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

SECURITY COUNCIL
Thirty-first year

Letter dated 26 February 1976 from the Permanent Representative of
Spain to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to call Your Excellency's attention to the following:

In numerous communications, I have had occasion to inform Your Excellency of the willingness of the Spanish Government to proceed, in an orderly and peaceful manner, with the decolonization of the Territory of Western Sahara, in accordance with the principles of the Charter and the relevant resolutions of the General Assembly.

On 20 August 1974 (A/9714), the Spanish Government announced the holding of a referendum for the self-determination of the Territory during the first six months of 1975. However, the General Assembly, in its resolution 3292 (XXIX) requested the International Court of Justice to give an advisory opinion and urged the Spanish Government to postpone the referendum.

Although that resolution prolonged Spain's responsibilities and created a climate of uncertainty, Spain acceded to the postponement because the resolution recognized the right of the indigenous population of the Territory to self-determination.

External factors did not contribute, as would have been required by respect for the principles and precepts of the Charter, to a climate of peace and order; on the contrary, they aggravated the instability of the situation in the Territory and the area.

* A/31/50.

In a communication dated 23 May 1975 (A/10095), I informed Your Excellency that, if those disturbing factors did not cease, Spain would be obliged to end its presence and administering role, for which an appropriate date would be set.

The serious situation that had arisen in the Territory led to the convening of the Security Council, on 20 October 1975, at Spain's request (S/11851). The Spanish Government once again indicated its willingness to ensure a speedy and peaceful decolonization of the Territory of the Sahara, being ready to accept a temporary international administration of the Territory, as stated in Your Excellency's report to the Security Council (S/11874).

In accordance with Security Council resolutions 377 (1975), 379 (1975) and 380 (1975), the Governments of Spain, Morocco and Mauritania entered into negotiations within the framework of Article 33 of the Charter. On 14 November 1975, in Madrid, as a result of those negotiations, a Declaration of Principles was signed which is set forth in document S/11880 and which, in accordance with Article 102 of the Charter, was registered with the Secretariat on 9 December 1975. In its resolution 3458 B (XXX), adopted on 10 December 1975, the General Assembly took note of the agreements contained in that Declaration. In paragraph 2 of the Declaration of Principles, it was laid down that the termination of the Spanish presence in the Territory would be completed by 28 February 1976 at the latest.

In a communication dated 19 January 1976, I informed Your Excellency that the Spanish Government had requested the co-operation of the Governments of Morocco and Mauritania with a view to implementing General Assembly resolution 3458 (XXX), and I offered Your Excellency co-operation and every possible and necessary assistance to the representative appointed by you so that he might proceed to the Territory and assess the situation with a view to ensuring the right of all Saharans to self-determination. That offer was to be reiterated in communications to Your Excellency on 29 and 30 January. On the occasion of the visit to Madrid and the Territory of the Sahara by Ambassador Rydbeck, the representative appointed by you, the Spanish authorities co-operated with him, granting him all possible facilities and assistance for the discharge of the mission entrusted to him in order to enable him to assess the situation in the Territory more accurately with a view to implementing the above-mentioned resolution, bearing particularly in mind that the termination of the Spanish presence in the Territory should take place before 28 February, as indicated above; that assessment has not been possible, since the relevant report has not yet been distributed.

The Spanish Government has repeatedly indicated that it has done its utmost to achieve speedy decolonization under peaceful conditions and with respect for the views of the population of the Territory. The persistence of circumstances beyond its control has made it impossible thus far to organize the popular consultation provided for in the agreements of 14 November 1975 and in resolution 3458 B (XXX).

In accordance with the provisions of paragraph 2 of the Madrid Declaration of Principles of 14 November 1975, the Spanish Government, as of today, definitively terminates its presence in the Territory of the Sahara and deems it necessary to place the following on record:

/...

(a) Spain considers itself henceforth exempt from any responsibility of an international nature in connexion with the administration of the said Territory, in view of the cessation of its participation in the temporary administration established for the Territory;

(b) The decolonization of Western Sahara will reach its climax when the views of the Saharan population have been validly expressed.

I should be grateful if Your Excellency would arrange for this note to be distributed as a document of the General Assembly and the Security Council.

(Signed) Jaime de PINIES
Ambassador
Permanent Representative
