

Part I

Proposals by the Secretary-General of the United Nations and the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity aimed at a settlement of the question of Western Sahara accepted in principle by the parties on 30 August 1988

I. INTRODUCTION

4. The essential aim of the proposals by the Secretary-General of the United Nations and the current Chairman of OAU is to enable the people of the Territory of Western Sahara to exercise their right to self-determination and independence, in accordance with United Nations General Assembly resolutions 1514 (XV) of 14 December 1960 and 40/50 of 2 December 1985 and resolution AHG/Res. 104 (XIX) adopted by the Assembly of Heads of State and Government of OAU at its nineteenth ordinary session held at Addis Ababa from 6 to 12 June 1983. To this end, the Secretary-General of the United Nations and the current Chairman of OAU have held consultations with the two parties to the conflict in Western Sahara, Morocco and the Frente Popular para la Liberación de Saquia el-Hamra y de Río de Oro (Frente POLISARIO), aimed at promoting the conclusion of an agreement on the organization of a fair and impartial referendum, without military or administrative constraints.

5. The Secretary-General of the United Nations and the current Chairman of OAU believe that the following proposals represent a compromise and a practical and reasonable basis for implementing OAU resolution AHG/Res. 104 (XIX) and General Assembly resolution 40/50, while taking the two parties' interests into account.

6. To this end, they have drawn up proposals for settling the question of Western Sahara that would enable the people of the Territory to exercise their inalienable right to self-determination and independence under conditions acceptable to them and, hence, to the international community.

II. ROLE OF THE SECURITY COUNCIL

7. The Security Council will be called on to adopt a resolution requesting the Secretary-General to appoint a special representative. The Secretary-General will make this appointment in consultation with the current Chairman of OAU and with the consent of the parties to the conflict. The Security Council will make the necessary arrangements for the deployment of the Observer Group mentioned in paragraphs 12, 16, 17, 18 (d) and 20 below.

111. MANDATE AND FUNCTIONS OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL

8. During the transitional period lasting from the entry into force of the cease-fire to the announcement of the results of the referendum, the Special

Representative will have sole and exclusive authority over all matters relating to the referendum, its organization and conduct.

9. The Special Representative will be assisted by a Support Group made available to him by the Secretary-General of the United Nations and large enough to enable him to perform his organizational and supervisory functions. This Group will include a civilian unit, a military unit and a security unit. The Special Representative and the Support Group will make up the United Nations provisional administration during the transitional period.

10. In order to carry out fully and effectively the mandate and functions entrusted to him, the Special Representative will have the power to take any action he deems necessary to guarantee the freedom of movement and the security of the population, as well as the impartiality of the referendum. To this end, he will have the authority to take, on the spot, any administrative, technical or security measures which he deems it appropriate to apply in the Territory during the transitional period. Such measures will concern matters relating to the conduct of the referendum campaign, such as political meetings and publicity. The Special Representative of the Secretary-General will also be able to request the suspension of any law or measure which, in his view, might hinder the smooth conduct of a free and equitable referendum. Any dispute arising between the parties to the conflict and the Special Representative will have to be submitted to the Secretary-General of the United Nations for a decision.

IV. CEASE-FIRE

A. Cease-fire declaration

11. In conformity with the relevant provisions of General Assembly resolutions 1514 (XV) and 40/50 and OAU resolution AHG/Res. 104 (XIX), the parties to the conflict in Western Sahara, Morocco and the Frente POLISARIO, undertake to end all acts of hostility and to abide scrupulously by the cease-fire to be declared by the Secretary-General of the United Nations, in consultation with the current Chairman of OAU, at a date and in accordance with the procedures set forth below.

B. Date and procedures for the cease-fire

12. As soon as he receives notification from the two parties that they agree to the present proposals, the Secretary General of the United Nations will send identical letters to Morocco and the Frente POLISARIO proposing a date and a time for the entry into force of the cease-fire. In the letter, which will form an integral part of the present proposals, the Secretary-General of the United Nations will ask the two parties to notify him in writing of their readiness to abide by the terms of the cease-fire. He will also ask the two parties to notify him of their agreement to the proposed date, four weeks prior to the entry into force of the cease-fire. This period is necessary to give the two parties time to inform their troops of the date and exact time at which the cease-fire will take effect

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and to permit the deployment of the United Nations Observer Group mentioned in paragraphs 16, 17, 18 (d) and 20 below. The Secretary-General of the United Nations will keep the current Chairman of OAU informed of developments in the situation and will inform him as soon as he receives notification from the two parties that they agree to the terms of the cease-fire.

13. The parties to the conflict undertake to refrain from any act which might lead to hostilities during the period between the date when the Secretary-General of the United Nations receives their reply and the date when the cease-fire takes effect.

14. Immediately after the cease-fire has been declared, the parties to the conflict will halt all their military operations, including troop movements and reinforcements, and acts of violence or intimidation.

15. One week before the entry into force of the cease-fire, the parties to the conflict will notify the Special Representative of the Secretary-General of the United Nations of the size of their forces deployed.

16. So that a referendum may be organized without military constraints, Morocco undertakes to effect an appropriate, substantial and phased reduction of its troops in Western Sahara. The Moroccan troop reduction will be followed immediately by the deployment of the United Nations Observer Group in the Territory. The remaining troops, whose numbers must not exceed ... men, will be confined to locations designated by the Special Representative of the Secretary-General of the United Nations, and will be placed under the supervision of the United Nations Observer Group.

17. The Frente POLISARIO likewise undertakes to have all its troops confined, under the supervision of the United Nations Observer Group, to locations indicated to it by the Special Representative of the Secretary-General of the United Nations. The Moroccan troops and the Frente POLISARIO troops will be confined simultaneously. The confinement of the troops, together with their weapons and equipment, will be completed ... days after the date of entry into force of the cease-fire.

18. The parties to the conflict undertake scrupulously to observe a complete cessation of all acts of hostility so that the referendum process will be free of any interference or intimidation. The Special Representative will take measures concerning: (a) observance of the cessation of all acts of hostility; (b) military arrangements for the Support Group; and (c) military arrangements for the troops of the parties. Such measures include:

(a) The cessation of all hostilities by the two parties, and the confinement of the armed forces of Morocco and the Frente POLISARIO, as called for in paragraphs 16 and 17 above;

(b) The phased reduction of Moroccan troops in Western Sahara, with the exception of (number to be specified) of them, within a period of 12 weeks and before the official opening of the referendum campaign. The freedom of movement of the Moroccan forces remaining in the Territory will be restricted to the locations

referred to in paragraph 16, and these forces will be withdrawn from the Territory 24 hours after the results of the voting are confirmed, if the outcome of the referendum so requires;

(c) The freedom of movement of the Frente POLISARIO forces will be restricted to the locations referred to in paragraph 17, and these forces will be disbanded 24 hours after the results of the voting are confirmed, if the outcome of the referendum so requires;

(d) The neutralization of Morocco's paramilitary forces by the United Nations Observer Group;

(e) Arrangements enabling members of the Frente POLISARIO who are outside the Territory to return to Western Sahara without hindrance, peacefully and unarmed, via entry points designated by the Special Representative, in order to participate freely in the referendum;

(f) The stipulation that the military unit of the Support Group will ensure that the parties comply with any provisions deriving from the outcome of the referendum.

19. The Special Representative will ensure that all the above measures are properly implemented.

20. The Secretary-General of the United Nations, after consulting the Security Council, will appoint a United Nations observer group to be stationed in Western Sahara. The Observer Group will be established and will function in accordance with the general principles applicable to United Nations peace-keeping operations. The Group will be large enough and its composition sufficiently broad for it to be able to perform the functions envisaged in the present proposals. The Group will be responsible for supervising the cessation of hostilities, the application of the cease-fire, the provision of supplies to the troops of the parties to the conflict and the exchange of prisoners. The Observer Group will also be responsible for ascertaining the respective positions of the forces of the two parties at the moment when the cease-fire takes effect. The exchange of prisoners will take place under the supervision of the Observer Group no later than ... days after the cease-fire begins.

21. Morocco and the Frente POLISARIO undertake to co-operate fully with the Observer Group and to abide by and observe scrupulously the above cease-fire provisions.

22. Algeria and Mauritania also undertake to co-operate fully with the Observer Group and to abide by and observe scrupulously the above cease-fire provisions.

V. REFERENDUM

23. In conformity with OAU resolution AHG/Res. 104 (XIX) and General Assembly resolutions 1514 (XV) and 40/50, a referendum will be organized in Western Sahara to enable the people of the Territory to decide their own future freely and democratically. The referendum will be organized and conducted by the United Nations, in co-operation with OAU, during a transitional period.

A. Census of the Saharan population

24. All Saharans counted in the 1974 census taken by the Spanish authorities and aged 18 years or over will have the right to vote in the referendum. With the assistance of the United Nations High Commissioner for Refugees (UNHCR), a census of Saharan refugees living outside the Territory will be taken in places designated by the Special Representative.

25. To facilitate the task of taking a census of the Saharan population, the Secretary-General will set up, in consultation with the current Chairman of OAU, an identification commission responsible for carefully and scrupulously reviewing the 1974 census and updating it. Under the authority of the Special Representative of the Secretary-General, the Commission will perform its task during the transitional period. In any case, it must have completed its work before the referendum campaign begins.

26. The Identification Commission will consist of a population expert familiar with the problems and features of Saharan society, assisted by three to five specialists in the demographics of countries whose population is predominantly nomadic. The Commission will form an integral part of the Support Group of the Special Representative of the Secretary-General.

27. The role of the Saharan Identification Commission will be:

(a) To review carefully the census taken in the Territory in 1974 by the Spanish authorities and update it;

(b) Calculate the real growth of the Saharan population in the period between the date of the above census and the date of organization of the referendum, taking into account the following elements:

(i) Births and deaths;

(ii) Movements of the Saharan population.

28. On the basis of the information mentioned above, the Identification Commission will establish as precisely as possible the number of Saharans living in the Territory of Western Sahara and the number of Saharan refugees and non-residents qualified to participate in the referendum.

29. The Saharan Identification Commission will function as follows:

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(a) In the first stage, the Identification Commission will conduct its research under the guidance of the population expert, who will submit reports to the Special Representative on the progress of the Commission's work;

(b) In the second stage, once its preliminary research is complete, the Identification Commission will meet in the presence of the tribal chiefs of Western Sahara. The chiefs will be asked to comment on and contribute to the work of the Identification Commission;

(c) The representatives of the two parties and of OAU mentioned in paragraph 37 of the present document will also be invited to attend, as observers, meetings of the Identification Commission held with the Saharan tribal chiefs.

30. The Saharan Identification Commission will transmit the results and conclusions of its work to the Special Representative, who will submit them to the Secretary-General for consideration in consultation with the current Chairman of OAU.

B. Procedures for the referendum

31. The people of Western Sahara will choose, freely and democratically, between independence and integration with Morocco.

32. Voting will be by secret ballot. Arrangements will be made for people who cannot read or write.

33. The following conditions will have to be met to the satisfaction of the Special Representative of the Secretary-General, in order to guarantee the organization of a free and equitable referendum:

(a) Before the referendum campaign begins, the Special Representative of the Secretary-General may, if he considers it necessary and in the manner envisaged in paragraph 10 above, cause the suspension of any law or measure which, in his view, might limit or prevent the achievement of this objective;

(b) The Special Representative, in co-operation with the parties to the conflict, will take steps to ensure that all Saharan political prisoners and detainees are released before the beginning of the referendum campaign, so that they can participate freely and without restriction in the referendum. Any dispute concerning the release of political prisoners and detainees must be settled to the satisfaction of the Special Representative, who will be assisted in this task by an independent legal expert appointed by the Secretary-General of the United Nations;

(c) All Saharan refugees counted in the census taken pursuant to paragraph 24 above will be able to return freely to the Territory and participate without restriction in the referendum, without running the risk of arrest, detention, intimidation or imprisonment. Various entry points will be designated for this purpose by the Special Representative;

(d) With the assistance of the United Nations High Commissioner for Refugees, the Special Representative will make sure that Saharans residing outside the Territory are able to choose freely and voluntarily whether or not to return to the Territory;

(e) The referendum campaign will begin only when the Special Representative is satisfied that the procedure governing the referendum is equitable and can be applied.

34. The Special Representative will rule quickly on the starting date of the referendum campaign, the preparation of the registers of voters and any other procedural matter, in order to give all Saharans, without restriction and in complete equity, the opportunity to participate in the campaign. Complete freedom of speech, assembly, movement and the press will be guaranteed.

35. The Special Representative of the Secretary-General will be responsible for maintaining law and order in Western Sahara during the transitional period. The Special Representative will also ensure that no one can resort to intimidation or interfere in the referendum process.

36. At each stage of the referendum, the Special Representative will make sure that all the provisions and guarantees of the present document are being respected.

37. The Special Representative of the Secretary-General will invite the representatives of the two parties to the conflict in Western Sahara to observe the organization and conduct of the referendum, without prejudice to his exclusive authority as provided for in the present document. Should these observers have any complaints, they will submit them directly to the Special Representative, whose decision thereon will be final.

38. The two parties to the conflict undertake to co-operate fully with the Special Representative of the Secretary-General in the performance of his functions.

39. The Special Representative will also invite the representatives of OAU to observe the organization and conduct of the referendum, without prejudice to his authority as provided for in the present document. They may submit any observations they might have directly to the Special Representative, who will take whatever action he deems appropriate.

40. Morocco and the Frente POLISARIO undertake to accept and abide by the results of the referendum.

41. As soon as the results of the referendum have been certified by the Special Representative, the Secretary-General will notify the current Chairman of OAU and the United Nations Security Council and will take the necessary steps to give effect to the decision of the Saharan people as expressed in the referendum.

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42. The neighbouring countries, Algeria and Mauritania, will do their utmost to ensure that the transitional arrangements and the results of the referendum are respected. They will make available to the Special Representative and the Support Group all the material resources they need in order to be able to perform their task and to facilitate the adoption of measures relating to security and order in the border regions.