

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL  
E/CN.4/1982/14  
8 February 1982  
ENGLISH  
Original: FRENCH

COMMISSION ON HUMAN RIGHTS  
Thirty-eighth session  
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO  
PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Letter dated 8 February 1982 addressed to the Chairman of the  
Commission on Human Rights by the Permanent Representative of  
the People's Democratic Republic of Algeria

"I have the honour to request you to have the documents attached herewith circulated as official documents of the thirty-eighth session of the Commission on Human Rights:

- (1) Resolution 36/46 on the question of Western Sahara adopted by the United Nations General Assembly; \*/
- (2) Decision 36/406 on the question of Western Sahara adopted by the United Nations General Assembly;
- (3) Decision adopted by the OAU Implementation Committee on Western Sahara."

(Signed) A. SALAH-BEY  
Ambassador  
Permanent Representative

---

\*/ Circulated separately.

DECISION 36/406. Question of Western Sahara \*/

The General Assembly, taking account of the resolution adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session, held at Nairobi from 24 to 27 June 1981, by which it decided, inter alia, to establish an Implementation Committee on Western Sahara, and the decision adopted by the Implementation Committee at its first ordinary session, held at Nairobi from 24 to 26 August 1981, requested the Secretary-General to give assistance, in consultation and co-operation with the Organization of African Unity, to the Implementation Committee in the discharge of its mandate regarding the question of Western Sahara arising from the above resolution and decision and to report thereon to the Assembly and the Security Council, as appropriate.

70th plenary meeting  
24 November 1981

---

\*/ Provisional text.

Decision of the OAU Implementation Committee on Western Sahara

The OAU Implementation Committee on Western Sahara, meeting in its first session in Nairobi from 24 to 26 August 1981, pursuant to resolution AHG/Res.103 (XVIII),

Having heard the concerned and interested parties,

Having taken into consideration the results of the consultations held by the Ministers for Foreign Affairs of the countries, members of the Implementation Committee,

Taking note of the views expressed by the various delegations of the Implementation Committee,

Expressing satisfaction at the positive participation of the parties to the conflict,

Conscious of the need for all parties concerned to co-operate for the successful implementation of resolution AHG/Res.103 (XVIII), of the eighteenth ordinary session of the Assembly of OAU Heads of State and Government, held in Nairobi, so as to attain the objectives laid down in the resolution and make the parties concerned agree on the steps to be taken in the context of that resolution,

Taking into consideration the need for the United Nations to participate in the referendum and cease-fire by virtue of resolution AHG/Res.103 (XVIII), adopted by the eighteenth ordinary session of the Assembly of OAU Heads of State and Government, held in Nairobi, in June 1981:

Decides to organize and conduct a general and free referendum in the Western Sahara, establish and maintain the cease-fire, as follows:

(a) Referendum

- I. The referendum shall be one of self-determination which will enable the people of Western Sahara to express themselves freely and democratically on the future of their territory.
- II. The referendum shall be held in the Western Sahara (ex-Spanish Sahara) the maps of which were deposited with the United Nations.
- III. All Saharawis listed in the census conducted in 1974 by the Spanish authorities who have attained the age of 18 or above, shall be eligible to vote in the referendum. In determining the Saharawi refugee population in the neighbouring countries, reference should be made to the records of UNHCR. In establishing the population of the Western Sahara, account shall be taken of the internationally-recognized rate of population growth.
- IV. The voting shall be by secret ballot on the basis of one person one vote.
- V. The people of the Western Sahara shall be given the following choice:
  - (a) Independence; or
  - (b) Integration with Morocco.

(b) Structural requirements

- I. The referendum shall be organized and conducted by the Implementation Committee in collaboration with the United Nations.
- II. For a fair and impartial organization of the referendum, an impartial Interim Administration supported by civilian, military and police components shall be set up.
- III. The Interim Administration shall work in collaboration with existing administrative structures in the area.
- IV. The Interim Administration shall also be assisted by an adequate number of OAU and/or United Nations peace-keeping forces.

(c) Cease-fire

- I. The Committee urges the parties in conflict to agree on a cease-fire through negotiations under the auspices of the Implementation Committee.
- II. All the parties concerned shall undertake to respect the cease-fire and maintain it after the proclamation of the date fixed by the Implementation Committee.
- III. For the fair conduct of the referendum and the strict observance of the cease-fire, troops of the parties to the conflict should be effectively confined to their bases in conformity with the recommendations of the fifth session of the Ad Hoc Committee of Heads of State on Western Sahara held in Freetown, Sierra Leone, from 9 to 11 September 1980.
- IV. The peace-keeping force shall be stationed in the area so as to guarantee the cease-fire.

(d) Financing of the implementation of the decision

The current OAU Chairman shall consult the United Nations in order to determine the United Nations involvement in the implementation of this decision, including its financing.

(e) General principles

- I. All the parties undertake to respect the results of the referendum.
- II. Neighbouring countries undertake to respect the results of the referendum and to abstain from interfering in the internal affairs of other countries.
- III. The Implementation Committee shall announce the results of the referendum.