituted in the field of health, every refugee camp now had its own hospital, primarily for preventive medicine (vaccinations, nutrition programmes, and the like). There were three regional hospitals and a national hospital with laboratories and modern equipment. In the agricultural

/...

(Mr. Jallaud)

sector, irrigation systems had made it possible to cover several dozen hectares with kitchen gardens in the refugee camps in arid regions and in liberated areas. Lastly, since 1976, several dozen young people had been sent abroad for training in medicine, agronomy, engineering and other fields. On their return, they filled administrative posts in the Saharan Arab Democratic Republic, while helping to train other cadres. All those efforts, besides meeting the immediate needs of the population, were designed to prepare for a return to peace under favourable conditions, and to provide the Saharan State with the necessary means to exploit the great natural wealth within its territory. The Saharan Arab Democratic Republic was undeniably functioning as a structured democratic State.

9. At the Pan-African Summit, held at Freetown in July 1980, the Saharan Republic had been recognized by 26 African countries out of 50 and had therefore been able to request admission to the OAU. Morocco had strongly opposed its admission, disputing the fact that the Saharan Arab Democratic Republic was a sovereign independent State and requesting an interpretation of the Charter on that point in order to prevent the decision. After a heated discussion, the Saharan Arab Democratic Republic had become a member of the OAU in accordance with regular procedure and had taken a seat in that capacity in the Council of Ministers, meeting in Addis Ababa in February 1982. That decision had led to a serious crisis within the OAU. To break the deadlock, the Saharan Arab Democratic Republic had agreed on two occasions - at Tripoli in November 1982 and at Addis Ababa in June 1983 - to refrain "voluntarily and temporarily" from participating in the nineteenth summit, in order to facilitate a settlement of the question of Western Sahara in accordance with the wishes of the international community. Morocco had undertaken at the Nairobi summit in 1980 to hold a referendum. Despite that fact, and despite the adoption by consensus at the nineteenth summit at Addis Ababa of a resolution calling for direct negotiations between Morocco and the Frente POLISARIO, Morocco had stepped up its military activities. By deciding that the Saharan Arab Democratic Republic would thenceforth have a seat as a full member State, OAU was thus clearly indicating to Morocco the party with which it must negotiate and was denying it any political loophole.

10. A genuine State had thus been established in Western Sahara, possessing its own forces and representing a central authority for dealings with other countries in the region. It was now for the United Nations to complete the work done by the OAU in restoring peace in that part of Africa. What was actually involved was an attempt at colonization that threatened the entire region, by a State which had the support of a number of foreign countries, particularly the United States and France. The United Nations should, above all, ensure the cessation of Morocco's armed aggression against Western Sahara, call for the withdrawal of the foreign occupation troops there and persuade States maintaining close relations with Rabat to recommend that Morocco initiate negotiations with the Saharan Arab Democratic Republic.

11. Mr. KENTAOUI (Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro: Frente POLISARIO) said that in order to complete the decolonization process that had begun with the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, an even more vigorous effort was

/...

(Mr. Kentaoui)

required. In Western Sahara, Morocco was hindering the decolonization process and attempting to suppress the Saharan people's will for independence. The Moroccan régime, which was behaving like the apartheid régime in the areas it occupied, persisted in trampling under foot the decisions of international organizations, in particular decision AHG/Res.104 (XIX), adopted by the Organization of African Unity (OAU) at its nineteenth summit and endorsed by the United Nations General Assembly at its thirty-eighth session. Refusing to co-operate in implementing the peace plan outlined in that resolution, it was pursuing an expansionist policy which seriously threatened peace and stability in that region of Africa and attempting, in violation of international law, to wall in the Sahara and turn it into a ghetto for foreign military bases. That was tantamount to recognizing that the Moroccan army was powerless to deal with the resistance of the Saharan people. Its expansionist policy was ruining Morocco and exposing it to the most dire social problems. In contrast to the situation in Morocco, considerable development efforts were being made by the Saharan Republic in the liberated zones, particularly in the fields of education - where a literacy campaign was in progress - health and agriculture. He welcomed the strong solidarity shown by many countries, especially those of Latin America, towards the Saharan Arab Democratic Republic, which had been recognized by 60 States. In recognizing the Saharan Republic as a member State of the OAU, the African continent had demonstrated political maturity. The Moroccan Government could no longer use the excuse of non-recognition of the right of the Saharan people in refusing a negotiated settlement to the conflict. His delegation drew the Committee's attention to the report of the Implementation Committee of Heads of State on Western Sahara, the text of which was contained in document A/39/680.

12. The CHAIRMAN informed the Committee that he had received 10 additional requests for hearing in connection with agenda item 18. He proposed that, in accordance with the usual practice, the texts of those requests for hearing should be issued as Committee documents.

13. It was so decided.

14. Mr. OULD BOYE (Mauritania) recalled that, during the second half of the twentieth century, the peoples subjugated by the colonial yoke had fought relentlessly to obtain their independence and recover their dignity. The determination of those peoples, supported by the United Nations had, in the majority of cases, ended in triumph. However, there were still struggling colonial peoples in the world at present, and the situation was more dangerous than ever as a result of weapons development and the growth of international interdependence. Western Sahara was an example of that trend, and it was high time to apply the Declaration on the Granting of Independence to Colonial Countries and Peoples to it.

15. The Saharan nation was one of the oldest in Africa, with its own geographical, human, economic and cultural characteristics. Before the creation of a modern State, the political and social system of Saharan society was one of the most democratic in existence. Its government had been based on the Jema'a, whose principles were drawn from the Islamic Shariah, with shura (consultations) as the

/...

(Mr. Ould Boye, Mauritania)

mode of government. Since the occupation of Smara in 1913, until 1934, a period during which the Saharans had been under colonial administration, their resistance had been constantly growing. Later, under the leadership of the POLISARIO Front, the population had risen against the Spanish occupiers, forcing them to withdraw. An attempt had been made to start a war in the region in order to prevent it from exercising its right to self-determination. Mauritania had been involved in the proposed colonialist scheme, but had lost no time in withdrawing from that fratricidal conflict recognizing the Saharan Arab Democratic Republic.

16. At the thirty-eighth session of the General Assembly, Mauritania had been a co-sponsor of resolution 38/40, which incorporated resolution AHG/Res.104 (XIX), adopted by the OAU at its nineteenth summit. That resolution called by name on the Kingdom of Morocco and the POLISARIO Front to undertake direct negotiations with a view to bringing about a cease-fire and to organize under the auspices of the Organization of African Unity and the United Nations a referendum for self-determination of the people of Western Sahara without any administrative or military constraints. The Implementation Committee of the OAU had not been able to organize a meeting of the two parties, and it was incumbent upon the United Nations to bring pressure to bear on a country which refused to recognize the right of a people to self-determination and to independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples. Mauritania would continue to contribute actively to the search for a just and peaceful settlement designed to end the conflict, so that the region could concentrate on building the Greater Arab Maghreb, on the basis of the understanding already reached between Algeria, Tunisia and Mauritania.

17. His delegation congratulated the Saharan Arab Democratic Republic on its admission to full membership in the OAU and hoped that Morocco would resume its seat in that organization. The days of aggression and repression of peoples were over; it was now time to work for self-determination, for the unity of peoples on the basis of freedom of choice and for international co-operation. Those principles were a prerequisite for the respect of human rights. If they were denied, the world would be in great peril.

18. Mr. OMOTOYE (Nigeria) said that the question of Western Sahara was an entirely African question and an intra-African conflict, and he recalled that one of the crucial provisions of the Charter was Article 73, establishing the responsibility of Member States towards peoples who had not yet been able to exercise their right to self-determination and national independence. That provision had later been reinforced by a historic text, resolution 1514 (XV). After so many years had elapsed since its adoption, one would expect colonialism to have disappeared. But its yoke still weighed heavily on the people of Western Sahara, as it did on those of occupied Namibia.

19. The Western Sahara problem had begun in the late nineteenth century when Spain had tried to occupy the territory. Spain had always encountered fierce resistance from the local population, even after succeeding in establishing its rule. In 1973, that resistance had given birth to the POLISARIO Front, which had first

/...

(Mr. Omotoye, Nigeria)

fought against Spain but was now fighting Morocco, a sisterly African State. When Morocco and Mauritania had begun to lay claims to Western Sahara, a United Nations mission had reported that the population was categorically for independence and against those territorial claims. The International Court of Justice, for its part, had declared that those claims had no basis in law and that the people of the territory were entitled to self-determination. Some time later, Mauritania had taken the laudable decision to withdraw from that part of the territory it was occupying.

20. The Organization of African Unity had attempted to find a just and peaceful solution to the Western Sahara question. It had first established an ad hoc committee responsible for studying the dispute and the exercise of the right to self-determination by the people. It had subsequently pronounced on the colonial character of the fratricidal conflict and reaffirmed its own duty and that of the United Nations to ensure that the people of Western Sahara were enabled to exercise their right to self-determination. To that end, the Organization of African Unity had appointed an Implementation Committee, which had achieved no success because of the failure of one of the parties in the conflict to co-operate. Nigeria, which had been a member of the Committee, had been obliged to withdraw from it.

21. Spanish rule over Western Sahara could not be replaced by another form of colonialism, whether originating inside the African continent or elsewhere. Nigeria, whose unequivocal opposition to colonialism in any form was well known, recognized the right of the Saharan people to self-determination and national independence. It strongly supported the decision adopted by the Organization of African Unity at its twentieth summit meeting to admit the Saharan Arab Democratic Republic as a full member. Nigeria itself had just recognized the Saharan Republic. It was fully aware that Morocco, a country with which it enjoyed the most cordial fraternal relations, might not agree with that position. However, it appealed to Morocco to see reason, with the international community, and withdraw its troops from Western Sahara so that the Saharan people could begin the process of nation-building. Such a step would better serve the interests of all countries of the region than the current state of affairs. Colonialism was doomed; the earlier everyone realized that, the better it would be for humanity.

22. Mr. ZIMBA (Zambia) said that there would be no real African unity of the kind implied in the name of the Organization of African Unity while some peoples were still languishing under colonial, neo-colonial, imperialist and apartheid domination. One would have hoped that after the departure of the Spanish administration the Saharan people would have been able freely to express their wishes as to their future. Whatever that choice might be - merging with another State, entering into a federation, or any other kind of entity - if it was the result of a freely- and democratically-held referendum, it would be respected by Zambia, since for it the principle of self-determination was cardinal and admitted of no compromise.

(Mr. Zimba, Zambia)

23. A resolution adopted by the Organization of African Unity at its summit meeting in 1964 stipulated that although the African States had had no part in the Berlin Conference of 1884 at which Africa had been partitioned, they must nevertheless respect the colonial boundaries as they existed at the time of independence. That was an important resolution, designed, among other things, to remove the danger of endless territorial claims on the continent.

The meeting rose at 12.55 p.m.