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

Question of Western Sahara

Report of the Secretary-General

Addendum

Further to the issue of his report on the question of Western Sahara (A/37/570), the Secretary-General received, on 2 November 1982, from the Executive Secretary of the Organization of African Unity (OAU) to the United Nations, the following communication:

"In reference to my letter of 15 October 1982, please find enclosed a supplementary report to complete the first report sent to you on the Western Sahara question. This report should have been sent to you with the letter referenced above.

"The decisions of the Implementation Committee will be submitted to the forthcoming Assembly of Heads of State and Government of OAU which will take place at Tripoli, Libyan Arab Jamahiriya."

ANNEX

Decision AHG/IMP.C/WS/DEC.2 (II) Rev.2

Decision of the Implementation Committee on the modalities and organizational framework for the referendum in Western Sahara

(Meeting in its second session at Nairobi on 8 and 9 February 1982)

Introduction

In resolution AHG/Res.103 (XVIII) adopted by the Heads of State of OAU in August 1981, the Implementation Committee was entrusted with organizing and conducting a referendum. In turn, the Implementation Committee has decided to set up an Interim Administration for the organization of a fair and impartial referendum. In order that the Interim Administration should be able to begin implementing the decision as soon as the cease-fire is established, it will be essential for the Implementation Committee to draw up beforehand a plan setting out basic principles, the steps to be taken in the conduct of the referendum and a timetable governing the execution of each phase of the referendum process in consultation with the parties to the conflict. These basic principles shall include the inalienable rights of the people of Western Sahara to self-determination under conditions free from intimidation and pressure; that they are made fully aware of the issues involved and that the procedures governing the referendum be such as to ensure that they may exercise this right freely and without hindrance. On this basis, the Implementation Committee hereby decided that:

1. Interim Administration

- (a) The authority responsible for the organization and conduct of the referendum shall be the Interim Administration appointed by the Implementation Committee and which will be vested with the legislative and administration powers required for the conduct of the referendum;
- (b) The Interim Administration will be headed by a Commissioner appointed by the Implementation Committee with the consent of the parties to the conflict;
- (c) The Interim Administration must enjoy the full co-operation of the existing administrative structures and the full use of the existing facilities such as offices, communications, transport, etc.;
- (d) The decision of OAU has already set out the questions which will be put to the voters as the basis of the suffrage. What remains to be done as a matter of priority is to establish clearly the machinery necessary for drawing up lists of the persons eligible to vote. In view of the possible time-consuming nature of this task, it is recommended that it begins immediately following the establishment of the Interim Administration. The time required to prepare such lists will be the main determinant in establishing a timetable for the referendum;

- (e) The existing administrative structure will be the machinery through which the Interim Administration shall exercise its responsibilities in maintaining law and order;
- (f) The Interim Administration may issue orders or regulations to ensure the freedom and impartiality of the referendum. Such orders may deal with matters such as campaigning, political meetings and propaganda, or the revocation of any restrictive laws in force which would 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 should be made at least one month before the cease-fire so as to enable the administrative and personnel arrangements to be effected.

To facilitate the preparatory work of the Commissioner, it is suggested that a joint OAU/United Nations team be sent to the Territory to ascertain the administrative, logistical and other requirements.

## 3. Modalities for the organization of the referendum

- (i) The people of Western Sahara would be required to express themselves freely and democratically on whether they want independence or integration with Morocco;
- (ii) The voting shall be by secret ballot on the basis of one person one vote without discrimination on the ground of sex;
- (iii) The eligibility to vote would be established in the basic agreement. These qualifications would be incorporated in an order-in-council or decree to be promulgated by the Commissioner who would be responsible for the registration of voters, the drawing-up of electoral districts or boundaries, the provision for all military personnel of Saharawi origin to vote, including those confined to base, the establishment of local administrative bodies and the preparation of voting lists, and would be empowered to make regulations in this regard. Such regulations would also establish procedures for dealing with complaints regarding inclusions or omissions and detail any offences in connexion with registration and the penalties which might be imposed;
- (iv) The first prerequisite for the referendum is to establish a register of eligible voters. In composing the register, account must be taken of the census figures of 1974. Once a preliminary list has been established, it must be made available for scrutiny and appropriate procedures must be provided to review the list and adjudicate any claims and challenges;

- (v) The voting procedure for the referendum would be established in regulations made by the Commissioner. These regulations would provide for the actual method of voting, e.g. by placing a ballot in one or two boxes bearing symbols associated with alternatives - independence or integration with Morocco - between which the voters must choose;
- (vi) The voting regulations would also cover such matters as the duties of returning officers, presiding officers at polling stations and polling assistants and the rights of polling agents of parties supporting the alternative choices;
- (vii) The voting regulations should also describe in detail the procedures for tabulating the results: the delivery of ballot boxes by the presiding officers to the returning officers; the counting of votes in the presence of observers and agents;
- (viii) Additionally, regulations should set out the procedures to be followed at the polling stations, the method of counting votes and penalties for offences in connexion with the voting procedures;
- (ix) Well in advance of the date set for voting, a campaign of public information should be undertaken to familiarize voters with the significance of the referendum, the issues involved and the procedures for voting. While this public information campaign is the responsibility of the Interim Administration, measures shall be taken to guarantee freedom of expression, assembly, publication and movement;
- (x) In connexion with the voting procedures, provision must be made to prevent abuses, ensure the security of the polling stations and prevent any coercion or intimidation of voters. Measures must also be taken to ensure the security of the ballots following the vote and during the official count;
- (xi) The regulations concerning the referendum must also provide appropriate procedures for the adjudication of claims and petitions relating to the vote and offences in connexion with the vote;
- (xii) The official results of the vote will be published in a Special Gazette prepared by the Commissioner who would testify that the referendum has been conducted fairly and impartially and that it faithfully recorded the wishes of the people;
- (xiii) The Commissioner would communicate the results to the Implementation Committee which would confirm and ratify them by an appropriate decision. This decision, in turn, would be approved by the OAU Assembly of Heads of State and Government and the General Assembly of the United Nations.