UNITED
NATIONS

A + Add. 2 (Corr.) + Rev. 2 + Rev. 1 + Add. 1

General Assembly

Distr.
GENERAL

A/37/570
26 October 1982

ORIGINAL: ENGLISH

Thirty-seventh session
Agenda item 18

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 thirty-sixth session, the General Assembly adopted, on 24 November 1981, resolution 36/46 and decision 36/406 concerning the question of Western Sahara. The operative paragraphs of resolution 36/46 read as follows:

"The General Assembly,

"...

"1. Reaffirms the inalienable right of the people of Western Sahara to self-determination and independence in accordance with the Charter of the United Nations, the Charter of the Organization of African Unity and the objectives of General Assembly resolution 1514 (XV), as well as the relevant resolutions of the General Assembly and the Organization of African Unity;

"2. Welcomes the efforts made by the Organization of African Unity and its Implementation Committee on Western Sahara with a view to promoting a just and definitive solution to the question of Western Sahara;

"3. Takes note of the decision of the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth ordinary session to organize throughout the Territory of Western Sahara a general and free referendum of the people of Western Sahara on self-determination;

"4. Welcomes the steps taken by the Implementation Committee with a view to organizing and conducting the referendum;

"5. Appeals to the two parties to the conflict, Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, to observe a cease-fire in accordance with the decisions of the Organization of African Unity and its Implementation Committee;

"6. Urges, to that end, Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to enter into negotiations with a view to establishing an immediate cease-fire and concluding a peace agreement permitting the fair conduct of a general and free referendum on self-determination in Western Sahara;

"7. Reaffirms the determination of the United Nations to co-operate fully with the Organization of African Unity in the fair and impartial organization of the referendum;

"8. Requests to that end the Secretary-General to take the necessary steps to ensure that the United Nations participates in the organization and conduct of the referendum, and to report to the General Assembly and the Security Council on this subject and on the measures requiring a decision by the Council;

"9. Urgently requests the Secretary-General to co-operate closely with the Secretary-General of the Organization of African Unity with a view to the implementation of the decisions of the Assembly of Heads of State and Government of the Organization of African Unity and of its Implementation Committee, and of the present resolution;

"10. 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 thirty-seventh session."

Decision 36/406 reads as follows:

"... the General Assembly, ... decided, 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, 1/ by which it was 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, 2/ to request 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."

2. On 17 December 1981, the Secretary-General addressed a letter to the Secretary-General of the Organization of African Unity (OAU), in which he stated, inter alia:

"You may be assured that the United Nations remains ready to co-operate with the Organization of African Unity and to render to it the necessary assistance, in view of the application of the relevant decisions adopted by the Assembly of Heads of State and Government and of its Implementation Committee on Western Sahara."

3. On 15 October 1982, the Secretary-General of OAU transmitted to the Secretary-General of the United Nations the following text of a decision (AHG/IMP.C/WS/DEC.1 (II)/Rev.2) adopted by the Implementation Committee at its second session, held at Nairobi on 8 and 9 February 1982:

"Decision of the Implementation Committee on the cease-fire in Western Sahara"

"The OAU Implementation Committee on Western Sahara, meeting in its second session in Nairobi from 8 to 9 February 1982,

"Considering it necessary and desirable to put an immediate end to the hostilities in Western Sahara,

"Convinced that every effort must be made to avoid further loss of human life and of the need to create the right atmosphere to seek a just and lasting political solution to the Western Sahara problem and to facilitate and ensure the exercise of the right of self-determination by the people of Western Sahara,

"Decides hereby that:

"1. A comprehensive cease-fire shall come into force on a date to be fixed by the Implementation Committee on the advice of the Chairman after consultation with all the parties concerned;

"2. All war-like acts and operations shall cease from the time of the cease-fire. These include tactical moves, cross-border movements and all acts of violence and intimidation. No movement of forces to reinforce a garrison or position shall be allowed. This prohibition applies to all means of warfare, arms and ammunition;

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

"4. Troops of the parties to the conflict shall be free to carry out supply of provisions to their forces under the supervision of the peace-keeping force and/or military observer group;

"5. One week prior to the commencement of the cease-fire, the parties to the conflict shall notify the Chairman of the Implementation Committee of the size of their forces in the Territory;

"6. At cease-fire, the peace-keeping force and/or military observer group will fix the respective positions of each side's forces;

"7. Troops of parties to the conflict shall be confined to bases, the number and locations of which shall be agreed upon with the Implementation Committee. These bases shall not be located in areas where their presence could constitute a psychological or any other hindrance to the conduct of a free and fair referendum in Western Sahara;

"8. Withdrawal of troops from their locations at cease-fire and their confinement to agreed bases will be completed ... days after the date of the cease-fire under the supervision of the peace-keeping force and/or military observer group;

"9. The exchange of prisoners of war shall be carried out at the direction of and under the supervision of the peace-keeping force commander or chief military observer;

"10. The parties to the conflict are hereby called upon to extend full co-operation to the peace-keeping force and/or military observer group, and to undertake scrupulously to respect and adhere to the terms of the cease-fire;

"11. The parties to the conflict are hereby called upon to confirm their acceptance of the terms of the cease-fire in writing to reach the Chairman of the Implementation Committee no less than 10 days before the commencement of the cease-fire. This period shall be used by each party to inform its troops of the cease-fire date and time of the commencement of the cease-fire;

"12. The Committee invites the neighbouring States to co-operate with it for the implementation of this decision."

Notes

1/ A/36/534, annex II, resolution AHG/Res.103 (XVIII).

2/ A/36/512-S/14692, annex. For the printed text, see Official Records of the Security Council, Thirty-sixth Year, Supplement for July, August and September 1981.