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Agenda items 18 and 22

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

CO-OPERATION BETWEEN THE UNITED NATIONS AND THE ORGANIZATION OF AFRICAN UNITY

Letter dated 21 November 1984 from the Permanent Representative of
the United Republic of Tanzania to the United Nations addressed to
the Secretary-General

On behalf of the Chairman of the Organization of African Unity, I have the honour to inform you that, during its twentieth ordinary session held at Addis Ababa, the Assembly of Heads of State and Government of the Organization of African Unity adopted by acclamation, at its 3rd meeting on 13 November, the report of the Implementation Committee of Heads of State on Western Sahara, a copy of which is herewith attached.

Within the context of the agenda of the General Assembly at its current session, I wish to request that the report of the Implementation Committee on Western Sahara be circulated for the information of the members in a document of the General Assembly under items 18 and 22 of its agenda.

I shall further communicate with you concerning the other decisions adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twentieth ordinary session.

(Signed) Muhammad Ali FOUM
Permanent Representative

6. Resolution AHG/Res.104(XIX) on the question of Western Sahara is attached to this Report as annex I for ease of reference.

7. Following the adoption of the resolution the Chairman learnt that the chances for direct talks between Morocco and the POLISARIO Front to bring about a cease-fire as urged by operative paragraph 2 of the resolution were not promising and was consequently compelled to initiate consultations to assist the parties to the conflict to talk as well as to ensure the speedy implementation of the resolution.

8. In the implementation of these and the other provisions of the resolution the Current Chairman commenced through his emissaries, a series of consultations on 7 July 1983 with the parties to the conflict, the members of the Implementation Committee and such other States that were deemed to be in a position to influence the parties to the Western Sahara conflict. Although the purpose of the initial stage of consultations was to sound the views of the countries visited on how best to implement the resolution on Western Sahara the main concern of the mission was, however, to establish the modalities required by the Implementation Committee in its endeavours to assist the parties to the conflict, namely, Morocco and the POLISARIO Front in the implementation of operative paragraph 2 dealing with "Direct Talks".

9. Consequently a mission of the Current Chairman jointly led by the Foreign Minister of Socialist Ethiopia and the Secretary-General a.i. of the OAU left Addis Ababa in early July 1983 to confer with His Majesty King Hassan II of Morocco and the Heads of State of Senegal and Guinea. In the course of the discussions that ensued it was clearly pointed out by the King of Morocco that operative paragraph 2 of resolution AHG/Res.104(XIX) was not mandatory and that the usage of the word "urqe" was clear indication of its being a mere "exhortation". His Majesty the King of Morocco further indicated that he would not talk to the POLISARIO Front but that he was prepared to negotiate with his equals, the Heads of State members of the Implementation Committee.

10. In the exchange of views the mission had with the other Heads of State it became apparent that direct talks between Morocco and the POLISARIO Front were not possible and consequently the need for a new formula was contemplated.

11. The Current Chairman then sent a mission with a new formula - a formula which while accommodating the anxieties of the parties to the conflict would not move the Implementation Committee away from its task as spelt out in resolution AHG/Res.104(XIX) on Western Sahara. Such a formula required the presence of both Morocco and the POLISARIO Front in the same table with the members of the Implementation Committee for the purpose of conducting their negotiations not directly but through the Chairman with the members of the Committee assisting whenever necessary.

12. Having established a broad consensus on the new proposal the Current Chairman invited the Implementation Committee to meet in its Third Session in Addis Ababa, Ethiopia, from 21 to 23 September 1983.

Meeting of the Third Session of the Implementation Committee

13. The Implementation Committee met in its Third Session on 21 September 1983 in Addis Ababa under the Chairmanship of Comrade Mengistu Haile-Mariam, General Secretary of the Central Committee of the Workers' Party of Ethiopia and Chairman of the PMAC, Commander-in-Chief of the Revolutionary Armed Forces of Socialist Ethiopia and Current Chairman of the OAU.

Present were:

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| 1. His Excellency Ahmed Sekou Toure | - The Late President of the Republic of Guinea |
| 2. His Excellency Dr. Siaka Stevens | - President of the Republic of Sierra Leone |
| 3. His Excellency Julius K. Nyerere | - President of the United Republic of Tanzania |
| 4. His Excellency Dr. Hassan Al Turabi | - Assistant to the President of the Democratic Republic of the Sudan |
| 5. His Excellency Alioune Blondin Beye | - Minister of Foreign Affairs and International Co-operation of Mali |
| 6. His Excellency Prof. Ishaya Audu | - Former Minister of External Affairs of Nigeria |

Observer:

- | | |
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| Mr. A. A. Farah | - Under-Secretary-General for Special Political Questions, United Nations |
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14. In his opening remarks the Current Chairman of the OAU recalled the relevant provisions of resolution AHG/Res.104(XIX) and reminded the Committee that the resolution called for a cease-fire resulting from direct talks between the parties to the conflict, namely, Morocco and the POLISARIO Front and referendum free from all administrative and military constraints in Western Sahara. He also recalled that the problem of Western Sahara had at one point threatened the very existence of the OAU.

15. Commenting on the responsibilities entrusted to him by the Nineteenth Ordinary Summit, the Current Chairman went on to inform the Committee that he had useful consultations with the leaders of Algeria, Guinea, Morocco, Senegal, Tanzania, the POLISARIO Front and others. It was the result of these consultations, he intimated, which encouraged him to believe that there was general goodwill for a solution of the Western Sahara problem.

16. Following these brief remarks and on the proposal of the Current Chairman, the Committee adopted its agenda as indicated hereunder:

1. (a) Opening Statement by the Current Chairman
- (b) Adoption of the Agenda
- (c) Organization of Work
- (d) Adoption of the Draft Report of the Second Session of the Implementation Committee on Western Sahara AHG/IMP.C/WS/2(III)
2. Implementation of Resolution AHG/Res.104(XIX) on Western Sahara
- (a) Cease-fire Agreement and Arrangements for its Implementation
- (b) Modalities for the Organization and Conduct of the Referendum in Western Sahara
- (c) Recommendations to the Competent Organs of the United Nations on items 2 (a) and 2 (b)
3. Financial Implications Arising from the Implementation of Resolution AHG/Res.104(XIX)
4. Any other Business

17. The Current Chairman then briefed in detail the members of the Committee on the consultations he had during the previous two months and that the understanding reached upon was for the parties to the conflict to join the Committee and negotiate through the Chairman of the Committee. The Committee having agreed to the compromise formula, the Current Chairman proposed that the two parties to the conflict, namely, Morocco and the POLISARIO Front be invited to join the Committee.

18. The Chairman then contacted the heads of the delegations of Morocco and the POLISARIO Front separately and invited them to join the Committee on the basis of the new formula. While the POLISARIO Front accepted the invitation Morocco declined it.

19. The Chairman informed the Committee that in view of the difficulties encountered and on the basis of the ensuing consultations held with the delegations of Morocco and POLISARIO Front it was established that the latter was ready to heed the appeal of the Committee and attend the meeting. He further informed the Committee that the Morocco delegation did not wish to hold any meeting with what it called the illegitimate POLISARIO Front delegation, but that the POLISARIO Front could do so with other Sahrawi groups which were the legitimate representatives of the people of Western Sahara.

20. In a further attempt to get the Moroccan delegation to the conference table it was suggested that the Chairman and the other Heads of State present talk to the delegation of Morocco and invite it to co-operate with the Committee. This idea, however, did not meet with any success.

21. Subsequently some members of the Committee suggested to proceed in the consideration of the organization of the referendum on the basis of the Nairobi Summit resolution and that the Committee could consequently meet the parties separately. The logic behind such an approach was based on the grounds that the ultimate objective of the Committee was in any case to organize and conduct a referendum.

22. Others had a different view on the mandate of the Committee. They argued that the Committee should act within the context of the resolution of the 19th Summit on the conviction that that resolution did not only reaffirm the provisions of the resolution of the 18th Summit but also went beyond and named and urged the parties to the conflict to conduct direct talks for the purposes of establishing a cease-fire to create the necessary condition for the organization and conduct of a referendum.

23. At this stage the Chairman informed the Committee that the meeting was convened as a result of indications that there was acceptance of the compromise formula by all the members of the Committee. He also pointed out that in the interpretation of the resolution on Western Sahara there was need for adherence to the provisions made in operative paragraphs 2, 3, and 4 and their inter-related and inter-dependent nature. The Chairman further pointed out that the Committee was called upon to assist the parties to the conflict to negotiate directly and that in carrying out this mandate the Committee should endeavour not to move away from the letter and spirit of resolution AHG/Res.104(XIX).

24. In view of the difficulties in which the Committee found itself, the Chairman stated that in his view the Committee could not continue with its deliberations and made the following summary:

- (a) That the purpose of the meeting was to implement resolution AHG/Res.104(XIX) on Western Sahara but that this could not be achieved due to Morocco's unwillingness to engage into direct talks with the POLISARIO Front in order to establish a cease-fire as urged by operative paragraph 2 of the resolution to facilitate the organization and conduct of a referendum.
- (b) That the failure to get the parties to negotiate should not constitute an end of the mission of the Committee and that the Committee should pursue its efforts with a view to finding a peaceful solution to the conflict on the basis of the resolution of the 19th Summit.
- (c) That the Western Sahara conflict be recognized as a challenge to the very existence of the OAU and that all Member States of the Organization be informed of the outcome of the meeting.

25. Finally the Chairman thanked the members of the Committee for their contribution and formally proposed that the meeting be adjourned. The proposal having been accepted the Committee concluded its work on 22 September 1983, one day earlier than scheduled.

26. Following the adjournment of the Third Session of the Implementation Committee the Current Chairman sent out letters dated 4 October 1983 to all the Heads of State and Government and briefed them through the same as to what had transpired during the meeting of the Committee and the difficulty it found itself in. By that letter, the Chairman informed them of the pre-meeting consultations he had and the compromise formula agreed upon and which required the presence of both Morocco and the POLISARIO Front in the same room at the same table with the members of the Implementation Committee for the purpose of conducting their negotiations not directly but through the Chairman with the members of the Committee assisting whenever necessary.

27. The Current Chairman also informed them of the fact that while the POLISARIO Front accepted the compromise formula Morocco declined from doing so. While drawing their attention to the grave repercussions the Organization may suffer as a result of the deadlock the Current Chairman appealed to his colleagues for their wise counsel as to the future course of action to be taken in the search for an effective means of implementing the resolution of the 19th Summit on Western Sahara.

28. In a further attempt to break the deadlock the Current Chairman sent a high level delegation to both Morocco and the POLISARIO Front in November 1983. The result of the consultations undertaken clearly indicated that the Kingdom of Morocco, reaffirming its previous stand continued to refuse to enter into any form of direct talks with the POLISARIO Front. The Moroccan Government also argued that the language used in operative paragraph 2 of the resolution was not mandatory since it simply urged the parties to the conflict to enter into direct negotiations.

29. On the other hand the POLISARIO Front insisted that the OAU remain faithful to the resolution of the 19th Summit on Western Sahara and its subsequent implementation making particular emphasis on operative paragraph 2 which dealt with the question of direct talks. It reaffirmed its acceptance of the compromise formula proposed by the Chairman and endorsed by the Implementation Committee. The POLISARIO Front made it clear that it was not prepared to go beyond the compromise formula. Furthermore it considered the 19th Summit resolution as a package in which operative paragraph 2 led to the other paragraphs.

30. As a result of appeals and requests the Current Chairman received from some members of the Implementation Committee as well as other Member States for the re-convening of the Implementation Committee, the Current Chairman sent, in preparation of the necessary ground work, a mission to Morocco and certain other Member States in July 1984 for the fourth time. The purpose of the mission was to see if there was any change of attitude on the part of the parties to the conflict.

31. The mission learnt from His Majesty the King of Morocco that Morocco would never negotiate with the POLISARIO Front but that it was more than ever ready to co-operate in the organization of the referendum. The POLISARIO Front reaffirmed, however, its previous position.

32. On 6 September 1984 the Current Chairman sent out messages to the members of the Implementation Committee and informed his colleagues members of the Committee of the outcome of the mission making particular reference to the continued refusal

of the Kingdom of Morocco to hold direct talks with the POLISARIO Front, as called for by the 19th Summit resolution and the resulting deadlock. Referring to the earlier request he received for the convening of the Implementation Committee, the Current Chairman solicited, through the same message, the considered views and advice of his colleagues on the necessity to convene under the prevailing circumstances the Implementation Committee before the 20th Summit. Only two Member States replied. One opposed the convening of the Committee and the other agreed but that the meeting takes place just prior to the 20th Summit.

33. The Implementation Committee is required by operative paragraph 6 of resolution AHG/Res.104(XIX) to submit a report on the conduct of the referendum and although it failed to organize and conduct the said referendum due to Morocco's refusal to undertake direct negotiations with a view to bringing about a cease-fire to create the necessary condition for a peaceful and fair referendum as urged by operative paragraph 2 of resolution AHG/Res.104(XIX) it, however, wishes to submit the present report to indicate to the 20th Summit the efforts it deployed and the difficulties it encountered in its endeavour to implement the resolution on Western Sahara so that the Summit may, in its usual wisdom, draw the necessary conclusions.

RESOLUTION ON WESTERN SAHARA

The Assembly of Heads of State and Government of the Organization of African Unity, meeting in its Nineteenth Ordinary Session in Addis Ababa, Ethiopia, from 6 to 12 June, 1983,

Having examined the Report of the Implementation Committee of Heads of State on Western Sahara,

Recalling the solemn commitment made by His Majesty King Hassan II during the 18th Summit to accept the holding of a referendum in the Western Sahara to enable the people of that territory to exercise their right to self-determination,

Recalling with appreciation, His Majesty King Hassan's acceptance of the Recommendation of the Sixth Session of the Ad Hoc Committee of Heads of State on Western Sahara contained in document AHG/103 (XVIII) B Annex I as well as his pledge to co-operate with the Ad Hoc Committee in the search for a just, peaceful and lasting solution,

Reaffirming its previous Resolutions and Decisions on the Question of Western Sahara, and in particular AHG/Res.103 (XVIII) of 27 June, 1981:

1. TAKES NOTE of the Reports of the Implementation Committee of Heads of State on Western Sahara;
2. URGES the parties to the conflict, the Kingdom of Morocco and the POLISARIO Front, to undertake direct negotiations with a view to bringing about a ceasefire to create the necessary condition for a peaceful and fair referendum for self-determination of the people of Western Sahara, a referendum without any administrative or military constraints, under the auspices of the OAU and the United Nations and CALLS on the Implementation Committee to ensure the observance of the ceasefire,
3. DIRECTS the Implementation Committee to meet as soon as possible, and in collaboration with the parties to the conflict should continue to work out the modalities and all other details relevant to the implementation of the ceasefire and the conduct of the referendum in December 1983;
4. REQUESTS the United Nations in conjunction with the OAU to provide a Peace-Keeping Force to be stationed in Western Sahara to ensure peace and security during the organization and conduct of the Referendum;
5. MANDATES the Implementation Committee with the participation of the United Nations to take all necessary measures to ensure the proper implementation of this resolution;
6. REQUESTS the Implementation Committee to report to the 20th Assembly of Heads of State and Government on the result of the Referendum with a view to enabling the 20th Summit to reach a final decision on all aspects of the question of the Western Sahara;

7. DECIDES to remain seized with the question of Western Sahara;
8. REQUESTS the Implementation Committee in the discharge of its mandate to take account of the proceedings of the Eighteenth and Nineteenth Ordinary Sessions on the Question of Western Sahara and to, this end INVITES the OAU Secretary-General to make available the full records of the said proceedings to the Committee;
9. WELCOMES the constructive attitude of the Sahrawi leaders in making it possible for the 19th Summit to meet by withdrawing from it voluntarily and temporarily.
