

Letter dated 19 November 1975 from the representative of Algeria to the Secretary-General

[Original: French]
[20 November 1975]

On instructions from my Government, I have the honour to transmit herewith a document in which it states its position on the recent developments concerning the problem of Western Sahara.

I would be grateful if you would bring this document to the attention of the President of the Security Council and to arrange for it to be circulated as a document of the General Assembly and of the Security Council.

(Signed) Abdellatif RAHAL
Permanent Representative of the
People's Democratic Republic of Algeria
to the United Nations

ANNEX

Position of the Algerian Government

I

From the debates of the Security Council and from Council resolutions 377 (1975), 379 (1975) and 380 (1975) it is clear that:

1. In addition to Spain as the administering Power, the "parties concerned and interested" in the matter of Western Sahara are Algeria, Morocco and Mauritania.

2. Recognizing that the fundamental problem of the decolonization of the Sahara was within the exclusive competence of the General Assembly, the Security Council confined itself to considering the situation created by the Moroccan decision to organize a "march" on the Territory of the Sahara.

3. The Security Council urged "all the parties concerned and interested to avoid any unilateral or other action which might further escalate the tension in the area";

4. The Security Council requested the Secretary-General to enter into consultations with the parties concerned and interested in order to enable the Council to adopt "the appropriate measures to deal with the present situation concerning Western Sahara".

The Secretary-General has in fact undertaken such consultations and has kept the Security Council regularly informed of their conduct and their progress.

II

The Spanish Government has just published the text of a "declaration of principles", which was formulated at Madrid on 14 November 1975, following negotiations with Morocco and Mauritania, and by which Spain proposes to transfer its powers and responsibilities as administering Power to Morocco and Mauritania.

III

With regard to that "declaration of principles", the Algerian Government wishes to make the following observations:

1. The General Assembly has had the problem of Western Sahara before it for the past 10 years, and it has already defined the process of decolonization of that Territory. In its resolution 3292 (XXIX), it requested the International Court

of Justice to give an advisory opinion and requested the Special Committee on decolonization to send a visiting mission to the Territory. The advisory opinion and the report of the visiting mission are to be taken into consideration by the General Assembly in its final decision concerning the implementation of the decolonization process in the Sahara.

2. Since Western Sahara is a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter, Spain, which is the administering Power for that Territory, is accountable to the United Nations for the fulfilment of its responsibilities.

3. The Spanish Government can transfer its administrative responsibilities for the Territory of the Sahara only to the people of that Territory or, failing that, to the United Nations, which is itself guarantor of the rights and interests of that population.

4. The claims of the Moroccan and Mauritanian Governments to the Territory of the Sahara do not confer upon those Governments any right to exercise authority of any kind over that Territory unless the General Assembly recognizes the validity of those claims and their primacy over the right to self-determination of the people of the Sahara. In any event, that is not and could not be the case.

5. When the Security Council envisages, in its resolutions 377 (1975) and 380 (1975), negotiations under Article 33 of the Charter, it is clear, firstly, that it refers to all of "the parties concerned and interested" and, secondly, that it is concerned with the settlement of the situation created by the unilateral Moroccan initiative.

If Article 33 of the Charter had had to be applied to the political settlement of the problem of the Sahara, the negotiations should have brought together the "parties to the dispute", that is to say, at the very least, Spain, the people of the Sahara and the United Nations.

The Algerian Government therefore does not admit that the negotiations undertaken between Spain, Morocco and Mauritania were conducted in conformity with the resolutions of the Security Council or those of the General Assembly, nor that they could relate to Article 33 of the Charter.

IV

Consequently:

1. The Algerian Government does not recognize any right of the Governments of Spain, Morocco and Mauritania to dispose of the Territory of the Sahara and the destiny of its population. It therefore regards as null and void the "declaration of principles" presented by Spain and accords no validity to the provisions contained therein.

2. The Algerian Government continues to hold that the Spanish Government remains invested with its responsibilities to the United Nations as administering Power in the Sahara and must assume the obligations arising therefrom, in particular under Article 103 of the Charter.

3. The Algerian Government believes that it is still the task of the General Assembly to continue the consideration of the question of Western Sahara, which is inscribed on its agenda, and to take, with regard to the decolonization of the Territory and the guarantee of the right of its population to self-determination, the decisions which lie within the scope of its authority and for which it bears sole responsibility.

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