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

Letter dated 9 September 1981 from the Permanent Representative of Madagascar
to the United Nations addressed to the Secretary-General

I have the honour to refer to the memorandum on Western Sahara, dated 25 July 1981, which was addressed to you on 7 August 1981 by the General Secretary of the POLISARIO Front, on the occasion of the thirty-sixth session of the General Assembly.

On instructions from my Government, I request you to have this memorandum circulated as an official General Assembly document under item 19 of the provisional agenda.

(Signed) Blaise RABETAFIKA
Ambassador

* A/36/150.

ANNEX

Memorandum dated 25 July 1981 from the General Secretary of the POLISARIO
Front addressed to the Secretary-General of the United Nations

Since the early 1960s, the question of Western Sahara has been considered by the United Nations and the Organization of African Unity as a decolonization problem.

The international community has judged the matter in this context and has adopted a number of resolutions affirming the right of the Saharaoui people to self-determination and independence.

Since the matter related to a colonial Territory whose people was being subjected to foreign domination, it was normal to recognize that people's right freely to choose its own destiny.

The United Nations has reiterated, in increasingly urgent terms, the need for total liberation of Western Sahara through the implementation of a regular decolonization process.

That process was put into operation by the adoption of General Assembly resolution 2229 (XXI) of 1966, which invited the administering Power to determine the procedures for the holding of a referendum under United Nations auspices with a view to enabling the Saharaoui people to exercise freely its right to self-determination and independence.

Resolution 2229 (XXI) served as a model for a number of provisions which were identical in their substance (see resolutions 2354 (XXII) of 19 December 1967, 2428 (XXIII) of 18 December 1968, 2591 (XXIV) of 16 December 1969, 2711 (XXV) of 14 December 1970, 2983 (XXVII) of 14 December 1972, and 3162 (XXVIII) of 14 December 1973).

All of those resolutions and a number of others, insisting on the implementation of the strict right of peoples to self-determination, were adopted with the consent and support of Morocco, which is today committing aggression against our country.

It was the Moroccan delegate, Mr. Benhima, who, speaking in the Fourth Committee of the United Nations General Assembly, during the debate in 1972 on the decolonization of Western Sahara, said that:

"Morocco was prepared to respect the free expression of the will of the inhabitants when independence was attained."

"Once that Territory became independent, its frontiers would indubitably be respected, like those of all independent countries. Morocco would be prepared to respect the free expression of the will of the inhabitants on that day." (United Nations, Official Records of the General Assembly, Twenty-seventh Session, Fourth Committee, 2005th meeting, pp. 239-240, paras. 97 and 110).

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Also in the context of its action to promote the decolonization of Western Sahara, the United Nations General Assembly sent an investigative mission which visited the Territory in May 1975.

Its report, adopted at the thirtieth session of the United Nations General Assembly, was and continues to be testimony of great importance because it enlightens the international community concerning the choice and the will of the Saharaoui people.

"Within the Territory", concluded the report, "the Mission noted that the population, or at least almost all of those persons encountered by the Mission, was categorically for independence and against the territorial claims of Morocco and Mauritania."

The report also concluded that the Saharaoui people had reaffirmed its support of its sole and legitimate representative, the POLISARIO Front.

"The Frente POLISARIO", states the report, "although considered a clandestine movement before the Mission's arrival, appeared as a dominant political force in the Territory."

"The Mission witnessed mass demonstrations in support of the movement in all parts of the Territory." (A/AC.109/L.1063/Add.1 and 2).

In its advisory opinion of 16 October 1975, the International Court of Justice, originally seized of the matter by Morocco, refuted that country's expansionist arguments.

The conclusion relating to the Moroccan claim of "immemorial rights of possession" in the Territory is completely unambiguous.

"... The Court concludes that the materials and information presented to it do not establish any tie of territorial sovereignty between the Territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity."

"The Court has not found legal ties of such a nature as might affect the application of resolution 1514 (XV) on the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory." (A/10300, para. 162)

In the face of this firm determination of the international community to bring the decolonization process in Western Sahara to its completion, Morocco scarcely hesitates to evade international law and resort to the most vulgar machinations and to force in order to gain its ends.

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The entire world remembers what happened after Morocco's deliberate refusal to comply with the resolutions of international authorities.

It was a war of rapine and genocide waged by the Moroccan forces of aggression against the Saharaoui people. It was colonial occupation, with all of its consequences: large-scale massacres, pillage, imprisonment, torture, and exile for those who were able to flee.

Facing the menace of destruction directed against it, the Saharaoui people has a duty to react in such a way as to preserve the homogeneity and unity of the process initially set in train by the United Nations. It became desirable, indeed imperative, for that people, on pain of disappearance, to proclaim its independence. The only choice open to the Saharaoui people was either to submit to recolonization or to complete the liberation of its country and continue its national liberation struggle, which had already been begun in 1973 against Spanish colonialism.

It is in this context that on 27 February 1976, our people proclaimed its independence and the foundation of its Republic.

Today the Democratic Saharaoui Arab Republic is recognized by more than 45 countries throughout the world.

In Africa, 26 States - that is, the majority - recognize the Democratic Saharaoui Arab Republic, a fact which gives it the right to be a full member of the Organization of African Unity in accordance with its charter.

As the Secretary-General of the Organization of African Unity said at the eighteenth summit conference of that organization held recently at Nairobi, this is "an administrative procedure with an automatic mechanism which leaves little room for interpretation".

Similarly, the Ad Hoc Committee, in the report of its sixth meeting submitted to the same summit conference, stated that the question of the admission of the Democratic Saharaoui Arab Republic to OAU was "not within its competence".

Since the restoration of a just and lasting peace is one of its primary objectives, the Democratic Saharaoui Arab Republic signed the peace agreement of 5 August 1979 with the Islamic Republic of Mauritania, thereby opening the way to a dynamics of peace, against which Morocco has remained frozen in its position of intransigence.

The deliberate blocking of the normal process of the decolonization of Western Sahara and the transformation of that process into annexationism has brought a firm reaction from international organizations which thus refuse to endorse the policy of the fait accompli.

The Security Council, through the voice of its President, called upon Morocco "to put an end forthwith to the declared march on Western Sahara" (official communiqué of the 1853rd meeting of the Security Council, Thursday, 6 November 1975).

The special envoys of the Secretary-General of the United Nations to the region, and in particular Ambassador Rydbeck, have refused to approve the Moroccan occupation. It was Ambassador Rydbeck, who, upon his return to New York in March 1976, declared:

"The conditions for the holding of a popular referendum in the Territory of Western Sahara have not been met, given the presence of foreign troops."

Thus, the Secretary-General of the United Nations did not consent to an endorsement of the electoral farce to which the Moroccan and Mauritanian Governments invited him in 1976 in order to lend credibility to their operation.

He replied to one of them, in substance, as follows:

"... It is not possible for me to consider taking any steps with regard to your message."

To the other he replied:

"... Even if time had permitted and if the necessary information had been furnished, my designation of a representative of the United Nations to attend this meeting and possibly take note of the decisions adopted would not constitute implementation of the aforementioned General Assembly resolutions."

Similarly, the General Assembly has constantly followed the developments in the situation, adopting on each occasion resolutions calling upon Morocco to return to international legality and emphasizing that the Saharaoui people must enjoy all of its national rights.

In its latest resolution, 35/19 of 11 November 1980, the General Assembly again indicates the way that must be followed for the decolonization of Western Sahara.

Reaffirming the legitimacy of the struggle waged by the Saharaoui people for the exercise of its rights, the General Assembly:

"Again declares that it is deeply concerned at the aggravation of the situation deriving from the continued occupation of Western Sahara by Morocco and from the extension of that occupation to the part of Western Sahara which was the subject of the peace agreement concluded on 10 August 1979 between Mauritania and the Frente Popular para a la Liberación de Saguia el-Hamra y de Río de Oro;

"Reaffirms that a solution to the question of Western Sahara lies in the exercise by the people of that Territory of their inalienable rights, including their right to self-determination and independence;

"Reiterates the appeal contained in its resolution 34/37 whereby it urged Morocco to join in the peace process and to terminate the occupation of the Territory of Western Sahara;

"Urges, to that end, Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, representative of the people of Western Sahara, to enter into direct negotiations with a view to arriving at a definitive settlement of the question of Western Sahara."

As in the case of the non-aligned movement, the Organization of African Unity has, for its part, always shown its concern at the aggravation of the situation in Western Sahara. Over the years, the Organization of African Unity has reaffirmed the right of the Saharaoui people to self-determination.

Since the Khartoum summit (1978), all the steps taken and all the machinery set up by the Organization of African Unity have been deliberately blocked by Morocco.

Morocco, which sometimes refuses to attend meetings of the Ad Hoc Committee and sometimes resorts to blackmail, insults and stagecraft, has demonstrated that it intends to persist in its policy of intransigence and recalcitrance against the Organization of African Unity.

Before the Nairobi summit, the King of Morocco had been compelled by his diplomatic isolation and the military defeats of his army to join in the unanimous African acceptance of the Saharaoui people's right to self-determination and of the holding, to that effect, of a general and regular self-determination referendum. (See the decision taken at the eighteenth summit conference, third preambular paragraph and operative paragraph 7.)

Is this the expression of a real political will which the Moroccan Government had not had earlier or of a new manoeuvre designed to postpone a showdown?

The Government of the Democratic Saharaoui Arab Republic cannot help doubting the sincerity of the Moroccan monarchy, for a number of very simple reasons:

First of all, Hassan II has never ceased to pursue his policy of the fait accompli, of intransigence and of creating obstacles to thwart the decisions of international organizations aimed at the decolonization of Western Sahara. Furthermore, it is Morocco itself which, six years ago, resorted to armed aggression to block the process of decolonization of our country, thus rejecting the decisions taken and the provisions adopted by the United Nations with regard to the Saharaoui people's exercise of its national rights to self-determination, independence and territorial integrity.

The statements made by King Hassan II one week after the Nairobi summit confirmed the Saharaoui Government's doubts concerning the willingness of the Moroccan Government to return to reason and to envisage peacefully a just and lasting solution to the existing conflict between the Democratic Saharaoui Arab Republic and the Kingdom of Morocco.

King Hassan II of Morocco is already speaking of an "internal referendum in Morocco", whereas the eighteenth summit of the Organization of African Unity decided upon "the holding of a general and regular self-determination referendum of the people of Western Sahara".

The texts are clear and unambiguous.

The step taken by the Organization of African Unity is similar to and identical with the one already envisaged by the United Nations, which was aborted by the Moroccan aggression against the Democratic Saharaoui Arab Republic in 1975.

For the United Nations, as for the Organization of African Unity, the situation is that of a people, the Saharaoui people, which has been recognized to have the right to self-determination and independence within its country, Western Sahara, a territory which is distinct from Moroccan territory.

The ambiguity and confusion which Morocco wants to introduce cannot be accepted, just as the Organization of African Unity and the United Nations will not come to Western Sahara to endorse and legitimize the Moroccan occupation in keeping with the wishes of Hassan II.

Having condemned and rejected this occupation, the international organizations have as their essential task putting an end to the aggression against the Democratic Saharaoui Arab Republic, thereby enabling its people to enjoy its internationally recognized legitimate rights.

The elimination of the Moroccan occupation in all its forms - military, administrative and physical - is an imperative necessity for the creation of a climate of freedom and security without which the implementation of the principle of the right to self-determination of the Saharaoui people is impossible and impracticable.

The Saharaoui people, like all the peoples of the world, cannot be invited to express its wishes, to choose and to exercise its national rights under the bayonets of its aggressors and in the presence of their military, political and administrative arsenal.

Indeed, by envisaging such hypotheses, one week after the Nairobi summit, King Hassan II insulted Africa and its leaders and manifestly violated the letter and spirit of the decision taken at the eighteenth OAU summit.

The policy of expansionism and obstructionism pursued by Morocco does not change in the slightest the fundamental facts of the decolonization of Western Sahara and the responsibility of OAU and the United Nations with regard to the protection of the legitimate rights of the Saharaoui people and to the restoration of peace between the Democratic Saharaoui Arab Republic and Morocco, in keeping with the principle of the inviolability of frontiers inherited from colonization and of respect for the rights of all peoples to self-determination.

Thus, the Moroccan aggression against our people after its liberation from Spanish colonization, through an armed struggle of national liberation during which our people made great sacrifices, cannot alter in any way the conditions in which the Saharaoui people should effectively and freely exercise its right to self-determination and independence.

Moreover, in 1975, Morocco specified the following conditions to the United Nations as its requirements for the holding of the self-determination referendum in Western Sahara:

- "A. Withdrawal of Spanish troops and administration;
- "B. Presence of United Nations "Blue Helmets" in the Territory;
- "C. United Nations administration in the Territory;
- "D. Transitional period of six months after departure of the Spanish troops and administration."

(United Nations General Assembly document A/AC.109/L.1063/Add.3)

Not only these conditions presented at the time by Morocco but also those presented by the POLISARIO Front, by Mauritania or by Algeria emphasize in particular the total withdrawal of foreign troops and administration, the establishment of a regular United Nations administration and the presence of United Nations peace-keeping forces in the Territory. (A/AC.109/L.1063/Add.3 and 4.)

Why then does Morocco reject today the conditions which it demanded in 1975, for an operation which remains the same, namely: the holding of a general and regular referendum for the Saharaoui people's exercise of its right to self-determination?

This is what clearly proves the lack of a political will for co-operation with OAU and the United Nations, which King Hassan demonstrated at the Nairobi summit.

The Government of the Democratic Saharaoui Arab Republic and the POLISARIO Front intend to co-operate, as in the past, with OAU and the United Nations for the restoration of peace and security in north-western Africa, a region gravely menaced by Moroccan aggression, and to do so on the basis of total and scrupulous respect for the legitimate rights of the Saharaoui people, recognized by all international organizations.

If one envisages today a political and peaceful solution of the conflict in Western Sahara after an on-the-scene setback of the policy of the fait accompli and aggression pursued by the Moroccan Government and its rejection and condemnation at the international level, it is necessary and urgent to enable the Saharaoui people to exercise its national rights freely, without any constraint

or outside pressure and after the total annulment of all measures adopted and all actions taken by the occupiers.

The Moroccan occupation of some towns and villages of the Democratic Saharaoui Arab Republic constitutes the sole obstacle to the implementation of the decisions of international organizations and to the return of peace in the region.

Thus, the conditions for any general and regular self-determination referendum in Western Sahara, conditions endorsed by Morocco and the POLISARIO Front in 1975 at the United Nations, are still unchanged today and remain unchangeable.

These conditions are:

1. Direct negotiations between the two parties to the conflict - the POLISARIO Front and the Moroccan Government - to determine the practical measures for a cease-fire and for the withdrawal of Moroccan occupation troops and administration, so as to create appropriate conditions that will enable the people of Western Sahara to exercise its inalienable right to self-determination through a general, free and regular referendum, in keeping with the Charters of the United Nations and OAU.
2. Withdrawal of Moroccan forces from the entire territory of Western Sahara.
3. Total withdrawal of the Moroccan administration and the Moroccan presence in all its forms.
4. Removal of forces to a distance of 150 km inside the internationally recognized frontiers of Morocco as they were immediately after independence.
5. Return of the entire Saharaoui people to its towns and villages, far from any foreign presence or pressures.
6. Installation of a provisional international administration set up by the United Nations and OAU, with the collaboration of the national administration of the Democratic Saharaoui Arab Republic, in order to ensure the security and tranquility necessary for carrying out in a normal manner the operation of the self-determination referendum of the people of Western Sahara.
7. The provisional international administration shall devote itself, for at least three months, in co-ordination with the national administration of the Democratic Saharaoui Arab Republic, to creating the psychological and moral climate necessary for relieving the direct effects of the practices of extermination, persecution and terror resulting from the expansionist war waged by the Kingdom of Morocco, a climate which is indispensable to any free choice.
8. Release of all Saharaoui detainees (women, children, men) now in Moroccan gaols and concentration camps.
9. The peace-keeping forces of the United Nations shall be stationed especially along the Moroccan-Saharaoui frontiers until the operation of self-determination of the Saharaoui people has been completed.