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REPORT BY THE SECRETARY-GENERAL IN PURSUANCE OF
SECURITY COUNCIL RESOLUTION 379 (1975) RELATING
TO THE SITUATION CONCERNING WESTERN SAHARA

1. At its 1852nd meeting, on 2 November 1975, the Security Council adopted by consensus resolution 379 (1975) which reads as follows:

"The Security Council,

Having considered the report of the Secretary-General in pursuance of Security Council resolution 377 (1975) relating to the situation concerning Western Sahara (S/11863),

Having also considered the letter dated 1 November 1975 from the Acting Permanent Representative of Spain to the United Nations addressed to the President of the Security Council (S/11864),

Reaffirming its resolution 377 (1975) of 22 October 1975,

Having noted with concern that the situation in the area remains grave,

Expressing its appreciation of the efforts of the Secretary-General in implementation of Security Council resolution 377 (1975),

Reaffirming the terms of General Assembly resolution 1514 (XV) and all other relevant General Assembly resolutions on the territory,

Noting that the question of Western Sahara is before the General Assembly at its thirtieth session,

1. Urges all the parties concerned and interested to avoid any unilateral or other action which might further escalate the tension in the area;

2. Requests the Secretary-General to continue and intensify his consultations with the parties concerned and interested, and to report to the Security Council as soon as possible on the results of these consultations in order to enable the Council to adopt any further appropriate measures that may be necessary."

I. INTRODUCTION

2. Immediately following the adoption of the resolution, I transmitted its text by telegram to the Governments of the parties concerned and interested.

3. Simultaneously, I renewed my contacts with the parties through their representatives at the United Nations, keeping the Security Council constantly informed of the developments in the area as they were reported to me. An account of the relevant activities at Headquarters is given in Chapter II.

4. After carrying out a series of consultations with the representatives of the parties concerned and interested in New York, I decided, in agreement with their Governments, to send again Mr. André Lewin as my Special Envoy to Morocco, Mauritania, Algeria and Spain. Mr. Lewin left New York on the evening of 3 November and returned on 6 November. An account of his activities and his talks with the parties is given in Chapter III.

5. Meanwhile the situation in the Western Sahara has developed further and new events have taken place, which were discussed extensively by the Council at its 1853rd and 1854th meetings leading to the appeal of the President of the Security Council to His Majesty, the King of Morocco, and to the adoption of resolution 380 (1975). However, I am submitting the present report to the Security Council in view of the Council's request that I should report as soon as possible on the results of my renewed consultations.

II. ACTIVITIES CARRIED OUT AT HEADQUARTERS

6. In my previous report to the Security Council, submitted pursuant to its resolution 377 (1975), I stated in the light of my earlier consultations that, although not all the parties had arrived at final decisions, it seemed to me that they would be prepared to recognize the United Nations as an essential element in the search for an acceptable solution.

7. During the informal consultations of the members of the Security Council held prior to 2 November, I had the opportunity to inform the Council that my consultations with the parties concerned and interested were continuing on the basis of certain suggestions which had emerged during my earlier discussions. The purpose of these suggestions was, and still is, to find a common ground in order to defuse the situation created by the "Green March".

8. These suggestions were based on a possible declaration by Spain to withdraw from Western Sahara on a given date and on an appropriate role for the United Nations that might include temporary administration of the territory by the

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United Nations until such time as the wishes of the population of Western Sahara could be ascertained. The parties would also undertake to refrain from any action which would aggravate the tension in the area. Without in themselves constituting a solution to the problem of the decolonization of Western Sahara, these suggestions would have made it possible, if agreed to by all parties, to reduce the existing tension and pave the way for a solution acceptable to all and consistent with the principles laid down by the General Assembly for the decolonization of Western Sahara.

9. After the adoption by the Security Council of its resolution 379 (1975) of 2 November 1975, I continued my consultations with the representatives of the parties concerned and interested in New York. In the course of these discussions, in which my Special Envoy, Mr. Lewin, took part before his departure, I tried to achieve agreement of the parties on the abovementioned suggestions in order to defuse the tense situation and to pave the way for a peaceful solution. Although it was possible to clarify a number of points, it turned out that certain aspects would have to be dealt with in direct talks with the Governments concerned and interested in an effort to overcome still existing differences. It was in the light of these considerations that I sent Mr. Lewin to the area as was stated in paragraph 4 above.

III. ACTIVITIES OF MY SPECIAL ENVOY

(1) Contacts by my Special Envoy

10. In the afternoon of 4 November, Mr. Lewin arrived at Agadir where, after an initial conversation with the Minister for Foreign Affairs, Mr. Ahmed Laraki, he was received by His Majesty, King Hassan II, in the presence of the Prime Minister, Mr. Ahmed Osman (who had just returned from Madrid); the Minister for Foreign Affairs, Mr. Laraki; and, the Minister for Information, Mr. Ahmed Taïbi Benhima.

11. Following these talks, Mr. Lewin proceeded the same day to Nouakchott, where he was received, on Wednesday 5 November, by His Excellency President Mokhtar Ould Daddah, in the presence of the Minister for Foreign Affairs, Mr. Hamdi Mouknass.

12. My Special Envoy then reached Algiers where, in the afternoon of the same day, he was received by His Excellency President Houari Boumédiène.

13. Finally, Mr. Lewin was received on the morning of Thursday, 6 November, in Madrid, by His Excellency the President of the Government, Mr. Carlos Arias Navarro; the Minister for Foreign Affairs, Mr. Pedro Cortina y Mauri; and the Minister in the Office of the President (in charge of Sahara affairs), Mr. Antonio Martínez Carro.

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14. Throughout these visits, Mr. Lewin kept me regularly informed of the purport of his conversations.

(2) Report on these visits

15. The following are the points of view expressed by the Heads of State or Government during their talks with my Special Envoy. It will be noted that essentially there is little difference between these views and their earlier positions as described in my previous report (S/11863). Some new elements, however, should be mentioned.

(a) Position of Morocco

16. In Agadir, during his talk with Mr. Lewin, King Hassan II of Morocco declared at the outset that the "Green March" constitutes "a manifestation of the unanimous will of the Moroccan people to assert its legitimate right over its Sahara and to demonstrate the unity of the country". The march would take place in any event and would start in 48 hours. It ought, therefore, to be understood that it was not possible to induce the Moroccan Government to forego this action. In the exchange of views which ensued, it was stated, however, that the march would have a symbolic character. Thus, the possibility existed of limiting the risks of confrontation by restricting the march to the zone immediately contiguous to the geographical boundary of the territory.

17. Morocco could not accept the suggestions referred to in paragraph 8 above, which it considered to have been overtaken by events. It believed that a referendum was not necessary, because the International Court of Justice, in its Advisory Opinion, had formally recognized the historic ties of allegiance between the Sultan of Morocco and the tribes traditionally living in the territory of Western Sahara. Moreover, in Morocco's view, the populations of the territory had already exercised de facto self-determination and declared themselves in favour of the return of the territory to Morocco. The most recent proof of this, according to the Moroccan Government, was the oath of allegiance to the King of Morocco taken on behalf of the Saharan tribes, at a ceremony on Monday, 4 November, in the Palace of the Municipality of Agadir, by El Hadj Khatri, President of the Jema'a.

18. Considering that the will of the Saharan population had thereby been reaffirmed, Morocco continued to advocate a trilateral agreement with Spain and Mauritania. The main provisions of such an agreement had already been determined and stipulated a transfer of sovereignty from the administering Power to Morocco and Mauritania. However, Morocco was prepared to submit such an agreement to the competent organs of the United Nations for approval.

19. Subsequently, when in Madrid, Mr. Lewin was informed by the Ambassador of Morocco in Spain, Mr. Filali, that Morocco suggested the Jema'a should be

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consulted regarding the wishes of the population of Western Sahara. It also wanted the administering Power and the United Nations, jointly or separately, to ensure and guarantee the consultation.

(b) Position of Mauritania

20. In Nouakchott, President Mokhtar Ould Daddah pointed out that Mauritania had not organized a march from Mauritania into the southern part of Western Sahara although the Spanish troops had evacuated certain posts in this area, leaving a zone close to the frontier unoccupied. He expressed hope that the "Green March" would not lead to confrontation.

21. Sharing basically the position of Morocco, Mauritania preferred a trilateral agreement with Spain and Morocco, such trilateral agreement to be submitted in any event to the competent organs of the United Nations.

22. If a trilateral agreement were not feasible, Mauritania would be prepared to accept the suggestions referred to in paragraph 8 above, provided, however, that the States which had rights over the territory that were recognized by the International Court of Justice in its Advisory Opinion, would, in one form or another, be consulted when a United Nations temporary administration was set up, and, if possible, would be associated with its operation.

23. Lastly, Mauritania considered that a solution which did not take into account its historic rights over a part of Western Sahara would never be more than a provisional solution and would sow seeds of discord in the area.

(c) Position of Algeria

24. In Algiers, President Houari Boumédiène recalled that Algeria had consistently declared itself in favour of a decolonization of the territory in accordance with the principle of self-determination as established by the United Nations. It saw no new element that justified waiving fundamental principles which, moreover, were also affirmed by the Organization of African Unity.

25. Algeria would not accept any fait accompli in the form of either the "Green March" or a direct agreement between Morocco, Mauritania and Spain. The forces within the territory which were struggling for the independence of Western Sahara and which had never been able to make their voice heard would oppose any solution not based on genuine self-determination. This would have a lasting effect on the balance and tranquillity in the area. Moreover, it would not be possible to avoid negative repercussions outside the region.

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26. For Algeria, only a solution within the framework of and consistent with the principles of the United Nations was valid. Therefore the suggestions referred to in paragraph 8 above were acceptable to Algeria.

27. Lastly, President Boumédiène considered that the endorsement of the Moroccan position by the President of the Jema'a could not have the meaning attributed to it by Morocco, as the President of the Jema'a and the Jema'a itself were insufficiently representative of the population.

(d) Position of Spain

28. In Madrid, during his talks in the morning of Thursday, 6 November, at the very moment when the marchers were setting out, Mr. Lewin ascertained from the Spanish authorities that a march limited in area and perhaps in duration would not evoke a military response from the Spanish army, stationed in the territory on a "dissuasion line" some 12 kilometres from the geographical boundary.

29. Spain desired a rapid and peaceful decolonization of the territory. Therefore, it could envisage any solution consistent with the principles of the United Nations, or endorsed by its competent organs. In the meantime, Spain was determined to exercise fully its responsibilities as the administering Power.

30. As the President of the Government recalled, Spain had already accepted the suggestions referred to in paragraph 8 above. It was prepared to set an early date for its withdrawal from the territory and to co-operate with a United Nations temporary administration. It would also be prepared immediately to transfer sovereignty of the territory to the United Nations and leave the Spanish forces, under a United Nations statute, at the disposal of the temporary administration to assist in maintaining order in the territory.

31. However, the President of the Spanish Government expressed the view that a trilateral agreement also could provide an appropriate formula if the United Nations were prepared to agree to it. If the General Assembly established a procedure for consulting the population in a valid manner, Spain would concur in such a decision.

IV. CONCLUSIONS

32. On the basis of the mandate entrusted to me by the Security Council in paragraph 2 of its resolution 379 (1975), I have continued and intensified my consultations at Headquarters in New York with the parties concerned and interested. As stated in this report, I also sent a Special Envoy to the area in order to convey my serious preoccupation about developments in the region. At the same time, I entrusted him with the task of discussing a number of suggestions which had emerged during these consultations at Headquarters so that the positions of the parties could be further clarified. The results of my consultations at Headquarters as well as of the visits by my Special Envoy are set out in this report.

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33. Although all parties indicated their readiness to attribute to the United Nations an appropriate role in a future settlement of the problem of Western Sahara, considerable differences still exist amongst the parties concerned and interested. Morocco still insists on a trilateral solution among Spain, Morocco and Mauritania. It is, therefore, not ready to accept the basic approach contained in the suggestions set out in paragraph 8 above. Algeria firmly insists on a multilateral approach based on the relevant resolutions of the United Nations. Algeria, therefore, accepts the basic approach contained in the suggestions set out in paragraph 8 above. Mauritania maintains its preference for the Moroccan approach. Should this fail, it would be prepared to consider other solutions. It would, therefore, agree to the suggestions in paragraph 8 as qualified in paragraph 22 above. Spain would envisage any solution consistent with the principles of the United Nations or endorsed by its competent organs. In the meantime, Spain was determined to exercise fully its responsibilities as the administering Power. Spain confirmed that the suggestions contained in paragraph 8 above were acceptable to it.

34. In accordance with the mandate entrusted to me by the Security Council in its resolutions 377 (1975), 379 (1975) and 380 (1975), I shall continue my consultations with the parties concerned and interested. I wish to state, however, that the outcome of these consultations depends largely on the will of all the parties to co-operate fully with the Secretary-General.

35. The entry of the "Green March" into Western Sahara has seriously increased the tension in the area. Should the situation further deteriorate, the chances for a satisfactory settlement would be increasingly jeopardized. Utmost restraint is, therefore, of the greatest importance in order to avoid a tragedy and to keep open the path toward a peaceful settlement.
