

AFRICAN UNION  
الاتحاد الأفريقي



UNION AFRICAINE  
UNIÃO AFRICANA

---

Addis Ababa, Ethiopia, P.O. Box: 3243 Tel.: (251-11) 5513 822 Fax: (251-11) 5519 321  
Email: [situationroom@africa-union.org](mailto:situationroom@africa-union.org)

---

**DRAFT TALKING NOTES**  
**AU SPECIAL ENVOY FOR WESTERN SAHARA**  
**(ARRIA FORMULA MEETING)**

**1. RECALL TO THE UN SECURITY COUNCIL MEMBERS THAT:**

- The question of the non-self-governing territory of Western Sahara has been on the decolonization agenda of the United Nations (UN) over the past fifty-three years. In fact, Western Sahara has been inscribed since 1963 on the list of territories to which UN General Assembly resolution 1514 (XV) of 14 December 1960 on the Granting of Independence to Colonial Countries and Peoples would apply.
- To-date, Western Sahara remains on the UN list of the 17 non-self-governing territories yet to exercise their right to self-determination.
- The advisory opinion rendered by the International Court of Justice (ICJ) on 16 October 1975, affirming that it had not found legal ties of such a nature between Western Sahara and the concerned neighbouring countries that might affect the application of resolution 1514 (XV) of 14 December 1960 and, in particular, of the principle of self-determination through a free and genuine expression of the will of the people of the Territory. This ushered in a 16-year long armed struggle against Moroccan occupation of the Territory by the armed forces of the POLISARIO Front.

**2. PEACE PROCESS**

- With regard to the achievements, to date, the Settlement Proposals remain the only agreement ever accepted by both, the Kingdom of Morocco and the POLISARIO Front, towards the peaceful resolution of the dispute over Western Sahara. While the ceasefire component of the Plan, agreed to by the two sides on 6 September 1991, still holds, no progress has been made regarding the holding of the envisaged self-determination referendum.
- The UN General Assembly and the UN Security Council have adopted numerous resolutions, calling for the exercise of the right to self-determination of the people of the Territory, the question of Western Sahara remains stalled.
- In spite of the sustained efforts made, including by the successive Personal Envoys of the UN Secretary-General, no progress has been made in the search for an effective solution to the conflict in Western Sahara, which has been in a stalemate for more than four decades;

### **3. MANDATE Of MINURSO**

- The United Nations Mission for the Referendum in Western Sahara (MINURSO) was established by Security Council resolution 690 of 29 April 1991 in accordance with Settlement Plan accepted on 30 August 1988 by Morocco and the Frente POLISARIO.
- The settlement plan, as approved by the Security Council, provided for a transitional period for the preparation of a referendum in which the people of Western Sahara would choose between independence and integration with Morocco.
- The Special Representative of the Secretary-General was to have sole and exclusive responsibility over matters relating to the referendum and was to be assisted in his tasks by an integrated group of civilian, military and civilian police personnel, to be known as the UNITED NATIONS MISSION FOR THE REFERENDUM IN WESTERN SAHARA.

- **MINURSO mandate is to:**
  - monitor the ceasefire;
  - verify the reduction of Moroccan troops in the Territory;
  - monitor the confinement of Moroccan and Frente POLISARIO troops to designated locations;
  - take steps with the parties to ensure the release of all Western Saharan political prisoners or detainees;
  - oversee the exchange of prisoners of war, to be implemented by International Committee of the Red Cross, (ICRC);
  - repatriate the refugees of Western Sahara, a task to be carried out by the United Nations High Commissioner for Refugees;
  - identify and register qualified voters;
  - ORGANISE AND ENSURE A FREE AND FAIR REFERENDUM AND PROCLAIM THE RESULTS;
  - reduce the threat of unexploded ordnances and mines.

#### **4. MOROCCO DECISION TO EXPEL THE 84 INTERNATIONAL CIVIL SERVANTS**

- AU Deplores the decision of Morocco;
- The decision disrespect to the UN and the UN Secretary General as well as the UN Security Council;
- Constitutes a very dangerous precedent in that it challenges and undermines the mandate of the UN Security Council in maintaining international peace and security – if Morocco do so this cannot prevent other countries to unilateral decide on the UN Security Council related missions;
- Support to the UN Secretary-General efforts aiming to ensure its early organization and success, to meet the needs and expectations of the Saharawi refugees;

#### **5. HUMANITARIAN SITUATION AND SECURITY THREATS**

- Suffering of the Saharawi people who are leaving in the refugee camps for more than four decades;
- The living conditions in the refugee camps declined further as a result of natural calamities, aggravated by the reductions in international humanitarian aid;
- The growing frustrations in the refugee camps, the deterioration of humanitarian situation as a result of heavy floods in the refugee camps and the importance of an early solution to the Western Sahara conflict.
- Dangers of the situation in the Sahel-Saharan region, threats posed by extremists and terrorists operating beyond borders and increased regional tensions,

## **6. EXPLOITATION OF NATURAL RESOURCES**

- Even without the final settlement of the status of the territory, MOROCCO continues to sign agreements with other states including the territory of Western Sahara;
- Commends the EU Court of Justice for its recent ruling issued on 10 December 2015, annulling the trade deal in agricultural and fisheries products, concluded in March 2012, between the Kingdom of Morocco and the EU, due to its inclusion of Western Sahara and calls upon all concerned to respect the Court's ruling and desist from entering into any agreement that would violate the Sahrawi people's permanent sovereignty over their natural resources;

## **7. AFRICAN INVOLVEMENT**

- Africa has a moral and political responsibility to find a solution to conflicts in the continent. As the conflict is in Africa and involving Africans, our continent must play a critical role in those efforts, as it has been the case in every other conflict in the continent;
- Africa should play a leading role in the efforts to find a solution to the conflict in Western Sahara and should provide much needed guidance to the international efforts to solve the conflict in Western Sahara;

## **8. SOLUTION OF THE CONFLICT**

- We must give the people of Western Sahara the opportunity of choosing freely their destiny;
- The solution to the conflict is the holding of a referendum on the self-determination of the Saharawi people;
- Renewal of the mandate of MINURSO at the expiration of its current mandate, on 30 April 2016, as decided by the Security Council in resolution 2218 (2015) of 28 April 2015;
- The UN Security Council should provide MINURSO with a human rights mandate, taking into account the need to ensure sustained, independent and impartial monitoring of human rights in both the Territory and the refugee camps
- UN Security Council should set a date for the holding of the referendum
- UN Security Council should properly address and condemn the illegal exploitation of the Territory's natural resources;