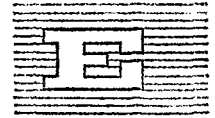


UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/CN.4/1982/17  
15 February 1982

ENGLISH  
Original: FRENCH

COMMISSION ON HUMAN RIGHTS  
Thirty-eighth session  
Item 9 of the agenda

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

Letter dated 15 February 1982 from the Permanent  
Representative of Morocco addressed to the  
Chairman of the Commission on Human Rights  
at its thirty-eighth session

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

- (1) Resolution AHG/Res.103 (XVIII) on Western Sahara, adopted at the eighteenth ordinary session of the Assembly of Heads of State and Government of the Organization of African Unity;
- (2) Decision No. AHG/IMP.C/WS/DEC/1 (II) Rev.2, on the cease-fire in Western Sahara, adopted by the OAU Implementation Committee on Western Sahara at its second session, held in Nairobi (Kenya) on 8 and 9 February 1982;
- (3) Decision No. AHG/IMP.C/WS/DEC/2 (II) Rev.2, on the modalities and organization of the referendum in Western Sahara, adopted by the OAU Implementation Committee on Western Sahara at its second session, held in Nairobi (Kenya) on 8 and 9 February 1982.

[signed] Ali Skalli  
Ambassador  
Permanent Representative

ASSEMBLY OF HEADS OF STATE  
AND GOVERNMENT

RESOLUTION ON WESTERN SAHARA

Eighteenth Ordinary Session  
24-27 June 1981

Nairobi, Kenya

RESOLUTION ON WESTERN SAHARA

The Assembly of Heads of State and Government of the Organization of African Unity, meeting in its Eighteenth Ordinary Session in Nairobi, Kenya, from 24 to 27 June 1981,

Having examined the report of the Secretary-General on Western Sahara (Doc. AHG/103(XVIII) A) and the reports of the Fifth and Sixth Sessions of the Ad Hoc Committee of Heads of State on Western Sahara (Doc. AHG/103(XVIII) B and AHG/103(XVIII) C), respectively,

Having Heard the statements made by His Majesty King HASSAN II of Morocco, the Heads of State of Mauritania and Algeria as well as those made by various Heads of State and Government and leaders of delegations,

Noting with appreciation the solemn commitment made by His Majesty King HASSAN II to accept the holding of a referendum in the Western Sahara to enable the people of that territory to exercise their right to self-determination,

Noting further with appreciation His Majesty King HASSAN II's acceptance of the recommendation of the Sixth Session of the Ad Hoc Committee of Heads of State on Western Sahara contained in document AHG/103(XVIII) B, Annex 1, as well as his pledge to co-operate with the Ad Hoc Committee in the search for a just, peaceful and lasting solution,

Recalling its previous Resolutions and Decisions on the question of Western Sahara,

(1) ADOPTS the Reports of the Secretary-General on the Western Sahara and those of the Fifth and Sixth Sessions of the Ad Hoc Committee of Heads of State on Western Sahara and endorses the recommendations contained therein (Doc. AHG/103(XVIII)) and congratulates the Ad Hoc Committee of Heads of State on Western Sahara for the commendable work done in finding a peaceful solution to the problem of Western Sahara;

(2) WELCOMES the solemn commitment made by His Majesty King HASSAN II of Morocco for accepting the organization of a referendum in the territory of Western Sahara;

(3) DECIDES to set up an Implementation Committee composed of Guinea, Kenya, Mali, Nigeria, Sierra Leone, Sudan and Tanzania to ensure, with the co-operation of the concerned parties, with full powers to implement the Recommendations of the Ad Hoc Committee;

(4) URGES the parties to the conflict to observe an immediate cease-fire and CALLS ON the Implementation Committee to ensure the observance of the cease-fire without delay;

(5) DIRECTS the Implementation Committee to meet before the end of August 1981 and, in collaboration with the parties in conflict, to work out the modalities and all other details relevant to the implementation of the cease-fire and the conduct and administration of the referendum;

(6) REQUESTS the United Nations, in conjunction with the OAU, to provide a Peace-Keeping Force, to be stationed in Western Sahara, to ensure peace and security during the organization and conduct of the referendum and subsequent elections;

(7) MANDATES the Implementation Committee, with the participation of the United Nations, to take all necessary measures to guarantee the exercise by the people of Western Sahara of self-determination through a general and free referendum;

(8) REQUESTS the Implementation Committee, in the discharge of its mandate, to take into account the proceedings of the Eighteenth Ordinary Session on the Question of Western Sahara and to this end INVITES the OAU Secretary-General to make available the full records of the said proceedings to the Committee.

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ASSEMBLY OF HEADS OF STATE  
AND GOVERNMENT

IMPLEMENTATION COMMITTEE  
ON  
WESTERN SAHARA

DECISION OF THE IMPLEMENTATION COMMITTEE  
ON THE CEASE-FIRE IN WESTERN SAHARA

Second Session  
Nairobi  
9 February 1982

The Organization of African Unity Implementation Committee on Western Sahara, at its second session, held in Nairobi (Kenya), from 8 to 9 February 1982,

Considering that it is necessary and desirable to bring the hostilities in Western Sahara to an immediate end,

Convinced that every effort should be made to prevent further loss of human life and convinced also of the need to create a favourable climate for the search for a just and lasting political solution to the problem of Western Sahara, and to permit and guarantee the exercise of the right to self-determination by the people of Western Sahara,

Decides as follows:

1. A total cease-fire shall come into force on a date to be determined by the Implementation Committee, on the advice of its Chairman, following consultations with all parties concerned;

2. All hostile acts and operations shall cease upon the entry into force of the cease-fire. Such acts and operations shall be deemed to include tactical manoeuvres, movements across frontiers and all acts of violence and intimidation. No manoeuvre designed to reinforce a garrison or military position shall be permitted. These prohibitions shall apply to all war matériel;

3. A peace-keeping force and/or a military observer group shall be stationed in Western Sahara, with the necessary powers to supervise the implementation of the cease-fire. The force and/or the military observer group shall include a civil police unit;

4. The troops of the parties to the conflict may furnish provisions to their forces under the supervision of the peace-keeping force and/or of the military observer group;

5. One week prior to the entry into force of the cease-fire, the parties to the conflict shall inform the Chairman of the Implementation Committee of the strength of their forces in the Territory;

6. During the cease-fire period, the respective positions of the forces of each party shall be determined by the peace-keeping force and/or the military observer group;

7. The troops of the parties to the conflict shall be confined within bases, the number and location of which shall be agreed with the Implementation Committee. The bases shall be situated in areas where their presence cannot constitute a psychological or other obstacle to the conduct of a fair and free referendum in Western Sahara;

8. The withdrawal of troops from their positions during the cease-fire and their confinement within the agreed bases shall be completed ... days after the cease-fire date under the supervision of the peace-keeping force and/or the military observer group;

9. The exchange of prisoners of war shall be conducted under the direction and supervision of the commander-in-chief of the peace-keeping force and/or chief of the military observer group;

10. The parties to the conflict are called upon to extend full co-operation to the peace-keeping force and/or military observer group and to undertake to observe strictly and abide by the terms of the cease-fire;

11. The parties to the conflict are called upon to notify the Chairman of the Implementation Committee, in writing, of their approval of the terms of the cease-fire not less than ten days prior to the entry into force of the cease-fire. Each party shall avail itself of the intervening period to inform its troops of the date and time of the cease-fire;

12. The Committee invites neighbouring States to co-operate with it in implementing this decision.

ASSEMBLY OF HEADS OF STATE  
AND GOVERNMENT  
  
IMPLEMENTATION COMMITTEE  
ON  
WESTERN SAHARA

DECISION OF THE IMPLEMENTATION COMMITTEE  
ON  
THE MODALITIES AND ORGANIZATION OF THE  
REFERENDUM IN WESTERN SAHARA

Second Session

Nairobi, 8 and 9 February 1982



DECISION OF THE IMPLEMENTATION COMMITTEE ON THE MODALITIES AND  
ORGANIZATION OF THE REFERENDUM IN WESTERN SAHARA

Introduction

In resolution AHG/Res.103 (XVIII), adopted by the Heads of State and Government of the Organization of African Unity in August 1981, the Implementation Committee was charged with the organization and conduct of a referendum. The Implementation Committee subsequently decided to set up an Interim Administration to organize a fair and impartial referendum. To enable the Interim Administration to begin implementing the decision immediately the cease-fire is declared, it will be necessary for the Implementation Committee, as an initial step, to draw up a plan identifying basic principles, the course of action to be followed in conducting the referendum and a programme defining the implementation of each stage of the procedure, in consultation with the parties to the conflict. The basic principles must take account of the inalienable rights of the people of Western Sahara to self-determination in conditions free of all measures of intimidation or pressure. The people must be properly informed of the issues involved, and the procedures governing the referendum must be presented in a way which guarantees the exercise of their rights in full freedom and without constraint.

On this basis, the Implementation Committee decides as follows:

(1) Interim Administration

(a) The authority responsible for the organization and conduct of the referendum shall be the Interim Administration, which shall be set up by the Implementation Committee and shall be invested with the legislative and administrative powers necessary for the conduct of the referendum;

(b) The Interim Administration shall be placed under the direction of a Commissioner, appointed by the Implementation Committee with the approval of the parties to the conflict;

(c) The Interim Administration must receive the full co-operation of the administrative structures already in place and must be able to avail itself, without any restriction whatsoever, of existing facilities such as offices, means of communication and transport;

(d) The questions to be put to the voters, together with the basis on which voting is to be conducted, have already been stipulated in the decision of the Organization of African Unity. The remaining priority task is to establish clearly the machinery needed in order to prepare the electoral rolls. As the completion of this operation may take some time, the Committee recommends that it should begin immediately the Interim Administration has been set up. The length of time needed to draw up the rolls will be a decisive factor in the preparation of a time-table for the referendum;

(e) The Interim Administration shall make use of existing administrative structures in discharging its responsibility to maintain public order;

(f) The Interim Administration may issue orders and implement the necessary measures to guarantee the freedom and impartiality of the referendum. Such orders may concern, inter alia, the electoral campaign, political meetings and propaganda, or the repeal of all existing restrictive legislation liable to impede the conduct of a free and fair referendum.

(2) Appointment of the Commissioner

The Implementation Committee shall appoint a Commissioner after consultation with the parties to the conflict. The appointment shall be made not less than one month prior to the entry into force of the ceasefire, to allow for the installation of staff and administrative services.

It has been proposed that, to enable the preliminary work of the Commissioner to be carried out in the appropriate manner, a joint OAU/United Nations team should be sent to the Territory to ascertain administrative, logistic and other needs.

(3) Modalities for the organization of the referendum

- (i) The people of Western Sahara will be asked to express themselves freely and democratically in choosing independence or integration with Morocco;
- (ii) The vote shall be conducted by secret ballot on the basis of one person, one vote, without discrimination as to sex;
- (iii) Eligibility to vote shall be determined in the basic agreement. The conditions shall be set out in an order or decree issued by the Commissioner, who shall be responsible for registering voters; dividing the Territory into electoral units; making the necessary arrangements to enable military personnel of Sarrawi origin - including those confined in bases - to vote; organizing local administrative bodies; and preparing electoral rolls. He shall be empowered to determine the rules to be applied in this regard. The rules in question shall also govern the procedures to be followed in dealing with complaints concerning additions or omissions and shall provide detailed information on all offences concerning voter registration and the penalties which may be imposed;
- (iv) The prerequisite for the referendum is to establish a register of voters. In the preparation of the register, account must be taken of the results of the 1974 census. When the preliminary register has been drawn up, it shall be opened for close inspection, and appropriate measures shall be taken to revise it, to enable complaints and disputes relating to the referendum to be dealt with;
- (v) The procedure for voting in the referendum shall be laid down in the form of rules issued by the Commissioner. These rules shall determine the method of voting to be applied. For example, ballot papers may be placed in one of two ballot boxes bearing symbols denoting the alternatives - independence or integration with Morocco - between which voters must choose;
- (vi) The rules governing voting shall also cover such questions as the duties of polling officers, polling-station supervisors and assistant scrutineers, as well as the rights of representatives of the parties advocating one or other of the proposed alternatives delegated to observe the balloting;
- (vii) The rules governing voting must also provide a detailed description of the procedure for scrutinizing ballot papers, for the return of ballot boxes to polling officers by polling-station supervisors and for the counting of votes in the presence of observers and delegated representatives. The voting procedure must also contain provisions concerning possible infringements which may occur during balloting;

- (viii) In addition, the regulations must set out the procedures to be followed in polling stations, the method to be adopted in counting votes and penalties for frauds pertaining to voting procedures;
- (ix) A public information campaign shall be conducted well before the date set for voting, in order to inform the electorate as to the significance of the referendum, the issues involved and voting procedures. While the Interim Administration will be responsible for this public information campaign, measures must be taken to guarantee the necessary freedom of expression, assembly, publication and movement;
- (x) Measures shall be taken to prevent abuses of voting procedures, to ensure the security of polling stations and to avoid coercion or intimidation of voters. Measures must also be taken to guarantee the security of ballot papers after voting and during the official counting of ballots;
- (xi) The referendum regulations must also set out appropriate procedures for dealing with complaints and disputes concerning balloting;
- (xii) The official results of the vote will be published in a special journal issued by the Commissioner, who shall certify that the referendum has been conducted in a fair and impartial manner and that it accurately reflects the will of the people of Western Sahara;
- (xiii) The Commissioner shall communicate the results to the Implementation Committee, which shall confirm and ratify them by an appropriate decision. This decision must, in turn, be approved by the Assembly of Heads of State and Government and by the General Assembly of the United Nations.

Nairobi, 9 February 1982