



**REPORT**  
**OF THE SPECIAL COMMITTEE ON THE SITUATION**  
**WITH REGARD TO THE IMPLEMENTATION**  
**OF THE DECLARATION**  
**ON THE GRANTING OF INDEPENDENCE**  
**TO COLONIAL COUNTRIES AND PEOPLES**

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**VOLUME III**

**GENERAL ASSEMBLY**

**OFFICIAL RECORDS: THIRTIETH SESSION**

**SUPPLEMENT No. 23 (A/10023/Rev.1)**

**UNITED NATIONS**



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New York, 1977

# NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

The report of the Special Committee is divided into four volumes. The present volume contains chapters XIII-XXIV;\* volume I, chapters I-VII; volume II, chapters VIII-XII; and volume IV, chapters XXV-XXXII.

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\* The present version of chapters XIII and XXIV is a consolidation of the following documents as they appeared in provisional form: A/10023/Add.5 of 7 November 1975; A/10023/Add.6 (Parts I and II) of 30 October and 13 November 1975; and A/10023/Add.7 of 29 October 1975.

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\* Note by the Rapporteur: see chap. I, para. 8, foot-note 11, for the new designation of the Territory.

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A. Consideration by the Special Committee

1. The Special Committee considered the question of Spanish Sahara at its 996th, 999th, 1019th, 1022nd and 1023rd meetings, between 27 March and 7 November 1975.
2. In its consideration of this item, the Special Committee took into account the provisions of the relevant General Assembly resolutions, including in particular resolution 3292 (XXIX) of 13 December 1974 on the question of Spanish Sahara, and resolution 3328 (XXIX) of 16 December 1974 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. By paragraph 5 of resolution 3292 (XXIX), the General Assembly requested the Special Committee "to keep the situation in the Territory under review, including the sending of a visiting mission to the Territory, and to report thereon to the General Assembly at its thirtieth session". By paragraph 11 of resolution 3328 (XXIX), the General Assembly requested the Special Committee "to continue to seek suitable means for the immediate and full implementation of resolutions 1514 (XV) and 2621 (XXV) in all Territories which have not yet attained independence and, in particular, to formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirtieth session". The Special Committee also paid due attention to the relevant decisions of the Security Council concerning the Territory. In addition, the Special Committee took into account the advisory opinion given by the International Court of Justice on 16 October 1975 in response to the request of the General Assembly contained in paragraph 1 of its resolution 3292 (XXIX) (A/10300).
3. The Special Committee also had before it the following communications addressed to the Chairman relating to the Territory: (a) letter dated 25 February 1975 from Morocco (A/AC.109/479); (b) letter dated 25 February 1975 from Mauritania (A/AC.109/480); (c) letter dated 4 March 1975 from Spain (A/AC.109/481); (d) letter dated 15 April 1975 from Mauritania (A/AC.109/484); (e) letter dated 16 April 1975 from Morocco (A/AC.109/486); and (f) letter dated 22 April 1975 from Algeria (A/AC.109/487).
4. At its 996th meeting, on 27 March, the Chairman informed the Special Committee that, further to his consultations on the question of sending visiting missions to the Territories, referred to in the related report (A/10023/Rev.1 (vol. I) chap. II, annex I), the Government of Spain had agreed to receive a three-member visiting mission in Spanish Sahara in early May (A/AC.109/PV.996). At the same meeting, the Special Committee decided, on the proposal of the Chairman, that the Visiting Mission should be composed of Cuba, Iran and the Ivory Coast and that its Chairman should be the Permanent Representative of the Ivory Coast to the United Nations.
5. With respect to the invitations received from the Governments of Mauritania, Morocco and Algeria (see para. 3 (d) to (f) above), the Chairman informed the Special Committee at its 999th meeting, on 14 May, that he had, on the basis of related consultations, communicated to those Governments the Committee's acceptance of the invitations and its authorization for the Visiting Mission to visit those countries in connexion with the discharge of its mandate (see A/AC.109/FV.999).

6. At the 1022nd meeting, on 6 November, the representative of the Ivory Coast, in his capacity as Chairman of the Visiting Mission, introduced the report of the Mission (see annex to the present chapter). Statements were made by the representative of Iran, as a member of the Mission; by the representative of Spain, as the administering Power; and, with the Committee's consent, by the representatives of Morocco, Mauritania and Algeria (A/AC.109/PV.1022). Statements were also made by the representatives of Tunisia, the Syrian Arab Republic and Iraq (A/AC.109/PV.1022). After a further statement by the Chairman of the Visiting Mission, statements were made by the Executive Secretary of the Organization of African Unity (OAU) to the United Nations and by the Chairman of the Special Committee (A/AC.109/PV.1022).

7. At the 1023rd meeting, on 7 November, the Chairman informed the Special Committee that, in the light of related consultations, the draft resolution (A/AC.109/L.1064) submitted by him would not be put to a vote. The text of the draft resolution read as follows:

"The Special Committee,

"Having considered the report of the United Nations Visiting Mission to Spanish Sahara, 1975, 1/

"Expressing its appreciation to the members of the Visiting Mission for the work accomplished, and to the Government of Spain, as the administering Power, for the co-operation and assistance rendered and the facilities made available to the Visiting Mission, as well as to the Governments of Algeria, Mauritania and Morocco for their courtesy and co-operation in connexion with the work of the Visiting Mission,

"1. Adopts the report of the United Nations Visiting Mission to Spanish Sahara, 1975, 2/ and endorses the observations and conclusions contained therein; 3/

"2. Decides to keep the situation in the Territory under continuous review."

8. At the same meeting, following a further statement by the Chairman, the Special Committee adopted the report of the Visiting Mission and endorsed the observations and conclusions contained therein (see para. 11 below).

9. Statements were made at the same meeting by the representatives of Iraq, Tunisia, the Syrian Arab Republic, China, India, the Congo, Yugoslavia and the Union of Soviet Socialist Republics, as well as by the Chairman (A/AC.109/PV.1023). With

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1/ See annex to the present chapter.

2/ Ibid.

3/ See para. 11 below.

the consent of the Committee, the representative of Morocco made a statement (A/AC.109/PV.1023). Statements were also made by the Chairman of the Visiting Mission and by the Chairman of the Special Committee (A/AC.109/PV.1023).

10. On 7 November 1975, the text of the observations and conclusions adopted by the Special Committee on the item was transmitted to the Permanent Representative of Spain to the United Nations, as the administering Power, as well as to the Permanent Representatives of Algeria, Mauritania and Morocco to the United Nations, for the attention of their respective Governments.

#### B. Decision of the Special Committee

11. The text of the observations and conclusions adopted by the Special Committee at its 1023rd meeting, on 7 November, to which reference is made in paragraph 8 above, is reproduced below.

(1) By advocating in resolution 2072 (XX) negotiations on the problems relating to sovereignty over Spanish Sahara, by consistently reaffirming in its subsequent resolutions the inalienable right of the population of Spanish Sahara to self-determination and independence, and by requesting, in resolution 3292 (XXIX), the International Court of Justice to give an advisory opinion on the legal aspects of the question, the General Assembly has demonstrated clearly the specific character of the decolonization of Spanish Sahara.

(2) Apart from the complexity of the problem, the task of the Mission was rendered difficult by the fact that resolution 3292 (XXIX), which requested that a visiting mission be sent to the Territory, did not specify the Mission's mandate.

(3) The Mission therefore considered that its mandate derived from that of the Special Committee. The Mission's function was to assist the Committee in the task entrusted to it by the General Assembly in resolution 3292 (XXIX), namely to review the situation in the Territory.

(4) The best means of performing that function was to provide the Special Committee with as much first-hand information as the Mission could gather during its visit to Spain, the Territory and the neighbouring countries.

(5) In order to do this, the Mission visited the majority of the towns, villages and points of interest situated in the Territory and in the neighbouring countries having a direct or indirect connexion with the Territory and its problems. It met governmental authorities in Spain and the neighbouring countries, as well as the authorities in the Territory and all public figures, individuals and groups who, because of their activities, functions or other factors, play a role in the affairs of Spanish Sahara or are affected by the decolonization of Spanish Sahara. The Mission had contacts with a broad sector of the population living within and outside the Territory.

(6) Careful to maintain the objectivity expected of it, the Mission faithfully reported the facts as they were presented or observed during its visit, and opinions as they were expressed to the Mission. These facts and opinions are recorded throughout the report, which forms an indivisible whole. The Mission nevertheless wishes to highlight, in the following paragraphs, some of the observations and conclusions which it derived from its visit.

(7) Spanish Sahara is a phosphate-rich Territory of 266,000 square kilometres, which is bounded by the Atlantic Ocean for an uninterrupted span of 1,062 kilometres and on the continental side shares borders with three States over a total length of 2,045 kilometres. This geo-economic position is the reason for Spanish Sahara's political importance and explains why the form of its decolonization is a matter of concern for all the neighbouring States.

(8) Because of their nomadic way of life, the people of the Territory move easily across the borders to the neighbouring countries, where they are received by members of their tribes or even of their families. This ebb and flow of people across the borders of the Territory makes it difficult to take a complete census of the inhabitants of Spanish Sahara and also poses the complex problem of the identification of the Saharans of the Territory and makes it even more difficult to take a satisfactory census of refugees.

(9) According to the census carried out by the administering Power in 1974, there were 73,497 Saharans living in the Territory. Spain thought that there might be between 3,000 and 4,000 Saharans in Morocco, about 4,000 to 5,000 in Mauritania and a much smaller number in Algeria. Morocco stated that it had at least 30,000 to 40,000 refugees. According to the Algerian authorities, there are more than 7,000 Saharan refugees in southern Algeria. Lastly, Mauritania stated that it had no refugees, because Saharans are Mauritaniens living on both sides of the administrative frontier. It considered, however, that it could identify and take a census of the Saharans belonging to the Territory, should that be necessary. It must be pointed out, however, that all these figures were disputed by the various parties, including the liberation movements. Consequently, any consultation based on those figures would inevitably be subject to contestation.

(10) It should be noted that the economic, social and cultural development of the Territory is far from having attained a sufficient and satisfactory level. It would certainly necessitate the assistance of the international community and the United Nations. The Mission noted, moreover, that the practice of slavery still exists in the Territory. It would be desirable for an appropriate United Nations body to take up this question.

(11) Although all the concerned and interested parties are in favour of the complete decolonization of the Territory, they none the less remain divided as to the way in which that decolonization should be carried out and as to the final status of the Territory.

(12) The Spanish Government reaffirmed its wish to decolonize the Territory in conformity with the United Nations resolutions. To that end, it was ready to co-operate with the States of the region and with the United Nations, with a view to enabling the population of the Territory to exercise its right to self-determination. As far as the referendum was concerned, the Spanish Government considered that the people of Spanish Sahara had unequivocally expressed to the Mission their desire for independence. The Spanish Government considered that the United Nations should take note of that fact and enable it to complete the process of self-determination interrupted by resolution 3292 (XXIX). However, taking into account the situation prevailing in the Territory and in the region, the Spanish Government made known its wish to withdraw from the Territory as quickly as possible, without leaving a vacuum. It did not intend to assume in the Territory the additional responsibilities which would be caused by any delays.

(13) The wish of the administering Power to decolonize the Territory is not doubted by the Mission, which would like to state that it received from Spain all necessary assistance and complete co-operation in the discharge of its mandate.

(14) The Moroccan Government reaffirmed its territorial claim to Western Sahara and insisted that the Territory be integrated with Morocco. The Government stated, however, that, if necessary, it could accept a referendum subject to certain conditions, including the withdrawal of the Spanish troops and administration, the temporary presence of the United Nations to supervise the maintenance of order and the proper functioning of the administration and the return of the refugees. According to the Moroccan Government, the referendum could relate only to the choice of the population between Morocco and Spain. Furthermore, the Moroccan Government indicated that it would be able, together with Mauritania, to reach a solution to the problem of Spanish Sahara.

(15) The Mauritanian Government, for its part, reaffirmed its territorial claim to Spanish Sahara and insisted that the Territory be integrated with Mauritania. This Government, too, was convinced that it could, together with Morocco, find a solution to the problem of Sahara based on recognition of the existence of their respective areas of influence in the Territory. Finally, the Government considered that, if there was to be an act of self-determination under the conditions set out in the preceding paragraphs, the parties concerned, Mauritania and Morocco, should be associated, each within its respective area of influence, with the preparation and conduct of the act of self-determination.

(16) The Algerian Government stated that it had no territorial claim on Spanish Sahara. It considered, however, that the Territory should be decolonized in accordance with the principles laid down by the United Nations and OAU, giving the population of the Territory an opportunity to exercise its right to self-determination and decide its future freely. The Algerian Government added that it would accept and respect any settlement of the

problem of Spanish Sahara, provided that that settlement had been freely approved by the population concerned.

(17) The Mission welcomes the spirit of co-operation shown it by the Governments of Morocco, Algeria and Mauritania in the performance of its task and the facilities they granted it for that purpose, as well as the courtesy extended to the Mission during its visit to those countries.

(18) Within the Territory, the Mission noted that the population, or at least almost all those persons encountered by the Mission, was categorically for independence and against the territorial claims of Morocco and Mauritania. The population expressed the wish that the United Nations, OAU and LAS should help it to obtain and preserve its independence. The population showed, by its demonstrations and statements, that it supported the objectives of the Frente POLISARIO and PUNS favourable to the independence of the Territory.

(19) Within the Territory the Mission had contacts with only two political movements, the Frente POLISARIO and PUNS, the former a liberation movement and the latter a political party. Both movements are unanimous in demanding that the Territory should accede to independence, although they advocate different methods of achieving this. They reject the territorial claims of Morocco and Mauritania.

(20) The leaders of the Frente POLISARIO and also the representatives of PUNS in the Territory considered that the referendum was no longer necessary, since the population had already expressed its wishes and aspirations clearly to the Mission. However, all stated that they would accept the referendum if such were the course advocated by the United Nations.

(21) The Frente POLISARIO, although considered a clandestine movement before the Mission's arrival, appeared as a dominant political force in the Territory. The Mission witnessed mass demonstrations in support of the movement in all parts of the Territory.

(22) For reasons of its own, PUNS, which includes among its supporters most of the members of the Yema'a did not organize demonstrations in the northern part of the Territory. It did, however, organize demonstrations in the south, where it is said to have a strong following.

(23) In Morocco, all the political refugees from the Territory whom the Mission encountered called for the annexation of the Territory by Morocco and rejected any idea of independence. Identical wishes were expressed by the two liberation movements which the Mission met in Morocco, namely FLU and MOREHOB.

(24) In Algeria, the refugees and the leaders of the Frente POLISARIO whom the Mission met expressed themselves categorically in favour of independence and rejected the territorial claims of Morocco and Mauritania.

(25) In Mauritania, the Mission noted three points of view. Some of the persons who appeared before it were in favour of the outright integration of the Territory with Mauritania. Others recognized the right of the population of Spanish Sahara to self-determination and independence but hoped that the new State would freely integrate or associate itself with Mauritania, the country with which it has the closest ties. A third category, composed of supporters of the Frente POLISARIO who considered themselves to be refugees from Spanish Sahara and not Mauritians, favoured independence for Spanish Sahara.

(26) It was apparent to the Mission that there was a sizable Spanish military presence in the Territory. The Mission was not, however, in a position to form an estimate of the strength of these forces, nor did it have an opportunity to form an estimate of the strength of the Moroccan forces stationed in the southern region of Morocco. As to the total number of troops stationed on each side of the frontier, conflicting figures were supplied to the Mission by the Spanish and Moroccan authorities.

(27) There was a tense situation on the frontier between Spanish Sahara and Morocco, as well as in the Territory, where there have been a number of incidents which have resulted in several deaths and injuries and the capture of prisoners. This general state of tension, with its repercussions and ramifications in the neighbouring countries, clearly endangers the maintenance of peace and security in the region.

(28) In this context, it should be noted that the Mission received petitions from Saharans both inside and outside the Territory for the release of all political prisoners, and in particular a Mr. Mohamed Basiri, concerning whose fate the Mission was unable to obtain precise information.

(29) The Mission considered that, despite the tensions and the pressure of events, the administering Power remains entirely responsible for the maintenance of public order and the defence of the Territory and for the security and well-being of its inhabitants until the General Assembly has decided what policy should be followed for the decolonization of the Territory.

(30) It should be noted that contacts, talks and meetings on the question of Spanish Sahara have taken place among the parties concerned, that is, between Spain and each country bordering on the Territory, between two of the latter and among all three countries bordering on the Territory. Except for the information contained in the joint communiqués issued at the conclusion of some of these meetings, 4/ the Mission has not been informed of the tenor or results of these talks.

(31) It should be mentioned that, at the invitation of the Governments

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4/ See appendix III to the present report.

concerned, the Secretary-General of the United Nations visited Algeria, Mauritania, Morocco and Spain and had talks at the highest level with the leaders of those countries.

(32) A careful examination of the various elements considered in the preceding paragraphs shows that any settlement, if it is to provide a lasting solution and preserve peace in the region, must be worked out with the agreement and participation of all the concerned and interested parties, namely the administering Power, the Governments of the countries adjoining the Territory and the representatives of the Saharan population.

(33) It is also important to stress that the decolonization of Spanish Sahara must take into account the wishes and aspirations of all the Saharan population of the Territory, including those who are at present living abroad as political exiles or refugees. Their current and future interests must be protected.

(34) In this connexion, it should be noted that the concerned and interested Governments of the countries adjoining the Territory, the political movements of Spanish Sahara and the spokesmen for the Saharan political exiles and refugees in the neighbouring countries set out the following conditions for the holding of any popular consultation in the Territory: (a) withdrawal of the Spanish armed forces and administration; (b) return of political exiles and refugees; and (c) a period of transition during which a United Nations presence would assume responsibility for the administration and the maintenance of peace and order in the Territory.

(35) The Mission believes that any popular consultation of whatever nature held in the Territory, in order to furnish a valid expression of the opinion of the majority, must be based on the participation of all Saharans belonging to the Territory. It is therefore important to establish who is and who is not a Saharan belonging to the Territory. The concerned and interested parties have agreed that this task should be entrusted to a commission of experts designated by the United Nations, which would work in close co-operation with the administering Power and with the other concerned and interested parties.

(36) The Mission noted that the administering Power, the Governments of the countries bordering on the Territory, the representatives of the population and the leaders of political movements all stress the importance of the role and assistance of the United Nations in the settling of the problem of Spanish Sahara in the interests of all, and of peace and security in the region.

(37) For that reason the United Nations should not only encourage all the concerned and interested parties to enter into a dialogue and to that end provide them with a framework, so as to find the means of achieving the peaceful decolonization of the Territory, but should also provide them, at their request, with any assistance that might prove necessary.

(38) In order to create a climate favourable to the peaceful decolonization of the Territory, all the concerned and interested parties should agree by common accord to:

(a) Recognize the responsibility of the administering Power with regard to the Territory during the crucial stage in the decolonization process and give it all necessary co-operation in the discharge of its responsibility;

(b) Avoid taking any initiative of any kind which might change the status quo of the Territory as it exists at present;

(c) Stabilize the number of troops in the Territory and on the frontiers by not reinforcing them with men, arms and equipment;

(d) Ensure that the existing troops abstain from committing provocative acts either by their movements or by ambushes, mine-laying, armed commando strikes, sabotage and so forth;

(e) Abandon the press campaign which the parties have unleashed against each other through the mass media and which does not facilitate the search for a peaceful solution of the question;

(f) Abstain from, and if necessary discourage, any action likely to contribute to a worsening of the situation in the Territory or of the relations among the concerned and interested parties.

(39) The Mission is convinced that if all these conditions are fulfilled it will be possible for all the parties to contribute to the decolonization of Spanish Sahara taking into account, on the one hand, the interests of the peoples living both inside and outside the Territory and, on the other hand, the interests of the States bordering on the Territory and the need to maintain peace and security in the region in accordance with the spirit and letter of the Charter of the United Nations.

(40) The Mission is also convinced that a United Nations presence in the Territory, in a form and for a time to be determined, could be useful and could constitute a factor of appeasement and confidence indispensable for the peaceful decolonization of the Territory.

(41) Having discharged the mandate entrusted to it by the Special Committee and being guided by the desire of all the concerned and interested parties to seek, within the framework of the United Nations, a peaceful solution to the problem of Spanish Sahara in accordance with the relevant resolutions of the General Assembly, particularly resolution 3292 (XXIX), the members of the Visiting Mission have concluded that the United Nations should make a positive contribution to the solution of the problem which will maintain peace and security in the area and strengthen harmony and co-operation among the countries of the area.

(42) With that end in view, they express the hope that, in its consideration of the question at its thirtieth session, the General Assembly will, in defining the policy to be followed for the purpose of expediting the process of decolonization of the Territory in accordance with resolution 1514 (XV), under the most favourable possible conditions and in the light of the advisory opinion to be given by the International Court of Justice, give due consideration to the report of the Visiting Mission, particularly the views expressed by the groups of the population both within and outside the Territory and by the concerned and interested Governments.

(43) In view of the differences of opinion expressed in this connexion regarding the future of the Territory by those population groups and Governments, the members of the Mission, while bearing in mind the request by the General Assembly for an advisory opinion made to the International Court of Justice in paragraph 1 of its resolution 3292 (XXIX), feel that the General Assembly should take steps to enable those population groups to decide their own future in complete freedom and in an atmosphere of peace and security in accordance with the provisions of resolution 1514 (XV) and the relevant resolutions of the General Assembly concerning the question.

(44) The procedures for a consultation of this kind, which should take place under United Nations auspices and under the conditions indicated above, could be defined by a new visiting mission appointed by the Secretary-General of the United Nations in close co-operation with the administering Power and the other concerned and interested parties.

# ANNEX\*

## Report of the United Nations Visiting Mission to Spanish Sahara, 1975

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\* Previously issued under the symbols A/AC.109/L.1063 and Add.1-3 and Add.5-8. For the text of A/AC.109/L.1063/Add.4, see para. 11 of the present chapter.

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LETTER OF TRANSMITTAL

10 October 1975

Mr. Chairman,

I have the honour to transmit herewith the report of the United Nations Visiting Mission to Spanish Sahara which the Mission adopted on 10 October 1975.

Please accept, Mr. Chairman, the assurances of my highest consideration.

(Signed) Siméon AKE  
Chairman of the United Nations  
Visiting Mission to Spanish Sahara

His Excellency  
Ambassador Salim A. Salim  
Chairman  
Special Committee of 24  
United Nations  
New York, N.Y.

## I. INTRODUCTION

### A. Terms of reference of the Visiting Mission

1. At its twenty-ninth session, the General Assembly, in its resolution 3292 (XXIX) of 13 December 1974 concerning the question of Spanish Sahara, requested the Special Committee to keep the situation in the Territory under review, including the sending of a visiting mission to the Territory, and to report thereon to the General Assembly at its thirtieth session.
2. On 4 December 1974, a few days before the adoption of resolution 3292 (XXIX), the representative of Spain in the Fourth Committee stated at the 2126th meeting that his country was ready to receive a United Nations visiting mission which would study every detail of the situation in the Territory. a/
3. Consequently, in accordance with paragraph 5 of resolution 3292 (XXIX), following the Spanish Government's invitation and on the basis of the consultations held by its Chairman, the Special Committee decided that a three-member mission, composed of the representatives of Cuba, Iran and the Ivory Coast, would visit Spanish Sahara during the first week of May 1975 (A/AC.109/PV.996). The Committee further decided that the Chairman of the Mission should be Mr. Siméon Aké, the Permanent Representative of the Ivory Coast to the United Nations.
4. In letters dated 15, 16 and 22 April 1975, addressed to the Chairman of the Special Committee, the Governments of Mauritania, Morocco and Algeria invited the Visiting Mission to Spanish Sahara to their countries in order to hold discussions with the authorities and to make contact with the peoples concerned. b/
5. The Special Committee decided to accept the invitations received from the three Governments and requested the Mission to arrange its itinerary accordingly in connexion with the discharge of its mandate.
6. During the working sessions held before their departure from New York, the members of the Mission reconsidered the general mandate of the Special Committee contained in General Assembly resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961 and subsequent resolutions, in particular resolution 3328 (XXIX) of 16 December 1974, and agreed that its terms of reference fell within the framework of the tasks assigned to the Special Committee. The Mission's duty was to assist the Committee in the discharge of its tasks by securing first-hand information on the situation prevailing in the Territory, including information on political, economic, social, cultural and educational conditions, as well as on the wishes and aspirations of the people. In order to fully discharge its mandate, the Mission decided that it should:

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a/ Official Records of the General Assembly, Twenty-ninth Session, Fourth Committee, 2126th meeting.

b/ See A/AC.109/484; A/AC.109/486; A/AC.109/487.

(a) Hold consultations with the Government of Spain, as administering Power, as well as with the authorities in the Territory, in order to ascertain the policies of the administering Power concerning the Territory and the measures which it proposed to take to ensure the decolonization of the Territory in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in resolution 1514 (XV) and other relevant resolutions of the United Nations, particularly resolution 3292 (XXIX).

(b) Study all aspects of the situation in the Territory, in the political, economic, social, cultural and educational fields, as well as in the related fields of administration, the judiciary and the military organizations. In order to accomplish this, the Mission should have access to all towns and localities which it considered necessary to visit for the accomplishment of its task.

(c) Make direct contacts with the largest possible number of indigenous inhabitants of the Territory, including those currently living outside the Territory. It could do this by meeting with the representatives and leaders of the indigenous inhabitants and representative groups such as political, cultural and social organizations, as well as the liberation movements both within and outside the Territory, or by any other means which the Mission might deem adequate. These extensive contacts, which should include as broad a spectrum as possible of the views of the inhabitants, were designed to enable the Mission to ascertain the wishes and aspirations of the indigenous people of the Territory.

#### B. Composition of the Visiting Mission

7. The Mission was composed of the following members: Mr. Siméon Aké, Permanent Representative of the Ivory Coast to the United Nations (Chairman); Mrs. Marta Jiménez Martínez, of the Ministry of Foreign Affairs of Cuba; and Mr. Manouchehr Pishva, Deputy Permanent Representative of Iran to the United Nations.

8. The Mission was accompanied and assisted by the following staff members of the United Nations Secretariat: Mr. Myles F. Minchin, Principal Secretary; Mr. Cheikh Tidiane Gaye, Assistant Secretary; Mrs. Christine E. Pelletier, Political Affairs Officer; Mr. John Cabrera, Administrative Officer; Mrs. Alicia F. Kelly, Secretary; Miss Hazel E. Bryan, Miss Monique Corvington and Mr. Eduardo Trilles, Interpreters; and Mr. Yutaka Nagata, Photographer.

#### C. Activities of the Visiting Mission prior to its departure from New York

9. Before leaving New York, the Mission held working sessions with the Permanent Representatives of Spain, Morocco, Mauritania and Algeria. These discussions dealt mainly with the organization of its visit to each country, the documentation which the Mission wished to have on the question, the individuals or groups that the Mission proposed to meet both in the Territory and in neighbouring countries

and the assurances required by the Mission with regard to the safety of those persons and the members of the Mission.

10. On 22 April, the Mission held a working meeting at Headquarters with Mr. Jaime de Piniés, the Permanent Representative of Spain to the United Nations who, after making a general statement on the Territory, put forward suggestions concerning the programme for the Mission's visit to Spain and the Territory. This tentative programme included visits to the following towns and localities: El Aaiún, Semara, Villa Cisneros, Tichla and La Güera. At the Mission's proposal, the administering Power agreed to include the following localities in this list: Bu Craa, Daora, Mahbés, Tifariti, Guelta Zemmur, El Aargub and Ausert.

11. On behalf of his Government, Mr. Piniés also gave assurances as to the safety of the members of the Mission during their stay in the Territory and of the persons whom they would interview.

12. On 23 April, the Mission held separate working sessions with the Permanent Representatives of Morocco, Mauritania and Algeria. During these meetings, the representatives of the countries bordering Spanish Sahara stated the views of their Governments on the question and described the arrangements made or contemplated by their countries to receive the Mission and facilitate the discharge of its mandate.

13. At the request of the Mission, the representatives of the three countries gave assurances that their Governments would take all necessary steps to ensure that during its visit to their respective countries, the Mission would enjoy freedom of movement and freedom of contact with the liberation movements and Saharan refugees residing in those countries.

14. The Mission also received from Morocco, Mauritania and Spain copies of the documents which each of these countries had submitted to the International Court of Justice in connexion with the advisory opinion requested by the General Assembly in its resolution 3292 (XXIX).

#### D. Programme adopted by the Visiting Mission

15. At the working sessions held at United Nations Headquarters between 17 April and 2 May 1975 the Mission drew up a programme of work covering the following main points:

(a) In Madrid: hold preliminary conversations with the Spanish authorities.

(b) In the Territory: (i) hold conversations with the territorial authorities, members of territorial institutions, leaders of political parties and liberation movements and any other group or person who might wish to meet the Mission; (ii) make as many direct contacts as possible with the people of the various regions of the Territory; and (iii) visit places or centres of economic, social, cultural and military interest.

(c) In Madrid: after visiting the Territory, hold further conversations with the Spanish authorities.

(d) In the countries adjoining the Territory: (i) hold talks with representatives of the Governments of Morocco, Algeria and Mauritania; (ii) meet the leaders of liberation movements based in these countries; and (iii) possibly visit the refugee camps or the frontier region, with a view to making direct contact with the refugees.

16. Lastly, the Mission also decided to submit written questions to the administering Power, on completion of its visit to the Territory; and also to submit written questions to each of the Governments of the countries bordering the Territory after visiting their respective countries.

#### E. Account of the Visiting Mission

##### 1. First series of conversations with Spanish authorities

17. The Mission arrived in Madrid on 8 May, and on 9 May held preliminary talks at the Ministry of Foreign Affairs with a Spanish delegation headed by Mr. Juan J. Rovira, Under-Secretary of State at the Ministry of Foreign Affairs, and including, among others, Mr. Rafael Ferrer, Director-General for Africa and the Middle East, Ministry of Foreign Affairs; Mr. Fernando Benito, Director-General for International Organizations and Conferences, Ministry of Foreign Affairs; Mr. Eduardo Blanco, Director-General for the Promotion of the Sahara; Mr. Felipe Pradas, expert attached to the Ministry of the Presidency; and Mr. Mateo Canalejos, Assistant Secretary-General of the Territory.

18. At this introductory meeting, the Mission received documents containing basic information on the Territory. It heard statements on various aspects of the situation in the Territory dealt with in the documents.

19. During the afternoon of 9 May, the Mission was received by Mr. Pedro Cortina Mauri, the Minister for Foreign Affairs, who recalled the position of his Government in regard to the Territory and its views on the decolonization of Spanish Sahara.

20. On 10 May, the Mission held a second working session with the Spanish delegation headed by Mr. Ferrer. The discussions covered the programme for the visit to the Territory, background documentation and questions concerning the political, institutional, administrative, economic, social and cultural aspects of Spanish Sahara.

21. On 11 May, the Mission, at their request, met with two Saharan students who gave their views on the situation in their country and answered questions put by the Mission.

22. On 12 May, the Mission held a working session with Mr. Antonio Carro, Minister of the Presidency in charge of the Sahara, who made a statement on the policy his Government intended to apply in the Territory.

23. During its stay in Madrid, the Mission met representatives of the countries concerned, to whom it delivered letters asking that steps be taken to reduce the tension in the region so that the Mission could accomplish its task in an atmosphere of calm and tranquillity.

## 2. Visit to the Territory

24. The Mission arrived at El Aaiún, the capital of Spanish Sahara, on 12 May, in a special aircraft placed at its disposal by the Spanish Government. The Mission was accompanied from Madrid by, among others, Mr. Blanco, the Director-General for the Promotion of the Sahara, and Mr. Canalejos, the Assistant Secretary-General of the Territory.

25. In the late afternoon of 12 May the Mission met, at the Assembly Building, the members of the Permanent Commission of the Yema'a (General Assembly) headed by its President, Mr. Jafri Uld Said Uld Yumani. After speeches of welcome and thanks, the members of the Permanent Commission answered questions put to it by the Mission.

26. On 13 May, the Mission drove to Daora, a town not far from the Moroccan frontier. The Mission visited the school and dispensary and talked with tribal chiefs and notables and with representatives of political groups and parties. The Mission also met the officer in charge of the territorial police unit.

27. After returning to El Aaiún, the Mission attended a large mass meeting organized near its hotel by the Frente Popular para la Liberación de Saguia el Hamra y Río de Oro (Frente POLISARIO). That evening the Mission met delegations from the Frente POLISARIO at its hotel.

28. On 14 May, the Mission went to Bu Craa where it toured the phosphate mining installations of the Fosfatos de Bu Craa, S.A. (FOSEUCRAA) (see also paras. 177-184 below). While there it had an interview with the management of FOSEUCRAA and met a delegation representing the Saharan workers employed in the mines. From Bu Craa, the Mission went to the phosphate enrichment plants and the port which handles mineral exports at El Aaiún.

29. In the late afternoon, the Mission met Saharan delegations at its hotel before going to the General Assembly Building where it held another working session with the members of the Permanent Commission. The talks continued late into the evening of 14 May and dealt chiefly with the nature, composition and powers of the territorial institutions, the method of election or appointment of members of the Yema'a and their relations with the administering Power on the one hand and with the indigenous population on the other.

30. On 15 May, the Mission visited the towns of Tifariti and Guelta Zemmur, about 250 kilometres south-east of El Aaiún, near the Mauritanian frontier. At Tifariti, after attending a lesson at the primary school and visiting the dispensary, the Mission met delegations representing the local sheiks and notables, the Frente

POLISARIO, the Partido de la Unión Nacional Saharani (PUNS), students, soldiers serving with the Foreign Legion and members of the Territorial Police. At Guelta Zemmur, the Mission also met groups of sheiks and notables, political leaders and women. On its return to El Aaiún, the Mission held separate talks with delegations representing the Frente POLISARIO.

31. On 16 May the Mission spent the day visiting Mahbés, a town situated at the far east of the Territory, 35 kilometres from the Moroccan frontier, 40 kilometres from the Algerian frontier and 45 kilometres from the Mauritanian frontier. The Mission met delegations of sheiks and notables, the Frente POLISARIO, PUNS and women. From Mahbés, the Mission went to Semara, the oldest town in the Territory, known in the past for the splendour of its culture. During its visit, the Mission had an opportunity to hold conversations with groups representing the tribal sheiks, notables, the Frente POLISARIO, PUNS and women.

32. On 17 May, the Mission held two separate working sessions with General Federico Gómez Salazar, the Governor-General, and Mr. Luis Rodrigues de Viguri, the Secretary-General of Spanish Sahara. The interview with the Governor-General dealt with the situation prevailing in the Territory from the political and military points of view, while the Mission obtained from the Secretary-General information concerning education, social and administrative matters.

33. The Mission visited the "working-class districts" of El Aaiún, called Casa Piedra and Khata Rambla. It also went to the Depósito Carcelario, the civil prison, where it was able to converse at length with prisoners without either authorities or guards in attendance. The Spanish magistrates accompanying the Mission to the prison also answered questions.

34. In the afternoon of 17 May, the Mission went by plane to Villa Cisneros, the second most important town in the Territory.

35. On arrival, it met the authorities of the town and had conversations with delegations from PUNS and the Frente POLISARIO, traditional sheiks and women.

36. On the morning of 18 May, the Mission separated into two groups: one group went to Ausert and the other to Tichla. In both these towns, members of the Mission met representatives of population groups and of PUNS and the Frente POLISARIO. In the afternoon, the Mission went by boat to El Aargub, known as the twin town of Villa Cisneros, where it met with representatives of population groups.

37. On 19 May, the Mission arrived at La Güera, which is situated on the Mauritanian frontier, 3 kilometres from Nouadhibou. After meeting with representatives of the Frente POLISARIO and PUNS, the Mission accompanied to the Mauritanian frontier a Saharan petitioner who, for reasons of personal security, had expressed a desire to leave the Territory and, to that end, had requested the assistance of the Mission.

38. On its return to Villa Cisneros, the Mission met with a group of Saharan students studying in Spain, before going to Las Palmas in the Canary Islands where it spent the night of 19 to 20 May.

### 3. Second series of conversations with Spanish authorities

39. In Madrid, after its arrival on 20 May, the Mission first had a working session on 21 May with the Spanish delegation headed by Mr. Rovira, Under-Secretary of State at the Ministry of Foreign Affairs. The Mission thereafter had discussions with Mr. Cortina Mauri, the Minister for Foreign Affairs. Lastly, the Mission had an audience with Mr. Arias Navarro, the President of the Government (see appendix II to the present report). During these meetings, both the President and the Foreign Minister as well as the other Spanish authorities reaffirmed their Government's position concerning Spanish Sahara and replied to questions raised by the Mission. The conversations with the Spanish delegation were completed on 22 May, following a final working session held at the Ministry of Foreign Affairs.

40. During its stay in Madrid, the Mission submitted a detailed questionnaire on the Territory to the administering Power.

### 4. Visit to Morocco

41. On 22 May, the Mission left Madrid for Fès in a special aircraft made available by the Royal Government of Morocco.

42. On arriving at Fès late in the afternoon, the Mission was given an audience with His Majesty King Hassan II of Morocco, attended by a number of high officials of the Government. In the course of the audience, His Majesty first recalled the policy followed by Morocco with regard to Spanish Sahara which Morocco had followed since its independence. King Hassan then defined his Government's position concerning the future of the Territory, before going on to hold an exchange of views with the Mission (see appendix II to the present report).

43. On the following day, 23 May, the Mission visited Agadir, a town situated in the south of Morocco. On its arrival, the Mission met with Mr. Khali Hena Al Rachid, the Secretary-General of PUNS, who discussed the situation in the Territory and the reasons for his presence in Morocco. The day concluded with conversations with delegations representing the population.

44. On 24 May, the Mission went by helicopter to Tan-Tan in the border region, where it visited a Saharan refugee camp and had conversations with delegations representing Saharan refugees and prominent Saharans. On the following day, the Mission resumed its talks with the Saharan delegations and then received, in succession, a group of militants belonging to the Front de libération et de l'unité (FLU); Mr. Eduardo Moha, Secretary-General of the Mouvement de résistance pour la libération des Territoires sous domination espagnole (MOREHOB), formerly known as the Mouvement de résistance des Hommes bleus; and a group of Saharan prisoners expelled from the Territory. Lastly, the Mission went to Zag, which is about 50 kilometres from the frontier of the Spanish Sahara, where it visited the refugee camp and met several delegations of Saharans.

45. On its return to Agadir, the Mission continued its discussions with Mr. Rachid of PUNS. It then received the Executive Committee of ISTIQLAL headed by Mr. Mohammed Boucetta, its Secretary-General, who made a statement concerning the Territory.

46. The morning of 26 May was spent visiting a refugee camp at Makroud, 25 kilometres from Agadir, where the Mission was able to establish direct contact with the Saharan population groups and hear their views. On its return to Agadir, the Mission held a working session with Mr. Mohamed M'jid, honorary delegate of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Morocco. During the second working session of the day, the Mission met Colonel Dlimi, chief of the Aides-de-camp of King Hassan II, accompanied by the Secretary of State for the Office of the Prime Minister, the Secretary of State for the Interior and the Secretary of State for Foreign Affairs. The discussion dealt with the military situation in the southern region.

47. The Mission left Agadir on 26 May for Fès, via Marrakesh, where it spent the night.

48. On arriving at Fès on 27 May, the Mission was invited to a luncheon at the Royal Palace by His Majesty, King Hassan II. Several Moroccan dignitaries, including Mr. Ahmed Osman, the Prime Minister, and Mr. Ahmed Laraki, the Minister for Foreign Affairs, were among the guests. The afternoon was spent at a working meeting with the Moroccan delegation, which was headed by Mr. Osman and included Mr. Laraki, Mr. Ahmed Taïbi Benhima, Minister for Information; Mr. Driss Slaoui, the Permanent Representative of Morocco to the United Nations; Mr. Driss Bagri, the Secretary of State to the Prime Minister responsible for the problems of Sahara; the Secretary of State for the Interior; and the Secretary of State for the Ministry of Foreign Affairs. During the meeting, the members of the Moroccan delegation stated their Government's position and replied to questions before holding an exchange of views with the members of the Mission.

## 5. Visit to Algeria

49. The Mission left Fès on 28 May for Alger in a special aircraft made available by the Algerian Government. A few hours after its arrival at Alger, the Mission had an audience with Mr. Houari Boumediene, the President of Algeria, which was attended by Mr. Abdelmalek Benhabyles, Secretary-General of the Ministry of Foreign Affairs and Mr. Abdellatif Rahal, Permanent Representative of Algeria to the United Nations. During the audience, President Boumediene stated the principles underlying Algeria's policy on decolonization and provided basic information on his Government's position on the question of Spanish Sahara (see appendix II to the present report). On 29 May, the Mission went to Tindouf, a town situated in south-west Algeria, about 30 kilometres from the Spanish Saharan frontier. During its stay in the region of Tindouf, the Mission was accompanied by Mr. Oman Mohamed Ali, a member of the Executive Committee of the Frente POLISARIO. On its arrival at Tindouf, the Mission visited a refugee camp at Oumm el Assel where it talked to the representatives of refugee groups. On its return to Tindouf, the Mission stopped at Sebicha Abdallah, where it visited another refugee camp and held talks with representatives of the refugees.

50. Late in the evening, the Mission, accompanied by leaders of the Frente POLISARIO and representatives of the international press and escorted by members of the liberation army armed with submachine guns, went to a place 80 kilometres from Tindouf, in an unidentified valley, where it found 14 of the Spanish officers and soldiers taken prisoner by the Frente POLISARIO. The interview with the prisoners, which was held with no leaders of the Frente POLISARIO, guards or journalists in attendance, dealt with the conditions of their capture and detention.

51. On 30 May, the day began with a visit to a refugee camp at Tindouf and ended with a long working session with a delegation of the Frente POLISARIO, led by Mr. Said Louali, the Secretary-General, and consisting of Messrs. Omar Mohamed Ali and Mahfoud Ali Bayba, members of the Executive Committee, and Messrs. Moussa, Ahmed Kaid and Brahim Ghali, members of the Political Bureau of the party.

52. On its return to Alger on 31 May, the Mission met with the Algerian delegation, led by Mr. Benhabyles, Secretary-General of the Ministry of Foreign Affairs and including the Permanent Representative of Algeria to the United Nations and the Algerian ambassadors stationed at Paris and Madrid. The working meeting enabled the Algerian delegation to give a detailed account of their Government's position on all aspects of the question of Spanish Sahara.

53. On 1 June, President Boumediene received the Mission in a second audience, at which he stressed, among other things, the continuity of Algerian policy in the matter of decolonization.

54. The Mission left Alger on 1 June and arrived at Dakar on 4 June, following a three-day stopover in Paris, during which it reviewed the situation and drew up questionnaires to be sent to the countries already visited.

## 6. Visit to Mauritania

55. To go from Dakar to Nouakchott, the Mission travelled in a special plane made available by the Government of Mauritania. The visit to Nouakchott began on 4 June with a working meeting held with a government delegation headed by Mr. Hamdi Ould Mouknass, the Minister for Foreign Affairs, and including: Mr. Abdallahi Ould Cheikh, Minister for Trade and Transport; Mr. Moulaye El Hassen, Permanent Representative to the United Nations; and Mr. Bal Mohamed El Bechir, Assistant Secretary-General of the Office of the President of the Republic. The working session was prolonged to enable Mr. Ahmed Ould Mohamed Salah, Minister for the Interior, to participate. The members of the Mauritanian delegation reviewed the basis of their Government's policy in regard to Spanish Sahara.

56. The Mission was then granted an audience by Mr. Moktar Ould Daddah, the President of the Islamic Republic of Mauritania. After recalling the nature of the ties existing between Mauritania and Spanish Sahara, the President defined his Government's position on the matter (see appendix II to the present report).

57. On 5 June, the Mission left Nouakchott to begin a series of visits to population centres near the frontier. The Mission was accompanied by, among others, the Minister for Trade and Transport, the Permanent Representative of Mauritania to the United Nations and the Assistant Secretary-General of the Office of the President.

58. The Mission visited the town of Atar on 5 June, where meetings had been organized with prominent citizens and representatives of the population. The same procedure was followed at Fdérík, to which the Mission paid a short visit before going on to Zouírât, where it spent the night.

59. During the visit to Bir Mogreïn, which took place on the following day, 6 June, members of the Mission met with population groups, prominent citizens and representatives of groups.

60. On its return to Zouírât, the Mission, accompanied by the Mauritanian delegation, met with Mr. Ahmed Ould Bousseif, the Governor of the Eleventh Region, and had discussions with representatives of the population and of the Frente POLISARIO. It also visited an iron mine.

61. On 7 June, the Mission arrived at Nouadhibou, which is situated in the north adjacent to the frontier of Spanish Sahara. The Mission attended a large public meeting held at the Zen-zen cinema. It later met leading citizens and a delegation of the Frente POLISARIO.

62. On returning to Nouakchott on 8 June, the Mission ended its series of conversations with the representatives of the Mauritanian Government and was given a second audience by the President of the Republic, who reaffirmed his country's position on the question of Western Sahara (see appendix II to the present report).

63. On its arrival at Dakar on 9 June, the Mission held working sessions before leaving for New York on 14 June via Lisbon, where it stayed from 12 to 14 June.

## 7. Acknowledgements

64. The Mission wishes to place on record its deep appreciation to the Government of Spain for the close co-operation and assistance which it received throughout its visits to Madril and to the Spanish Sahara and for the courtesy and kindness extended to it by Mr. Arias Navarro, the President of the Government; Mr. Pedro Cortina Mauri, the Minister for Foreign Affairs; Mr. Antonio Carro, the Minister of the Presidency of the Government; Mr. Juan J. Rovira, Under-Secretary of State at the Ministry of Foreign Affairs; Mr. Eduardo Blanco, Director-General for the Promotion of the Sahara; General Federico Gómez Salazar, the Governor-General of the Spanish Sahara; Mr. Luis Rodriguez de Viguri, the Secretary-General of the Spanish Sahara and all the other senior officials with whom it met in Madrid and in the Territory. The Mission is also especially grateful to those officials, among them Mr. Mateo Canalejos, Assistant Secretary-General of the Territory; Mr. Felipe Pradas, expert attached to the Ministry of the Presidency,

and Mr. Francisco Villar, First Secretary of the Permanent Mission of Spain to the United Nations, who accompanied and assisted the Mission throughout its visit to the Territory.

65. The Mission also wishes to place on record its profound appreciation to the Governments of Morocco, Algeria and Mauritania, and to their respective Heads of State for the hospitality, co-operation and assistance extended to it, during its visits to their countries. The Mission is particularly grateful for the assistance which it received from, among many others in Morocco, Mr. Ahmed Osman, the Prime Minister, Mr. Ahmed Laraki, the Minister for Foreign Affairs and Mr. Ahmed Taïbi Benhima, the Minister for Information; in Algeria, Mr. Abdelmalek Benhabyles, the Secretary-General of the Ministry for Foreign Affairs, Mr. Hamid Adjali, Director of Political Affairs, and Mr. Hadj Azzout, Director of International Organizations in the Ministry of Foreign Affairs; and in Mauritania, Mr. Hamdi Mouknass, the Minister for Foreign Affairs, Mr. Ahmed Ould Mohamed Salah, the Minister for the Interior, and Mr. Abdallahi Ould Cheikh, the Minister for Trade and Transport. The Mission is also grateful to the Permanent Representatives of Morocco, Algeria and Mauritania to the United Nations, Mr. Driss Slaoui, Mr. Abdellatif Rahal and Mr. Moulaye El Hassen, who accompanied and assisted the Mission during its visits to their respective countries.

66. The members of the Mission also wish to express their profound gratitude to the population of Spanish Sahara and to the great many Saharans and others whom they encountered in the Territory and elsewhere for the warm and overwhelming reception accorded to them and for the many instances of hospitality shown them.

## II. HISTORY OF THE QUESTION

### A. The question before the United Nations

67. On 24 February 1956, following the admission in 1955 of 16 new Member States, including Spain, to the United Nations, the Secretary-General sent a letter to the new Members drawing their attention to the obligations devolving upon them under Chapter XI of the Charter of the United Nations and requesting them to inform him whether any of them were responsible for the administration of Territories referred to in Article 73 e.

68. Subsequently, on 10 November 1958, the Government of Spain, in reply to the aforementioned letter of the Secretary-General, declared that the Territories subject to its sovereignty in Africa were, in accordance with the legislation then in force, considered to be and classified as provinces of Spain and that, consequently, there were no Non-Self-Governing Territories within the Spanish administrative system. The Spanish Government stated, however, that, in accordance with its desire to act in keeping with the spirit of the Charter, it would place official and other documents at the disposal of the Secretary-General for his "enlightenment". c/ On 11 November 1960, however, the representative of Spain informed the Fourth Committee that his Government had decided "to transmit to the Secretary-General information pertaining to the Territories referred to under Chapter XI of the Charter". d/ In resolution 1542 (XV) of 15 December 1960, the General Assembly noted that statement with satisfaction and requested the Secretary-General to take the necessary steps in pursuance of the declaration of the Government of Spain.

69. Accordingly, in April 1961, the representative of Spain, in a statement before the Committee on Information from Non-Self-Governing Territories, provided detailed information on the political, economic, social and educational situation in Spanish Sahara (A/AC.35/SR.238). Additional information was transmitted to the Committee in April 1962 by the representative of Spain. e/

70. The question of Spanish Sahara has been discussed in the Special Committee since September 1963 f/ and specifically in the General Assembly since December 1963. g/

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c/ Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 36, document A/C.4/L.385/Rev.1.

d/ Ibid., Fifteenth Session, Fourth Committee, 1048th meeting.

e/ A/AC.35/SR.251; Non-Self-Governing Territories, Summaries of information transmitted to the Secretary-General for the year 1960 (United Nations publication, Sales No: 63.VI.1).

f/ Official Records of the General Assembly, Eighteenth Session, Annexes, addendum to agenda item 23, document A/5446/Rev.1, chap. XIII, para. 38.

g/ Ibid., Fourth Committee, 1506th meeting.

71. At its 291st meeting, on 16 October 1964, the Special Committee adopted its first resolution on Ifni and Spanish Sahara. h/ In that resolution, the Committee, inter alia, regretted the delay by the administering Power in implementing the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in resolution 1514 (XV), and in liberating those Territories from colonial rule. The Committee also urged the Government of Spain to take immediate measures towards implementing fully and unconditionally the provisions of the Declaration.

72. In resolution 2072 (XX), of 16 December 1965, the first adopted by it on Spanish Sahara, the General Assembly approved the provisions of the resolution of the Special Committee and requested the administering Power to take immediately all necessary steps for the liberation of the Territories of Ifni and Spanish Sahara from colonial domination and, to that end, to enter into negotiations on the problems relating to sovereignty presented by the two Territories. i/

73. Subsequently, the General Assembly, on the recommendation of the Special Committee and the Fourth Committee, adopted resolutions every year from 1966 to 1974, with the exception of 1971, on the question of Spanish Sahara. j/ In all of those resolutions, the Assembly noted that the Government of Spain had not yet implemented the provisions of the Declaration contained in resolution 1514 (XV).

74. In resolution 2229 (XXI) of 20 December 1966, the General Assembly invited Spain to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination. In the same resolution, after specifying the conditions for the organization of the referendum, the Assembly requested the Secretary-General to appoint immediately a special mission to be sent to Spanish Sahara for the purpose of recommending practical steps for the full implementation of the relevant resolutions of the General Assembly, and in particular for determining the extent of United Nations participation in the preparation and supervision of the referendum.

75. All six resolutions adopted by the General Assembly on the question from 1967 to 1973 reproduced, generally, the wording of resolution 2229 (XXI) and, in particular, paragraphs 4 and 5 relating to the organization of a referendum and the sending of a special mission to the Territory.

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h/ Ibid., Nineteenth Session, Annexes, annex No. 8 (part I) (A/5800/Rev.1), chap. IX, para. 112.

i/ The competent organs of the United Nations originally considered the Territory of Spanish Sahara in conjunction with the other African Territories administered by Spain; they have considered them separately only since 1969.

j/ The most recent were General Assembly resolutions 2711 (XXV) of 14 December 1970, 2983 (XXVII) of 14 December 1972, 3162 (XXVIII) of 14 December 1973 and 3292 (XXIX) of 13 December 1974.

76. The most recent resolution adopted on the question by the General Assembly was resolution 3292 (XXIX). In that resolution, the Assembly decided to request the International Court of Justice, without prejudice to the application of the principles embodied in General Assembly resolution 1514 (XV), to give an advisory opinion at an early date on the following questions:

"I. Was Western Sahara (Río de Oro and Sakiet el Hamra) at the time of colonization by Spain a territory belonging to no one (terra nullius)?"

"If the answer to the first question is in the negative,

"II. What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?"

77. The General Assembly also urged Spain to postpone the proposed referendum (see also para. 84 below) until the General Assembly decided on the policy to be followed to accelerate the decolonization process in the Territory, in accordance with resolution 1514 (XV), in the best possible conditions, in the light of the advisory opinion requested of the Court.

78. Finally, the General Assembly requested the Special Committee to keep the situation in the Territory under review, including the sending of a visiting mission to the Territory, and to report thereon to the General Assembly at its thirtieth session.

## B. Position of the parties involved

### 1. Spain

79. During the time that the question of Spanish Sahara has been before the United Nations, the position of Spain with regard to the decolonization of the Territory has developed in the following manner. Initially, the doctrine of the administering Power, as previously noted, was that the Territories subject to Spanish sovereignty in Africa were, in accordance with the legislation in force, considered to be and classified as provinces of Spain, and that consequently there were no Non-Self-Governing Territories within the Spanish administrative system. k/ Thus, the Territories administered by Spain represented "a separate line" of political development, that is to say, the increased participation of the indigenous inhabitants in the administration of their own affairs was to be related to their educational advancement. l/

80. Subsequently, in 1964, the administering Power stated that Spanish Sahara presented its own very special characteristics which, once they were borne in mind,

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k/ Law of 21 April 1961 and Decree No. 3349 of 29 November 1962.

l/ Official Records of the General Assembly, Eighteenth Session, Supplement No. 1 (A/5501), p. 114.

in no way inhibited "the development of a process in keeping with the legitimate interests of its population" (A/AC.109/71). These special characteristics were described by Spain as being the nomadic nature of the population, which crossed frontiers in their wanderings, the under-population of that vast Territory, the lack of qualified personnel and skilled manpower among the indigenous population and external interference.

81. In 1966, the Spanish Government declared itself to be in favour of applying the principle of self-determination, and in particular the provisions of General Assembly resolution 2072 (XX). Consequently, Spain undertook to make the preparations necessary to allow the population of the Territory to express their will without any form of pressure. However, it specified that those preparations would take some time, because of the nomadic nature of the inhabitants of the desert and the special features of the Territory. m/

82. Finally, since 1973, there has been a new trend in Spanish policy. In a communication dated 20 February 1973, the Yema'a (General Assembly) of Spanish Sahara requested the Head of the Spanish State to ensure (a) that the process effectively permitting the Saharan people to decide its future was continually furthered; (b) that, at the same time, the existing legal institutionalization was gradually extended so that the people of Spanish Sahara would have a greater share in the functions and powers of its internal administration; (c) that the supreme authority of the Saharan people should continue to reside in the person of the Head of the Spanish State and that Spain should continue to provide international representation for the Saharan people, to guarantee the integrity of their territory and to defend their frontiers; (d) that, in accordance with the generosity which it had displayed in the past, Spain should continue to assume responsibility for the financing and technical assistance necessary to the political, social, economic and cultural development of the Saharan people. In conclusion, the Yema'a expressed its conviction that the stage of self-determination initiated by that declaration would lead to the determination of the future of the Saharan people through the solemn and momentous act of a referendum (A/9176, annex I).

83. On 21 September 1973 General Francisco Franco, Head of the Spanish State, addressed to the Yema'a a communication containing the following eight main points:

"1. The Spanish State reiterates that the Saharan people, whose age-old ties with the Spanish people have, since their inception, been absolutely voluntary, is sole master of its destiny and no one has the right to frustrate its will. The Spanish State will defend the liberty and desire for free decision of the Saharan people.

"2. The Spanish State guarantees the territorial integrity of the Sahara.

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m/ Ibid., Twenty-first Session, Annexes, addendum to agenda item 23, (A/6300/Rev.1), chap. X, annex, para. 3.

"3. The Spanish State confirms its historic commitment to pursue with the utmost vigour the economic and social development of the Territory, acknowledging the Saharan people's ownership of its natural resources and the proceeds of their development, and its intent to promote the culture and ways of life characteristic of the Saharan people and the welfare of its religion.

"4. The Spanish State reiterates and solemnly guarantees that the population of the Sahara will freely determine its future. This self-determination will take place when the population freely so requests, in conformity with the statement of the General Assembly in its above-mentioned communication of 20 February 1973.

"5. Continuing the process of political advancement of the Saharan people and in preparation for its future, a system of gradually increasing participation of that people in the management of its own affairs will be instituted. This system will come into force when the legislative process referred to below has been completed.

"6. The Spanish State submits to the General Assembly the following basic provisions as the principles by which the political and administrative organization of the Sahara will be guided:

- (a) The Saharan people is the owner of its natural wealth and resources.
- (b) During the period of application of this Statute, the Saharans shall enjoy all the rights inherent in Spanish nationality.
- (c) The Head of the Spanish State is the embodiment of the partnership existing between Spain and the Sahara. He shall be represented in the Territory by a Governor-General.
- (d) The Spanish State shall guarantee the territorial integrity of the Sahara, shall represent it at the international level and shall ensure its defence. Internal affairs shall be within the competence of the Territory's own organs.
- (e) The General Assembly of the Sahara, as supreme representative organ of the Saharan people, shall be responsible for drawing up general provisions concerning the internal affairs of the Territory, without prejudice to the power of sanction vested in the Governor-General. It may also propose any course or measure which it deems advisable with regard to those affairs.
- (f) The promotion of traditional usages and customs and of Shari'a justice shall be confirmed and intensified.

"7. Should the General Assembly signify its assent to these basic provisions, they shall be embodied as a series of articles in the relevant Statute, which shall be approved by law.

"8. The acceptance of these basic provisions by the General Assembly neither replaces nor diminishes the right of the Saharan people to self-determination concerning its future, for which this new stage is a necessary preparation." n/

84. In July 1974, Spain announced the publication of a new political Statute concerning the Sahara (A/9655, see also paras. 143-150 below). Several weeks later it announced its intention of holding a referendum under United Nations auspices during the first six months of 1975 (A/9714).

85. Addressing the Fourth Committee on 25 November 1974, o/ the representative of Spain stated that the administering Power had created the conditions of political development in accordance with General Assembly resolution 1514 (XV). He also indicated that, although Spain was prepared to consider all proposals concerning means of achieving the decolonization of Spanish Sahara in a peaceful manner, it felt that its first duty was to respect the personality and wishes of the Saharan people, adding that if the inhabitants of Spanish Sahara should some day wish to join another country, they would be free to do so.

86. Following the adoption of resolution 3292 (XXIX), Spain postponed the referendum. It later invited a special mission to visit the Territory and also submitted a dossier to the International Court of Justice.

87. Of the total of nine resolutions adopted by the General Assembly between 1965 and 1974 on the question of Spanish Sahara, Spain voted against resolutions 2072 (XX) and 2229 (XXI), in favour of resolution 2354 (XXII) and abstained in the vote on the others, including resolution 3292 (XXIX).

88. Following the deterioration of the political and military situation in the Territory, Spain addressed a letter to the Secretary-General on 23 May 1975, the main points of which were as follows:

(a) In pursuance of the United Nations resolutions on the decolonization of Western Sahara, the Spanish Government had publicly declared its decision to end its presence in the Territory because it believed that it had completed the mission which it had assumed when it established its presence there.

(b) The Spanish Government wished the termination of its activities to take place without leaving behind a vacuum and wished to transfer power to those who were to assume responsibility for the administration of the Territory as a result of decolonization.

(c) For those purposes, and in order that the responsibilities of the administering Power might not be unduly complicated, the Spanish Government

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n/ A/9176, annex IV.

o/ Official Records of the General Assembly, Twenty-ninth Session, Fourth Committee, 2117th meeting.

considered that it was urgent to involve the parties concerned in the decolonization process, for which purpose it proposed to invite them to harmonize their positions or, failing such a direct attempt, to invite them with the same aim to a conference under United Nations auspices in order to permit the peaceful evolution of that process.

(d) Assuming that it were not possible to implement either of these ideas because of a lack of agreement among the parties concerned, or to find an equivalent solution which would achieve similar goals, the Spanish Government would be obliged to end its presence and administering role, setting a dead-line by which the Spanish authorities would transfer their powers. That would not mean that the Spanish Government would cease to co-operate with the United Nations in order to evolve appropriate means of successfully fulfilling its decolonizing aims as soon as possible.

(e) The Spanish Government believed that observers from the United Nations Secretariat should be sent to Western Sahara so that they might follow developments on the spot and be able to inform the Secretary-General in good time of any events which might require the adoption of urgent peace-keeping measures.

(f) In any event, in accordance with its responsibilities as administering Power, the Spanish Government reserved the right to report to the Security Council if it considered, in the light of developments, that the maintenance of peace in the Territory required an urgent meeting of the Council with a view to the adoption of appropriate measures to that end (A/10095).

## 2. Morocco

89. Ever since its accession to international sovereignty in 1956, Morocco has stated its claims over Spanish Sahara.

90. As early as February 1958, on the occasion of a ceremony marking the allegiance of a number of tribes to the throne of the Alids, the former King of Morocco, Mohammed V, speaking at M'Hamid-El-Ghislane, a Moroccan village near the Spanish Saharan frontier, declared that Morocco would continue to do everything possible to recover Sahara.

91. In the opinion of the Moroccan Government, the fact that Spanish Sahara belongs to Morocco is confirmed: (a) historically, by the continuity of the authority of the sovereigns of the dynasties which have reigned over Morocco; (b) juridically, by the conclusion of many international agreements and treaties which attest to the stability of imperial sovereignty over all the territories of the Sahara; (c) from the administrative and religious standpoint, by administrative acts appointing cadis and religious leaders who are designated by the sultans and receive from them their powers to govern those regions, by the sending of regional delegations to the Imperial Court to express their allegiance to that Court and, lastly, by the recitation of prayers in the mosques of the regions in the name of the Sovereign of the Empire; (d) from the socio-economic standpoint, by the mixing of populations

imbued with the same civilization and the same traditions. Economic and commercial exchanges between Western Sahara and the north have been very active, indeed, one might say they are closely interwoven; (e) from the cultural standpoint, it has been observed that in ancient times the inhabitants of Río de Oro and Saguia el Hamra adopted the same system of writing as that used in North Africa. p/

92. Accordingly, since attaining independence, the Moroccan State has continuously claimed the restitution of Spanish Sahara as an integral part of its territory.

93. As can be seen from the debates in the United Nations, the Moroccan position regarding Spanish Sahara has evolved through the following stages;

94. From 1962 to 1966 Morocco indicated its desire to co-operate with the administering Power. It felt that in view of Spain's good intentions and its friendly relations with Morocco and other African countries, any dialogue should take place outside the inevitable constraints of international organizations. q/

95. However, in June 1966, the representative of Morocco said at a meeting of the Special Committee held at Addis Ababa that the Moroccan territory still under Spanish domination had to be liberated at all costs and that, since the Madrid Government did not appear to agree to liberation on the basis of negotiation and the formula of outright restitution to Morocco, the Government of Morocco proposed that independence should be granted to the Territory in the shortest possible time (A/AC.109/SR.436).

96. In October 1966, the Minister for Foreign Affairs of Morocco informed the General Assembly that his Government was not opposed to the Spanish proposal concerning the application to Sahara of the principle of self-determination, provided that the following guarantees were given: the withdrawal of all Spanish troops from the Sahara; the maintenance in the Territory of such forces as the United Nations deemed necessary to ensure public order; the withdrawal of the Spanish administration from the Territory; and the unimpeded return of refugees from the Territory.

97. The Minister went on to say that negotiations leading to the exercise of the right to self-determination should not be conducted through a tête à tête between the administering Power and the local inhabitants, but according to orthodox processes which the United Nations had already tested in other Territories and which would ensure that the peoples concerned could express their wishes under international supervision. r/

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p/ Aperçu sur le Sahara Occidental (Rabat, Ministry of Foreign Affairs), 5 May 1975.

q/ Official Records of the General Assembly, Twenty-seventh Session, Fourth Committee, 2004th meeting.

r/ Ibid., Twenty-first Session, Plenary Meetings, 1441st meeting.

98. In 1967, following the adoption by the General Assembly of resolution 2354 (XXII), the Government of Morocco interpreted Spain's affirmative vote as indicating a change of policy and paid a tribute to the Spanish Government. Morocco then embarked on a policy of co-operation with Spain, whereby the two countries looked upon their common interests in the region as complementary.

99. The breakdown of the dialogue between Morocco and Spain became apparent in March 1969 when Morocco informed the United Nations of a series of measures taken by the Spanish Government, including a military build-up and the encouragement of economic investment.

100. Finally, in September 1974, the Moroccan Government called in vain on Spain to join it in submitting a request to the International Court of Justice to state the law and arbitrate the matter (A/9771, annex). As that procedure was not accepted, Morocco, together with Mauritania, requested the General Assembly to ask the International Court of Justice for an advisory opinion on the question of Western Sahara.

101. Consequently, pursuant to paragraph 1 of resolution 3292 (XXIX), referred to in paragraph 76 above, the General Assembly decided to request the International Court of Justice to give an advisory opinion.

102. With the exception of resolution 2983 (XXVII), Morocco has voted in favour of all the resolutions adopted by the General Assembly between 1965 and 1974 on the question of Spanish Sahara.

### 3. Mauritania

103. On 1 July 1957, President Moctar Ould Daddah, who was then Vice-President of the Council of Government of Mauritania, in a speech given at Atar invited "our brothers of Spanish Sahara to think of this great economic and spiritual Mauritania ..." s/

104. Since that time, the Mauritanian Government has based its policy regarding Spanish Sahara on two principles. Firstly, on the basis of history, geography and human settlement, Mauritania is convinced that Spanish Sahara, or at least, as it has been called, "Spanish Mauritania", is an integral part of Mauritania. Secondly, since 1962, Mauritania has subscribed to the principle of self-determination for the people of Spanish Sahara. In that connexion, in 1972, the representative of Mauritania stated in the Fourth Committee that, in the eyes of the Mauritanian Government, the native population of Sahara was the only one concerned by the application of the principle of self-determination, since Mauritania could not agree to a settlement imposed directly or indirectly by the intervention of elements foreign to the Territory and its people. t/

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s/ Ibid., Twenty-ninth Session, Plenary Meetings, 2251st meeting.

t/ Ibid., Twenty-seventh Session, Fourth Committee, 2004th meeting.

105. It is also important to note that the representatives of Mauritania have always expressed their conviction that, if the people of Spanish Sahara had to choose to join another country, they would elect to join hands with Mauritania. That certainty aside, Mauritania has always reaffirmed its "loyal and sincere support" of the right of peoples to self-determination, in accordance with the Charter and General Assembly resolution 1514 (XV).

106. The Mauritanian Government has also recommended, as ways and means of achieving the decolonization of the Territory, joint action based on agreement and co-operation both among the countries bordering Spanish Sahara and with Spain.

107. Consequently, in September 1970, the three Heads of State of the countries bordering the Territory met at Nouadhibou and decided at the conclusion of their conference to strengthen their co-operation in a positive manner to speed up the liberation of Spanish Sahara. Mauritania also expressed its desire to see the process of decolonization of the Territory take place in a spirit of friendship and co-operation with the administering Power, in accordance with the decisions of the United Nations.

108. Finally, Mauritania joined Morocco in proposing to the General Assembly that it request an advisory opinion from the International Court of Justice (see para. 100 above).

109. Between 1965 and 1974 Mauritania voted in favour of all resolutions adopted by the United Nations concerning Spanish Sahara.

#### 4. Algeria

110. The Government of Algeria considers that Spanish Sahara constitutes one of the Non-Self-Governing Territories which, under Chapter XI of the Charter, the administering Power is to bring to independence through the exercise of the right to self-determination by its population, and to which resolution 1514 (XV) applies. u/

111. In the first place, the Algerian Government regards the question of Spanish Sahara primarily as a colonial problem which can only be solved by the speediest possible eradication of colonial domination. Thus, any measure aimed at accelerating the decolonization of the Territory would receive Algeria's approval and full support.

112. Secondly, the Algerian Government has repeatedly indicated that it could not fail to take an interest in the future of a Territory which adjoined its frontiers; it states that its interest, based on obvious geo-political considerations and on the need for regional unity, does not go beyond its legitimate national concerns, but it should not be disregarded in the search for a solution to the problem of Spanish Sahara.

113. The Algerian Government has stated on a number of occasions that it has no territorial claims to Spanish Sahara and that it would continue to maintain that position. v/

u/ Ibid.

v/ Ibid., Twenty-ninth Session, Fourth Committee, 2125th meeting.

114. Thus, Algeria is in favour, on the one hand, of co-ordinating its action with that of other countries bordering on Spanish Sahara and, on the other hand, of negotiating with Spain with a view to finding a peaceful and satisfactory solution which would protect the interests of the Saharan population.

115. Algeria supported the proposal by Morocco and Mauritania that an advisory opinion should be requested from the International Court of Justice. w/ However it added that the importance which the Algerian Government attached to the legal considerations relating to Spanish Sahara did not diminish its concern for the political aspects of the question. The Algerian Government considered that the search for a solution to the problem would benefit from the involvement of the population directly concerned with guarantees of free and full participation through their freely chosen, genuine representatives. x/

116. Between 1965 and 1974 Algeria voted in favour of all resolutions adopted by the General Assembly on the question of Spanish Sahara.

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w/ Ibid., Plenary Meetings, 2265th meeting.

x/ Ibid., Fourth Committee, 2125th meeting.

### III. THE TERRITORY, ITS GOVERNMENT AND ADMINISTRATION

#### A. General information

##### 1. Description of the Territory

117. Spanish Sahara, lying along the Atlantic Coast of north-west Africa directly opposite the Canary Islands, is the westernmost part of the Sahara Desert. Slightly more than half the size of Spain, it has a total area of about 266,000 square kilometres and its seaboard measures 1,062 kilometres. Bounded in the north and north-east by Morocco and Algeria and in the south and east by Mauritania, its land frontiers extend for a total length of 2,045 kilometres. Its frontier with Mauritania is 1,570 kilometres long and that with Morocco and Algeria 475 kilometres. y/ Except for one area where the frontier curves to include in Mauritania the Koudiat of Idjil, with its important salt and iron ore deposits, the present frontiers follow lines of longitude and latitude rather than any physical or ethnic boundaries. They are the result of a series of international agreements or treaties entered into between 1900 and 1958, the latter being the year in which the northern frontier was adjusted by the transfer to Morocco of the narrow strip of territory between the wadi (dry river bed) of the Dra'a and parallel 27°40' which constitutes the present frontier. This area, which comprises the present Tarfaya Province had previously been administered as part of the former Spanish protectorate in Morocco.

118. The Territory, also referred to as Western Sahara and consisting of the two regions of Saguia el Hamra and Río de Oro, forms an integral part of the great Saharan Desert which extends from the Atlantic Ocean to the Sudan and from the foot-hills of the Atlas mountains to the Senegal River. The coastal zone, which is extremely flat and barren, with occasional areas of sand dunes, is bounded on the seaward side for most of its length by precipitous cliffs, broken in a few areas by flat and sandy beaches. These cliffs, together with the shallowness of the coastal waters, the presence of many sandbanks and the frequent violent storms which result from the combined action of the cold currents from the Canary Islands and the prevalent trade winds, make it an extremely hazardous coast for shipping. In addition, the absence of any harbour or safe anchorage, except at La Güera in the extreme south, has so far prevented the Territory from participating on any large scale in the commercial exploitation of the rich fishing resources of its extensive coastal shelf (see para. 171 below) and, historically, has restricted communication with the outside world.

119. Beyond the low-lying, desolate and largely uninhabited coastal zone, the desert extends in a series of crystalline peneplains, or areas of hard, flat terrain with almost imperceptible undulations, rising in the east to higher plateaux or hills. These peneplains are interspersed by sand dunes, and in some areas are broken by isolated hillocks or low rocky ridges, and by wadis such as the Saguia el Hamra,

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y/ The frontier between Algeria and Morocco is in dispute.

from which the northern region takes its name. Owing to the absence of permanent surface water and the rarity of rainfall, vegetation is restricted to such shrubs and thorn bushes as can survive the lack of water and the effects of strong and frequent winds, which at certain times of the year produce severe sandstorms. Such water as is necessary to sustain life is obtained by sinking wells to tap the subterranean aquifers. The climate of the interior is dry, with enormous differences in temperature between the day and the night. There is in consequence very little cultivation, except when areas of low-lying land are flooded by occasional rainfall and in certain localities, notably in the south and near the town of Villa Cisneros, where an adequate supply of underground water permits the growing of cereals and vegetables by irrigation.

120. Lacking significant exploitable economic resources, the Territory was for long heavily dependent on financial subsidies from Spain, not only for development purposes, but also for the recurrent costs of its administration and the provision of social services. Although this state of dependency has continued up to the present, the discovery some years ago of extensive and rich deposits of phosphate in an area accessible to the coast has dramatically altered the Territory's economic prospects. After lengthy and costly preparation, the large-scale mining and export of phosphate began during 1974 and it is expected that eventually the Territory will be among the largest exporters of phosphate in the world. Apart from phosphate which at current prices represents great wealth for the Territory, little is known of the mineral potential of the region, as it has not yet been fully explored.

## 2. Population

121. The physical characteristics of this desert region have determined the traditional way of life of the indigenous inhabitants, who, until recently, were mainly nomadic and pastoral, the nomads moving continuously over extensive areas which transcend international frontiers, in search of water and pasture for their flocks of camels, goats and sheep. Since 1968, however, the Territory has been a victim of the serious drought which affected the whole of the Saharan region, and almost an estimated 18 per cent of the population has become settled in and around the urban and trading centres.

122. For its size, the Territory is extremely sparsely populated. According to a census taken by the Spanish authorities in 1974, it amounted to only 95,019, of whom 73,497 were indigenous Saharans; 20,126 were of European extraction, mostly temporary residents and including workers, tradespeople from Spain and the Canary Islands, civil servants, foreign technicians and members of the armed services (mostly officers and non-commissioned officers accompanied by their families); while 1,396 were from other countries in Africa temporarily resident in the Territory for reasons of work. Of this total, 41,207 lived in the three cities of El Aaiún (the present administrative capital of the Territory, with 28,499 inhabitants), Smara (7,295 inhabitants) and Villa Cisneros (5,413 inhabitants). Of the other localities, only Guelta Zemmur, near the frontier of Algeria, and Ausert in the south, had more than 2,000 inhabitants. These figures

do not include a large number of Spanish military personnel, including the Foreign Legion, whose presence in the Territory is ascribed by the authorities as temporary, for reasons of defence and security; nor do they include Saharans indigenous to the Territory who are living, either as political exiles and refugees or for purely economic and other reasons, in the neighbouring countries.

123. The indigenous population of the Territory is comprised for the most part of persons of Moorish, or bedouin, race who are united by a common language, hassania (a form of Arabic), and by strong cultural and traditional ties. Although the Mission observed considerable conflict between the young people and the traditional social structure, Saharan society continues to a certain extent to be a patriarchal one, with the sheiks (chiu) and their tribal councils, or yema'as playing an important role. According to this social structure, the basic social unit, the family, is not thought of as an independent group, but rather as forming part of a social group (fraction), and family group (subfraction) of a tribe, the tribe in most cases extending far beyond the political frontiers of the Territory. Thus, the majority of Saharans identify closely with other members of their tribe, for instance the Erguibat, Ait Lahsen and Ulađ Delim to name only three, who are to be found also in Mauritania, Morocco and Algeria. This is in conformity with age-old tradition by which the various tribal groups have nomadized over wide-ranging areas without any regard to the political boundaries imposed by colonial régimes; it was in fact an intrinsic feature of a traditional economic system based on a continuous search for pasture and water and in which ownership of land was unknown. Today, though nomadism is declining, there is still a marked sense of kindred among the members of tribes and their subdivisions which straddle the frontiers of the Territory and its neighbours, and many Saharans have left the Territory either to live permanently among their relatives and kindred in the neighbouring countries, or to settle temporarily for economic reasons (including the drought) or because they are political exiles and refugees. For this reason, and because of the close affinity between the Saharans of the Territory and those, for example, in the Moroccan province of Tarfaya or the border regions of Mauritania, it is extremely difficult to determine who among them is a Saharan indigenous to the Territory.

124. Estimates of the number of indigenous Saharans living temporarily in the neighbouring countries range from a low figure of between 7,000 and 9,000, given by the Spanish and Spanish Saharan authorities, to well over 40,000 or 50,000, according to the liberation movements and the Governments of the neighbouring States. Although the Spanish authorities, for instance, told the Mission that, in their opinion there were about 300 political refugees and exiles in Morocco, 600 in Mauritania and a lesser number in Algeria, the Moroccan authorities gave an official estimate of 30,000 to 35,000 in the southern part of Morocco, but said that more were living elsewhere in Morocco. The Mauritanian authorities were unable to furnish any estimate at all since they do not distinguish between Saharans who are refugees or exiles from the Territory and those who are Mauritanian nationals. They were, however, prepared to undertake a census, if necessary.

125. Clearly, any census of indigenous persons undertaken outside the Territory would be a formidable task which, in the opinion of the Spanish authorities and the representatives of Saharan political movements encountered within the Territory, would have to be based on proven membership of social and family and social groups (fractions and subfractions of tribes) existing within the Territory.

## B. Government and administration

### 1. Constitutional evolution of the Territory

126. The evolution of Spain's policy in regard to Spanish Sahara, which the Mission has briefly summarized in paragraphs 79 to 88 above, is reflected in the development of the Territory's political and administrative organization. From the time when the Territory ceased to be administered as a part of Spanish West Africa and was formally declared to be a separate province of Spain, z/ until 1966, when Spain announced that it was in favour of the application of the principle of self-determination, the emphasis was placed on bringing the Territory more fully within the political and administrative structure of the Spanish State and on creating an infrastructure of local administration. Thus, a law enacted in 1961 aa/ provided, inter alia, that Spanish laws and decrees would become applicable to the Territory, when published in the Official Gazette; that the Territory would be administered through the Presidency of the Government; that it would have the same right to be represented in the Cortes and other organs of the Spanish State as other provinces of Spain; and that it would be endowed with municipal and other local government bodies, including a cabildo (provincial council). A decree enacted on 29 November 1962 set out the composition, powers and functions of these various local government bodies, which are partly derived from the system of local government in Spain, and partly based on the traditional structures of Saharan society.

127. Following Spain's announcement that it favoured the application of the principle of self-determination to the Territory, a decree was enacted on 11 May 1967, creating a Yema'a (General Assembly), which, according to the decree would have a dual function: on the one hand, it would be the highest representative body of the local administration and, on the other hand it would, on its own initiative, promote matters which it considered to be in the general interest to the Territory. Although its powers are limited to the adoption of resolutions and proposals, it has been encouraged to deal increasingly with matters of a legislative nature and to submit texts which, if promulgated by the Governor-General, become "regulations" or normas (rules), having effect within the Territory.

128. As already explained in paragraphs 82 and 83 above, the policy of the Spanish Government underwent a radical change in 1973, following the adoption by the Yema'a of the declaration of 20 February (A/9176, annex). The declaration, which the Yema'a communicated to the Head of the Spanish State, affirmed the desire of the population of the Territory to progress to self-determination through a referendum and requested that, in the interim, the existing legal institutions be gradually extended so that "the people of the Sahara will have a greater share in the functions and powers of its internal administration".

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z/ Decree of 10 January 1958.

aa/ Law of 19 April 1961 on the organization and juridical régime of the province of the Sahara.

129. In response to the requests contained in this declaration, which was subsequently ratified by the newly elected Yema'a in July, the Head of the Spanish State replied in a letter dated 21 September 1973 bb/ in which, speaking in the name of his Government, he guaranteed that the population would freely determine its future when it so requested and set forth for consideration by the Yema'a a series of basic principles (see para. 83 above) for the reorganization of the political and administrative structure of the Territory during the period leading to self-determination.

130. The principles set out in the reply of the Head of the Spanish State were agreed to by the Yema'a and embodied in a new Political Statute of the Territory which received the approval of the Yema'a. Basically, the Statute, the main provisions of which are outlined below, would establish a régime of internal self-government with legislative and executive powers exercised by a reconstituted Yema'a and a Government Council (see paras. 143-148 below).

131. The Mission was informed, however, that the new Political Statute had not yet been put into effect because of the adverse reaction of the Government of Morocco, in particular to the reiteration by the Spanish Government of its intention that internal self-government would be a preparatory step leading to self-determination. cc/ Nevertheless, although the existing constitutional arrangements remain in force, certain measures related to the proposed constitutional changes have been taken by the Yema'a and other measures were being studied at the time of the Mission's visit.

132. Although subsequent developments, including the decision of the Spanish Government to proceed to the holding of a referendum in the Territory, make it unlikely that there will be a period of internal self-government before the future status of the Territory is decided in one way or another, the Mission feels that its report would be incomplete without the information set out below on both the existing political and administrative arrangements and those provided for in the Political Statute of 1974.

#### Present arrangements

133. Constitutionally, Spanish Sahara is still administered as a province of Spain, the supreme authority resting with the Head of the Spanish State assisted by the Council of Ministers of Spain. Responsibility for the administration of the Territory rests with the Minister of the Presidency and, at the executive level with the Directorate-General for the Promotion of the Sahara in that ministry. Within the Territory, the Government of Spain is represented by a Governor-General, who is appointed by decree at the proposal of the Presidency of the Government and through whom the central organs of the Spanish Government exercise the same authority as in the metropolitan provinces of Spain. Specifically the Governor-General's functions are to:

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bb/ See also letters from the Permanent Representatives of Morocco and Spain to the United Nations addressed to the Secretary-General (A/9654 and A/9655).

cc/ Ibid.

(a) Publish and execute all laws and other provisions applicable to the Territory;

(b) Direct the security services and preserve law and order in the Territory;

(c) Inspect and control all public services;

(d) Adopt measures for the development of the Territory in every aspect of civil life.

134. The Governor-General is assisted by a Secretary-General, also appointed by decree at the proposal of the Presidency of the Government, who is the head of all administrative services, except for the judiciary and the military. As the second highest authority in the Territory, the Secretary-General replaces the Governor-General in the event of the latter's temporary absence or illness.

135. The Yema'a, as set up in 1967, is basically an advisory and consultative body composed of the various elements of Saharan society. Its main functions, as set out in the decree, dd/ are the following:

(a) To examine and give an opinion on all questions of general interest to the Territory, such as budgets, plans of public works, training in agriculture and livestock-raising, the finding of water and, in general, all matters concerning social and economic development;

(b) To be informed of the provisions of laws and decrees to be applied in the Territory, and to make observations or suggestions as appropriate, in order that they may be better suited to the special characteristics of the Territory;

(c) On its own initiative, to propose to the Government the adoption of legal means for the implementation of state laws.

136. As constituted at present, the Yema'a consists of 103 members ee/ as follows:

(a) The President of the Cabildo, the mayors of El Aaiún and Villa Cisneros, and three other representatives, one each elected by the Cabildo, and the municipal councils of El Aaiún and Villa Cisneros;

(b) Forty sheiks elected by the yema'as;

(c) Forty representatives elected by male Saharans over 21 years of age from the family units;

(d) Sixteen representatives of corporative groups (workers, craftsmen and other professional groups).

dd/ Decree 1,024 of 11 May 1967, article 174.

ee/ See para. 123 above for a definition of the various groups listed.

137. All members of the Yema'a are Saharans, the President and Vice-President being elected by the Yema'a from among its members. The term of office of the members lasts four years, elections being held every two years to fill half the posts listed in paragraph 136 above.

138. The Yema'a holds ordinary meetings twice a year, in April and November, and may hold extraordinary meetings when there is urgency, either at the request of the Governor-General or, on the decision of its President, at the request of not less than one third of its members.

139. Pending its reorganization under the new Political Statute, the Yema'a continues to be mainly an advisory body, having the power to adopt recommendations in the form of resolutions or proposals addressed to the Spanish Government, or to approve regulations which, subject to ratification by the Governor-General on behalf of the Government, may be enforced within the Territory. It does not, for example, at present control the budget of the Territory - an essential function of any legislature - which is approved by the Council of Ministers of Spain on the proposal of the Presidency, but it may examine the budget and submit recommendations in regard to it. The Yema'a does, however, have the power to initiate discussion and to propose legislation which it considers necessary. Thus, in November 1974, it approved legislative resolutions on, among other things, the status of a Saharan national (see paras. 155-162 below); the organization of Koranic justice (see paras. 164 and 165 below); and the statute of the territorial civil service, all of which received the sanction of the Governor-General and were published in the Official Gazette as normas or regulations. At its next meeting the Yema'a will have before it proposals relating to the basic law of education and also providing for the introduction of universal suffrage for Saharans of both sexes over the age of 18 years (see paras. 151-153 below), a measure which, if approved, would be applied both for the election of members of local government bodies and of the Yema'a when it is reconstituted under the new Political Statute.

140. Owing to its present size and the infrequency of its meetings, the Yema'a has appointed 11 commissions, including a political council, with specialized areas of competence, which prepare the work of the Yema'a and present to it reports and draft resolutions.

141. In anticipation of the entry into force of the Political Statute of the Territory approved in 1974 (see below), the Yema'a in an extraordinary meeting held in February 1975, created a Permanent Commission comprised of its President and 15 other members which will serve as a steering committee for the Yema'a between meetings and as a permanent link between it and the executive branch of the Government. Its functions include advising the Government on all matters of an urgent nature which may arise when the Yema'a is not meeting and, if it deems necessary, to propose the convening of an extraordinary meeting of the Yema'a. As at present constituted, the Permanent Commission consists of Sheik uld Said uld Yumani, the President of the Yema'a, the five deputies from Spanish Sahara in the Spanish Cortes, two members of the proposed Governing Council (who were elected by the Yema'a at its February session), and seven other members, three of whom are elected by the three main groups within the Yema'a (see para. 136 above), the others being the two oldest and two youngest members of the Yema'a.

142. Because of the difficulty of bringing together 103 representatives from all parts of the Territory, the Mission did not have an opportunity of meeting with the entire Yema'a. It did, however, have two meetings with the Permanent Commission under the presidency of Sheik uld Said uld Yumani. The discussions were devoted largely to the problem of decolonization but also enabled the Mission to pose questions as to the role and competence of the Yema'a. From these discussions, the Mission gained a distinct impression that, while the members were quite clear as to their desire for the Territory to progress to self-determination and independence, they, as members of the Yema'a, had so far played only a limited role in the actual conduct of the Territory's affairs. On certain topics, such as the question of Saharan nationality and the pending legislation for the introduction of universal adult suffrage, they expressed definite opinions showing that these matters had been fully discussed among them; but to other questions their responses were more vague, for example as to whether the Yema'a had any say in the formulation of the territorial budget. This may have been because the Permanent Commission was only newly formed, but it did suggest to the Mission that the members of the Yema'a depend considerably for guidance on the Spanish authorities who provide the link between it and Madrid from whence the Territory is governed. In addition, the Mission gained the impression that the Yema'a, as at present constituted, is unwieldy and representative largely of the older and more conservative element of Saharan society, owing to the method whereby they are chosen.

#### Political Statute of 1974

143. It is evident from the description of the existing constitutional arrangements given above, that the Territory has not yet entered the stage of self-government which would normally precede independence.

144. The Spanish authorities explained to the Mission that in fact it had been the intention to precede the referendum by a transitional period of self-government on the basis of the Political Statute approved in 1974 and that it was only because of international complications and because of the rapid march of events that it had not been put into effect. Nevertheless, some of the changes envisaged were being carried out and the Yema'a had already taken certain related measures and was in the process of considering others.

145. Basically, the Political Statute provides for the transfer of responsibility for the conduct of the Territory's internal affairs to a newly constituted Saharan Government. According to the Statute, Spain would continue to represent the Territory internationally and would guarantee its territorial integrity, external defence and internal security. Apart from these reserved areas, however, the responsibility for internal affairs and administration of the Territory would be transferred to a reconstituted Yema'a which would exercise legislative powers, and a new body named the Governing Council, which would constitute the executive branch of the Government. The powers reserved to the Spanish State would be exercised as at present through a Governor-General, aided by a Sub-Governor, but the post of Secretary-General would disappear with the creation of the Governing Council.

146. The Yema'a, which would be comprised entirely of indigenous Saharans, would consist of 40 members elected from constituencies and up to 12 members designated by the Governor-General either to represent special interests or because they possessed particular personal attributes. The Yema'a would be empowered to enact laws relating, among other things, to the budget of the Territory and taxation; the use and disposal of natural resources; basic principles of civil, penal and social law; local administration; and the organization of Koranic justice. Laws approved by the Yema'a would be promulgated by the Governor-General in the name of the Head of the Spanish State. So long as they did not affect the powers reserved to Spain, the Governor-General would not be able to refuse to do so, although he could, in consultation with the Governing Council, refer them back to the Yema'a for reconsideration with suggestions for their modification.

147. The Governing Council, which would assume control of the policy and administration of the Territory, would consist of the Governor-General, as its ex officio presiding officer, together with four members of the Yema'a elected by its members and three members designated by the Governor-General. The elected member receiving the most votes would hold the office of Vice-President. Each of the members would be responsible for a department of the Administration and all members might participate, without vote, in the debates of the Yema'a. The latter could, at any time, revoke the appointment of the elected members and elect others to replace them.

148. In other articles the Statute provides: (a) that Spain recognize that the natural wealth and resources of the Territory are the exclusive property of the Saharan people, who alone are entitled to the benefits therefrom; (b) that only persons indigenous to the Territory have the status of Saharans; and (c) that so long as the Statute remains in force, Saharans would be Spanish nationals. Revision of, or changes to, the Statute could be made only after approval by the Saharan people in a referendum.

149. The Mission was informed that certain initial steps towards putting the Statute into effect had been taken. At its extraordinary meeting in February 1975, the Yema'a had, among other things, approved the candidature of the four elected members of the Governing Council, whose names had been put forward by a special commission appointed for the purpose.

150. At its meeting in November 1974, the Yema'a had also approved a legislative resolution on the status of a Saharan national (see paras. 160-162 below) and at its next meeting in 1975 it would consider a draft electoral law, providing for the introduction of universal adult suffrage, which was to be submitted by the relevant commission to the Yema'a at its meeting in June 1975.

#### Introduction of universal adult suffrage

151. Although not specifically provided for in the Political Statute of the Territory, the Mission was informed during its discussions with the Permanent Commission (see para. 142 above) that it was the intention to reconstitute the Yema'a on the basis of universal adult suffrage of both sexes and that the elective seats would represent geographical districts instead of the present tribal and

professional groups. A draft electoral law for the introduction of universal adult suffrage had been prepared by the appropriate commission and was to have been submitted to the Yema'a at its next meeting. If approved and promulgated by the Government, the principle of universal adult suffrage would be applied not only at the territorial level, but also in the election of members of local government bodies. It was explained to the Mission that this development had been made possible by the significant social changes which had taken place in recent years within Saharan society, especially attitudes towards the role of women. What impressed the Mission most was that this view was shared by those members of the Permanent Commission who, as sheiks, would be expected to represent the more conservative element in Saharan society.

152. The principle of elections is, of course not new in Saharan society, but so far it has been restricted to adult males and, more generally to heads of families. Since 1973, each subfraction has elected its sheik or sheiks, as well as the members of its yema'a and the sheiks of the subfractions, who together form the yema'a of each fraction, have elected the sheik of the fraction. The members of the Yema'a, other than those representing corporative bodies and groups, have been elected either by the adult males of the various subfractions or by the yema'as of the fractions. The result has been that the Yema'a predominantly represents the traditional element in Saharan society, more than half of its members being sheiks.

153. The proposed law would introduce direct universal adult suffrage, by secret ballot, at all levels of local and territorial Government, the right to vote and to stand for election being accorded to all Saharans over the age of 18 years. The Mission was told during its discussions with the Secretary-General of the Territory that the first application of the principle would be in the elections to fill vacancies on the municipal councils of El Aaiún and Villa Cisneros created by the elimination of non-Saharans from these bodies as a consequence of the earlier decision of the Yema'a restricting Saharan status to indigenous persons (see below).

154. The fact that universal adult suffrage of both sexes appears to be not only acceptable to, but desired by, the members of the Yema'a and, therefore, presumably to the tribal groups which elected them, is evidence of the great change that has taken place in Saharan society. The Mission has no doubt that it would be a most important innovation which would make the Yema'a and other institutions more truly representative of public opinion than they appear to be at present.

#### Status of an indigenous inhabitant

155. In view of the close affinity which exists between Saharans living within the Territory and those in neighbouring countries and also their nomadic tradition, the question of determining who is and who is not an indigenous inhabitant of the Territory is a somewhat complex matter. Since both Morocco and Mauritania claim the Saharans of the Territory as their nationals there have so far been no barriers to movement, and many persons indigenous to the Territory are living either permanently or temporarily outside the Territory. Some of these are considered to be political refugees and exiles. Others have settled elsewhere for economic reasons and may or may not regard themselves as nationals of one or other of the neighbouring countries.

156. The complexity of this problem can be seen from the broad discrepancies in the estimates furnished to the Mission of the numbers of indigenous inhabitants living outside the Territory. The Spanish authorities believe that the total does not exceed 9,000 of whom about 3,000 to 4,000 are reported to be in Morocco and about 4,000 to 5,000 in Mauritania, with a much lesser number in Algeria (see also para. 124 above). These estimates include about 300 political refugees and exiles in Morocco and about twice that number in Mauritania. The leaders of the Frente POLISARIO, however, give a much larger estimate, as do the Moroccan authorities. ff/ The differences can perhaps be explained by the fact that both the Moroccan authorities and the Frente POLISARIO include in their estimates persons who may have left the Territory a number of years ago before the system of identity cards was introduced (see below). In fact, the leaders of the Frente POLISARIO believe that, if all Saharans who, by reason of historical association with the Territory, are given the option of joining a Saharan State, the Territory could have a potential population of up to 750,000.

157. It is evident from the above that, if the Territory were to become independent, the criteria for determining nationality would be very important. Likewise, problems would arise in determining eligibility to participate in a referendum.

158. For the administering Power and the Saharans in the Permanent Commission of the Yema'a, who represent the traditional authorities, the criterion for determining whether or not a Saharan is indigenous to the Territory is membership in a family group which exists in the Territory. It was pointed out to the Mission that all the members of such groups are known to each other and that the authenticity of a claim to belong to a family group can be verified by the sheiks and notables of that group in consultation with their members. Since 1971, under rules laid down by a commission of the Yema'a, identity cards have been issued, after consultation with the sheiks of family groups, to all adult Saharans in the Territory. These documents are intended for administrative purposes, however, mainly to indicate residence, and have been issued to nomads, among others, who, because they habitually traverse frontiers, may also possess the identity documents of neighbouring countries. Such identity cards have also been issued to non-indigenous residents, although, according to the Political Statute, the latter are not nationals of the Territory and do not have the right to vote in elections or stand for political office.

159. The Political Statute contains a provision that only Saharans indigenous to the Territory shall automatically possess its nationality and that a law will be enacted determining the conditions under which such nationality may be acquired or lost.

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ff/ According to the Frente POLISARIO, the total of political refugees and exiles amounted to 50,000 while the Moroccan authorities said that there were between 30,000 and 35,000 refugees in the southern part of Morocco alone. The Algerian Government estimated the number in Algeria at more than 7,000.

160. Although the Yema'a, pending the entry into force of the Political Statute, does not have the power to enact laws, at its meeting in November 1974 it nevertheless approved normas governing the issue of identity documents to Saharans which were promulgated by the Governor-General on 18 December 1974 and could eventually form the basis for such a law. According to these normas, the following persons shall be deemed Saharans:

(a) All persons born of Saharan fathers;

(b) Persons born of Saharan mothers and fathers of foreign nationality, provided that the laws of the country of the father's nationality do not require that the children have the same nationality as the father;

(c) Persons born in the Territory of parents of foreign nationality provided that the latter were also born in the Territory and were resident there at the time of birth;

(d) Persons born in the Territory of unknown parentage, except that, should the latter's nationality become known, the foregoing provisions would apply.

161. The normas further provide that persons may opt for Saharan nationality if they were: (a) born in the Territory; or (b) born outside the Territory of Saharan parentage. Where marriage is involved, the wife of a Saharan automatically acquires the nationality of her husband; the converse also applies, the children automatically having the nationality of the father.

162. Finally, the normas provide that a non-Saharan may be granted Saharan nationality, on the recommendation of the appropriate commission of the Yema'a, provided the applicant has resided in the Territory for not less than five consecutive years immediately prior to the application, or exceptionally, for three years if the applicant has made a significant contribution to the Territory, for example, by virtue of having introduced an important industry or by being the director of a major agricultural, industrial or trading enterprise.

163. This last provision, in the opinion of the Frente POLISARIO, could lead to the acquisition of Saharan status by a significant number of non-indigenous persons who at present hold most of the senior positions in the administration and in the economy. In response to questions put to them by the Mission, however, the representatives of the administering Power stated that it had never been the intention of the authorities to make use of the regulations to confer Saharan status on groups of Spanish nationals who, as a result of their service in the Territory, met the requirements for length of residence. It was pointed out, during the Mission's discussions in Madrid, that the normas contain a safeguard against such a development, since the acquisition of Saharan nationality on the basis of residence is not automatic, but requires a favourable decision by the appropriate commission of the Yema'a in each case.

## Judiciary

164. The organization of the judiciary at present in force in the Territory comprises a dual system of courts, one of which applies the judicial code of Spain and the other the Koranic and customary law. Both have jurisdiction to try civil and criminal cases. However, the first type of courts, known as courts of ordinary jurisdiction, may not try cases in which both or one of the parties is an indigenous Saharan, except when the party or parties specifically submits to the competence of the court or when the case involves a charge relating to security and public order. All other cases involving indigenous Saharans are tried by coudats (courts) which apply Koranic law, the judgements of the lower courts being subject to review by the cadi of the Territory. A right of appeal in every case lies to the Provincial Appeals Court in Las Palmas and, ultimately, to the Supreme Court of Spain.

165. This system would, of course, have to be changed if the Territory were to attain self-government. The Political Statute does in fact provide that the Territory should have its own independent judicial system. In November 1974, the Yema'a, in anticipation of this, approved normas setting out the principles upon which this system should be based. According to these normas, justice in Spanish Sahara would be administered by independent and fixed coudats, who would have jurisdiction in civil, criminal, litigious-administrative and labour cases. The rules provide that the Organic Law of Justice in Spanish Sahara would be drawn up by the Judicial Commission of the Yema'a and submitted to the latter for approval.

## Administrative services

166. Since the Territory has been administered as a province of Spain, the public service, except for local government staff, is an integral part of the civil service of Spain, individual officials being responsible to the Directorate-General for the Promotion of the Sahara and, in the case of specialists, to various ministries. Saharans employed in the public service are treated on the same basis. At its meeting in November 1974, the Yema'a approved normas for a new statute which would establish a separate civil service, to include all employees of the territorial Government, except for the staff of the judiciary, which, in order to retain its independence, would remain under the jurisdiction of the Spanish Ministry of Justice. The civil service would also include employees whose salaries would not be paid out of the budget of the Territory. Local government staff who are employed by the municipalities and other local councils would be excluded, but the civil service would include specialized groups such as medical personnel and teaching staff. Control of the civil service would be exercised by a commission responsible to the Government Council. The statute also calls for the creation of a centro de formación y perfeccionamiento de funcionarios (civil service training centre) to prepare individuals for entry and promotion within the service and to provide courses of in-service training.

167. Although the Mission did not have at its disposal complete data on the number of civil servants employed in the Territory, it could not help but observe that very few Saharans occupy posts above the intermediate technical level, except in

areas such as the Islamic courts of justice and Islamic education. There are, in fact, only one medical doctor and one lawyer, with higher university degrees, and 12 saharans with advanced technical diplomas, not all of whom are in government service. Except for the two areas mentioned above, the majority of Saharans in the civil service are employed as public health inspectors, interpreters and secretarial or clerical staff. Even in the Territorial Police there are only two Saharans holding commissioned rank, while nearly all the medical officers and teachers, except in the case of Arabic and Islamic studies, are non-indigenous persons.

168. When the Mission raised this matter with the Secretary-General of the Territory, it was told that the authorities were deeply aware of this problem and that training centres were being established precisely to provide special courses for accelerated promotions. Although not one of the 30 services of the Government was headed by a Saharan, he said five now had Saharans as their assistant heads and it was hoped soon to appoint another 20, mainly by selective promotion. He added that a major problem in the past had been that too many of the Saharans sent abroad for higher education and professional training had been unwilling to return to the Territory after completing their training.

169. The Mission noted that one of the problems seemed to be the comparatively small number of Saharans who complete their secondary education and are equipped to undertake university or professional training. Of the 75 Saharans studying abroad on Government scholarships, only 52 are enrolled in institutions of higher learning. It would seem, therefore, that until this situation can be remedied the Territory will continue to depend heavily on external sources for most of the technical and professional skills which it would require to manage its own affairs.

## C. Economic, social and cultural conditions

### 1. Economic resources and prospects

170. As the Mission has indicated earlier in this report, the Spanish Sahara is a vast and barren land, sparsely populated and possessing little diversity of known economic resources and only a limited infrastructure of roads and other communications. Except for the rich and readily extractable phosphate deposits in the region of Bu Craa, an area only 97 kilometres from the coast, which when fully developed will enable the Territory to produce up to 10 million tons of phosphate for export, there are few known resources which can be developed without some difficulty. At present, the only other significant economic activities, apart from the production of livestock for local consumption, are a small fishing industry based mainly on a processing factory at La Güera, a very limited amount of production of horticultural and cereal crops where ground-water supplies are available for irrigation or where the Territory experiences occasional rainfall, and a small but growing tourist industry.

171. This does not mean that there are no other resources which may eventually be developed. The Territory's mineral resources have so far been only partly explored, but iron deposits have been located in several areas, and it is possible that further prospection may reveal deposits of other minerals and hydrocarbons, as well as additional ground-water supplies. Although a search for petroleum in the northern part of the Territory, carried out during the early 1960s, yielded no positive results, the hope of finding petroleum has not been entirely abandoned and four companies at present hold prospecting concessions in the off-shore coastal waters. It should also be noted that the extensive continental shelf which reaches to the Canary Islands is rich in fishing resources. So far, owing to the absence of suitable harbours on the coast, the dangerous currents and sandbars which constitute a hazard for off-shore navigation and other factors, the Territory has not yet developed the means to benefit on any large scale from these fishery resources which are being exploited mainly by fishing fleets from the Canary Islands and other countries.

172. As a consequence, the Territory has been heavily dependent on subsidies and grants from Spain for the financing of public expenditures, including the recurrent costs of government and capital investment in the public sector. Information on the budget of the Territory which was provided to the Mission is set out in the following section.

173. During its discussions with Spanish officials in Madrid, the Mission was told that the Territory's phosphate revenues in 1975, the first full year of production, were expected to amount to 13,000 million pesetas, gg/ of which all except 12 per cent for capital amortization and interest, and 10 per cent for the legal reserve of the company, would be used for the benefit of the Territory in one form or another. This will of course have a major impact on the

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gg/ At 24 September 1975, 59.2 Spanish pesetas equalled \$US 1.00.

Territory's finances, since it will be equal to nearly half of the budgetary subsidy provided by Spain. As development plans provide for a threefold increase in exports by 1980, when the mines will have reached maximum production, its significance for the Territory is obvious. In fact, the Minister of the Presidency told the Mission that, on the basis of present population statistics, the phosphates when fully developed would furnish a per capita revenue equal to that of some developed countries in Europe. The Minister pointed out that Spain had recognized the sovereignty of the Saharan population over the Territory's natural resources and that, apart from the return of its investment, which the Spanish Government would seek to negotiate with any successor government of the Territory, Spain laid no claim to benefit from the proceeds. The Mission was also assured, during its talks with the Director-General for the Promotion of the Sahara and with other Spanish officials, that the Spanish Government had, at present, no intention of reducing the level of its subsidies to the Territory, despite the revenues derived from phosphate exports.

## 2. Public finance

174. As the Mission has already explained, under present constitutional arrangements, the budget of the Territory is drawn up by the Spanish Government and approved by the Council of Ministers of Spain after the draft has been examined by the Yema'a, which has the power to make recommendations pertaining to it. This procedure, which reflects the fact that the Yema'a is at present an advisory body having very little real control over the Government of the Territory, will be changed with the introduction of internal self-government.

175. At the present time, apart from taxation on phosphate production and exports, the revenues derived within the Territory, mainly from direct and indirect taxes, including taxes on income, import and export duties and taxes on sales and services, are quite small, amounting in 1974 to less than one third of the budget. The following table shows the Territory's revenue and expenditure for the years 1972 to 1974:

	<u>1972</u>	<u>1973</u>	<u>1974</u>
	(million pesetas)		
<u>Revenue</u>			
Territorial revenue . . . . .	280	315	771
Subvention by Spain . . . . .	703	957	1,701
Funds for reserves . . . . .	<u>293</u>	<u>325</u>	<u>-</u>
Total . . . . .	1,276	1,597	2,472
<u>Expenditure</u>			
Recurrent . . . . .	575	909	1,150
Capital . . . . .	<u>702</u>	<u>690</u>	<u>1,310</u>
Total . . . . .	1,277	1,599	2,460

For 1975, the Spanish Government has approved an initial subvention of 1,655 million pesetas.

176. Except for capital expenditure by the Instituto Nacional de Industria (INI) of Spain, a parastatal institution which, among other things, provided the investment capital for the phosphate mine, nearly all funds for capital investment are provided by the Spanish Government and are directed towards the public sector (see paras. 185 and 186 below). This is a measure of the paucity of private investment in the Territory.

### 3. Phosphate industry

177. Because of its preponderant role in the present and future economy of the Territory, the Mission was particularly interested in studying all aspects of the phosphate mining operation at Bu Craa. It devoted the greater part of one day to visiting the installations and meeting with its director, as well as with representatives of the Saharan workers.

178. The mine, which is located in the desert, 107 kilometres south-east of El Aaiún, is an extremely modern operation, and the Mission was impressed by the installations and by the facilities provided for its workers, both European and Saharan. Basically, it is a simple operation since the phosphate lies in a horizontal layer under a shallow overburden and can be removed by open-pit mining. After a preliminary crushing treatment to eliminate waste, it is transported by a conveyor belt with a capacity of 2,000 tons per hour over a distance of 97 kilometres to a point on the coast near El Aaiún where it is further concentrated by washing, dried and stockpiled in a covered storage area with a capacity of 300,000 tons. Because of the shallowness of the coastal waters, a pier 3,100 metres in length has been constructed with three deep-water loading berths capable of handling ships up to 100,000 tons. Almost the entire operation is mechanized.

179. The phosphate deposits were first discovered in 1947, but it was not until 1962 that a detailed government survey revealed the extent of the reserves which amount to 1,700 million tons, producing a high quality concentrate; more than 60 per cent is estimated to have a tri-phosphate lime content of over 80 per cent and the remainder has a content of over 75 per cent. The presence of chlorine limits its use for some purposes. After nearly 12 years of development, commercial production began only in 1974, when 2.1 million tons were exported, but is expected to increase to 3.7 million tons in 1975 and, as additional facilities are added, to 6.0 million tons in 1976 and 10.0 million tons in 1980. Based on world production in 1974, this would make the Territory the second largest exporter of phosphate after Morocco, which at present accounts for 34 per cent of world trade. On the basis of current world prices, which have risen fourfold since 1973, the Territory's exports would have a world market value of approximately \$US 680 million. At present, however, about three fourths of the phosphate produced is sold to Spain under a short-term contract entered into before the price increases and at a price substantially below the present world level. Actual proceeds from the sale of phosphate in 1974 amounted to

4,771 million pesetas. The director of the company told the Mission, however, that inasmuch as Spain has its own traditional sources of phosphate, most of the increased production in the future would be exported to countries with which the company had no price-fixing agreements.

180. The mines are operated by FOSBUCRAA, a wholly owned subsidiary of INI registered in El Aaiún. The capital invested to date, for the first phase of planned development, which provides for a production level of 3.7 million tons yearly, amounted to 24,476 million pesetas, all of it provided by INI at a fixed annual rate of interest of 6 per cent. Present plans allow for the amortization of this investment over a period of 10 years. Provided world prices for phosphate remain at their present high level, the subsequent development plans, which would increase yearly production to 10 million tons, could be financed out of the company's earnings.

181. During its first series of discussions in Madrid, the Mission was told that the Spanish Government had no intention of seeking to retain control over the phosphates. The Spanish officials believe that the terms of the company's contract with the Spanish State are sufficiently beneficial to the Territory that any new Government of an independent Sahara would probably be willing to succeed to it. The Minister for Foreign Affairs confirmed the officials' statement that Spain's only concern was for the return of the capital invested. They stated that Spain did not intend to set any preconditions for the attainment of independence, in this respect, and that the question would have to be the subject of negotiations with the future Government of the Territory after independence. Furthermore, there was no reason why the period for repayment of the capital could not be extended. Later, when the Mission returned to Madrid after visiting the Territory, it was told that the Government would not insist upon repayment.

182. Under the existing contract, the company is required to repay the capital invested over a period of 6 to 10 years, together with interest on the outstanding amount at a rate of 6 per cent and, at its discretion, a dividend on capital stock which may not exceed 12 per cent. The remaining net profits, after deduction for reserves, flow to the Territory either in the form of taxes or other benefits. The Mission was told that, although the company has been operational during only a few months of 1974 and at a very reduced level, its contribution to the budget of the Territory would be second only to the subvention from the Spanish Government and that for 1975 it would be substantially more. The Mission was also told that the Yema'a was represented on the company's board of directors by two ex officio members.

183. The company employs a work-force of 2,620 of whom, according to the director, about 45 per cent at present are Saharans. The policy is to employ as many Saharans as possible. To this end, the company provides training both at the skilled and vocational levels and in basic literacy. According to data provided by the company, 1,164 Saharans are enrolled in technical and vocational courses, of whom 539 are following courses provided by the company and 625 are receiving vocational training provided by the Government. The company's courses in adult literacy have an enrolment of 644. So far, however, only 19 per cent

of the supervisory and technical posts are occupied by Saharans and only two are at the second highest level of assistant engineer, but it was hoped to improve the situation when students completed their university training in Spain.

184. In its discussions with a group of workers at Bu Craa, the Mission found them generally satisfied with conditions, although there was discontent over the fact that overseas staff, who received the same wages as their Saharan counterparts, nevertheless were paid an additional bonus as compensation for working abroad, and also received family allowances and paid home leave. There was also discontent at the relatively few Saharans in higher posts, a situation which the Mission hopes will be remedied rapidly as soon as local people can be trained. It was pleased to note that, despite the absence of any arrangements for collective bargaining, labour-management relations seemed to be generally good and that there appeared to be no attempt to limit freedom of expression among the workers, who are among the more politically active groups in the Territory.

#### 4. Special development programme

185. Although the Territory's economy is too restricted to justify a full-scale development plan, there is a programme of capital expenditure covering the years 1974 to 1978, and calling for a total expenditure of approximately 20,000 million pesetas. Of this sum, about 8,300 million pesetas represents expenditure by INI on facilities at FOSBUCRAA and nearly all the remainder consists of subsidies by the Spanish Government. Of the total, almost half is allocated for the development of social services, including housing, education and health (9,000 million pesetas) and the rest for development of the economic infrastructure, including roads and communications, and for industrial development.

186. The three areas where investments relate to specific economic projects are concerned with the expansion of the fishing industry, water resources and tourism. At present, for reasons already explained (see paras. 118, 170 and 171 above), the Territory possesses only a very small fishing industry, involving about 120 vessels, which operate out of La Güera and Villa Cisneros, most of the catch being sold for local consumption. A small factory at La Güera produces about 9,000 tons of fish-meal yearly. The plan calls for the establishment of two fishery training schools, at La Güera and Villa Cisneros, the extension of docking facilities at both these towns and at El Aaiún and the construction of a second processing factory at Villa Cisneros capable of producing 22,000 to 27,000 tons of fish and fish products yearly. The programme in respect of water supplies calls primarily for an increase in the number of wells for the watering of livestock and the supply of growing urban requirements. Progress is being made, however, in the development of irrigation cultivation following the discovery of large aquifers of ground water near the coast, where it is hoped about 4,000 hectares could be brought under irrigated cultivation. The smallness of these projects demonstrates the limited resources of the Territory and its dependence on the wealth obtainable from its phosphates.

## 5. Housing problem

187. One of the things which impressed the Mission during its tour of the Territory was the acute need to increase the availability of permanent housing in most of the population centres. The Secretary-General of the Territory explained to the Mission that until about seven years ago approximately 70 per cent of the population had been nomadic, living in tents and moving continuously in search of water and pasture for their herds. The drought which began in 1968 had decimated their livestock, however, and obliged the majority to abandon their nomadic way of life and settle in and around the population centres in order to seek employment. As the Mission was able to observe, this led to the growth of encampments adjacent to the population centres. Although tents may be suitable to the desert, under urban conditions they rapidly degenerate into shanties and create problems for public health.

188. The Mission was told that a programme of house building had been initiated in 1971. Up to the end of last year, 1,568 houses had been constructed and it was planned to build 10,000 within the next five years. A part of this construction is being financed by the Government of Spain, under the special development programme, and the rest will be financed from budgetary subsidies. The new houses are allocated by a commission of the Yema'a, on the basis of an equitable distribution among family groups, priority being given to the largest households. The shortage of housing is likely to remain acute for some time, however, and in view of the limited supply of labour, the Mission wonders whether a system of loans and guided self-help could be introduced.

## 6. Social practices

189. In the course of interviews with members of the PUNS, the Frente POLISARIO and others, including the two Saharan students which it met in Madrid (see para. 21 above), the Mission was informed that slavery, which had always existed in Saharan society, was still practised in the Territory. Those who spoke to the Mission on this subject, believed that it was generally only the sheiks and tribal chiefs who owned slaves but they said that there had been a few instances involving Spaniards. Specific cases of slavery were cited and the Mission was handed a list of sheiks and others, including members of the Yema'a, who were said to own slaves.

190. The majority of the Mission's informants said that the Spanish authorities had always suppressed the practice but had done nothing to eradicate it although any Spaniard involved had been promptly expelled from the Territory.

191. The Mission was told that slaves were bought and sold, often to serve as domestic servants, and that it was quite common for a master to rent out the services of a slave under a commercial agreement, which would be countersigned and registered by the local indigenous authority. The offspring of slaves were automatically slaves of the parents' master.

192. The Mission encountered several persons who said they were slaves and who explained their situation to members of the Mission. The Mission also obtained copies of documents relating to the purchase, sale and freeing of slaves, which may be consulted in the files of the Secretariat.

193. The Mission believes that this problem should be brought to the attention of the United Nations Commission on Human Rights.

## 7. Education

194. According to the administering Power, slightly more than 16 per cent of the territorial budgetary appropriation for 1975 is devoted to education. The educational system, which is mostly run by the State, is based on the same principle as the system in Spain. It includes a basic general education for children between the ages of 6 and 13 years, which comprises a five-year primary course followed by two years of middle schooling. Secondary education starts at the age of 14 years and consists of a three-year course leading to the baccalaureat, followed in some cases by a preparatory course for higher studies. Since there is no university in the Territory, students are sent to Spain on government scholarships.

195. Basic general education (primary and middle courses) is provided at government schools located in each population centre and, for the children of nomads, by teachers who move with the nomadic group. Apart from the usual academic courses, there are also courses in Arabic and the Islamic religion. On completion of their basic education, children who pass the leaving examination may go on to secondary schools. For those who do not, there are vocational training centres.

196. Theoretically, school attendance is compulsory between the ages of 6 and 13 years, but in 1974, out of a school-age population estimated at 8,415 boys and 8,044 girls, only a small percentage of boys and a much smaller percentage of girls were in school. hh/ The disparity is even greater when viewed in comparison with the number of European children. The following table shows the total number of children attending basic and secondary schools in 1974:

### Spanish Sahara: school enrolment in 1974

<u>General basic</u>	<u>Boys</u>	<u>Girls</u>
Saharan . . . . .	5,150	909
European . . . . .	1,360	1,180
 <u>Secondary</u>		
Saharan . . . . .	108	3
European . . . . .	333	209

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hh/ In his discussion with the Mission, the Secretary-General said that only 5 per cent of girls between the ages of 5 and 14 years were in school.

197. The Mission, which was deeply concerned at the very small number of girls attending school and also the few Saharans of either sex continuing beyond the basic level, was told by both the Spanish authorities and by groups of Saharans which it met, that there was still among the less sophisticated inhabitants, a low regard for education in general, and for the education of girls in particular. Leading members of the Frente POLISARIO and of other groups told the Mission that the census figures understated the number of children in the Territory, because some parents had chosen not to report their children to the census takers for the above reason. Even more regrettable is the extremely small number of Saharans attending secondary schools. Although some Saharan children (124 boys and 70 girls) attend vocational training schools, the proportion whose education stops at the basic level is very high indeed. This doubtless accounts for the small number of Saharans with professional qualifications or occupying senior positions in the civil service. The Mission also noted that, apart from teachers of Arabic and Islamic studies, who also teach some other subjects, nearly all the teaching staff (184 at the basic level and 60 at the secondary level) were non-Saharans.

198. When the Mission discussed these matters with the Secretary-General of the Territory, it was told that a commission of the Yemc'a had studied the problems of education and had drawn up proposals for consideration at its next session. The proposals call for an increase in educational expenditure to 20 per cent of the budget, a substantial increase in the number of schools and enrolment of girls and the creation of an advanced polytechnic. It is planned to construct 70 new rural schools within the next few months.

199. Apart from the basic and secondary schools referred to above, there is also a centre for Arabic studies in which 450 students are enrolled, as well as the vocational training centres referred to above.

200. The Mission was informed that 75 Saharans were currently studying in Spain on government grants, of whom 52 are enrolled at universities or other institutions of higher learning, most of them studying arts and the humanities. In addition, the Governments of Algeria and Tunisia offer a number of scholarships for the study of Arabic and Islamic law. It was pointed out by the Spanish authorities in Madrid that the number of scholarships available was limited only by the small number of Saharans graduating from secondary schools.

#### IV. POLITICAL SITUATION IN THE TERRITORY

##### A. Preliminary observations

201. In interpreting its mandate from the Special Committee, the Visiting Mission considered from the outset that one of its principal objectives was to make contact with as broad a cross-section of the population as possible in order to ascertain their political views and, in particular, their wishes and aspirations regarding the future of the Territory. For this reason, the Mission devoted the major part of its time to visiting as many localities as possible and, at each of these places, to meeting with the inhabitants and holding discussions with representative groups. It was assisted in this both by the overwhelming desire of the population to contact the Mission and also by the assurance which it had at the outset received from the Spanish authorities in Madrid, and which was subsequently reiterated by the Governor-General, that no person would be arrested or in any way molested by the authorities for having made any statements to the Mission or for having organized or participated in public demonstrations, provided that they did not commit acts of violence or breaches of the peace.

202. Owing to the large measure of co-operation which it received from the Spanish authorities, the Mission was able, despite the shortness of its stay in the Territory, to visit virtually all the main population centres and to ascertain the views of the overwhelming majority of their inhabitants. At every place visited, the Mission was met by mass political demonstrations and had numerous private meetings with representatives of every section of the Saharan community. From all of these, it became evident to the Mission that there was an overwhelming consensus among Saharans within the Territory in favour of independence and opposing integration with any neighbouring country. The differences of opinion which the Mission encountered were concerned not with the objective but with the means by which it should be achieved and the support given to rival political movements.

203. The Mission believes, in the light of what it witnessed in the Territory, especially the mass demonstrations, of support for one movement, the Frente POLISARIO, which are described below, that its visit served as a catalyst to bring into the open political forces and pressures which had previously been largely submerged. It was all the more significant to the Mission that this came as a surprise to the Spanish authorities who, until then had only been partly aware of the profound political awakening of the population.

204. It should be noted that the Mission's visit to the Territory took place in an atmosphere of considerable tension which, prior to its arrival, had been aggravated by a number of border incidents, as well as by a series of bombings in El Aaiún and by the arrest and detention of persons accused or suspected of being implicated in these bombings. Another contributory factor was the extensive publicity given to the Mission's visit in the international press.

205. In the following sections, the Mission has set out the situation which it found during its visit to the Territory. These findings must, of course, be read in conjunction with the later contacts which it had with Saharans and others during its subsequent visits to the neighbouring countries.

## B. Political groups and liberation movements

206. Before visiting the Territory, the Mission, during its discussions in Madrid, addressed a number of inquiries to the Spanish authorities concerning the political situation and the various political groups and liberation movements which it might expect to encounter in the Territory. The Spanish authorities explained that the development of political life in the Territory had been hindered partly by the fragmentation of Saharan society and its nomadic way of life and partly by the conservative influence of its traditional hierarchical structure. In their opinion, political awakening among the mass of the population was a comparatively recent phenomenon and had come about as a result of several factors (both external and internal) among the latter being the progressive sedentarization of the population as a result of drought, the desire of the younger generation for social change and a growing awareness of the wealth which the Territory will derive from its phosphate resources. What was clearly not known at that time was the extent of that awakening, which had certainly come as a surprise not only to the Spanish authorities but also to many Saharans themselves. The Mission wishes to emphasize this, because its visit to the Territory served as the occasion for changes in the political situation which is at present still in a very fluid and formative stage.

207. The following sections describe the various political groups and liberation movements which exist, or are said to exist, in the Territory. The Mission wishes to note that most of these have been constituted recently and that their leadership, orientation and following is still subject to change.

### 1. Partido de la Unión Nacional Saharaui (PUNS)

208. This party, which was formed in 1974 and was registered on 16 February 1975, is the only political movement legally recognized as such in the Territory, claiming a card-carrying membership of 15,000. ii/ The party's programme, as adopted at its first congress, held in 1974, listed the following 14 points:

(a) To attain Saharan independence through a process of accelerated self-determination;

(b) To reject any foreign claim;

(c) To preserve and strengthen the religious and social traditions, adapting them to the institutions of a modern State;

(d) To endow the country with a modern economy, exploiting and developing the natural wealth to raise the standard of living of all the citizens;

(e) To promote education at all levels, making it compulsory and free;

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ii/ One regional secretary interviewed by the Mission insisted that the number had risen to 22,000.

(f) To reorganize the system of Islamic justice, adapting it to present times;

(g) To consider Islam as the official religion, and Arabic as the national language;

(h) To guarantee full employment for all citizens;

(i) To enhance the personality of the Saharan woman, both in the family and in society, in order that she may actively participate in the political, cultural and economic life of the country;

(j) To maintain relations of friendship and co-operation with all countries, especially Islamic ones, and in particular with those in the same geographical area as Sahara;

(k) To preserve mutual friendship and co-operation with Spain in every field;

(l) To give the Saharan youth the opportunity to play a fundamental role in the construction of a modern Sahara in its cultural, social and political aspects;

(m) To create and operate agricultural co-operatives, wherever suitable, in the country;

(n) To carry out a policy of social security and health assistance for all the citizens.

209. The objective of PUNS, as explained to the Mission by its representatives in the Territory, is the achievement of complete independence. Like the Frente POLISARIO (see paras. 215 to 220 below), it is opposed to integration with any neighbouring country or to the continuation of Spanish rule, although it favours the retention of friendly ties with Spain after independence. The Mission was told that the party was opposed to radical social change. It calls for a constitutional form of government, based on the separation of legislative, executive and judicial powers, and that it is committed to seeking peaceful relations and coexistence with other political movements.

210. Most of the members of the Permanent Commission of the Yema'a identified themselves as members of the party and it was evident to the Mission that PUNS derives much of its support from the traditional element of Saharan society, including the majority of sheiks and notables, and from the older generation. Its opponents, notably the members of the Frente POLISARIO, claim however, that it is a creation of the Spanish authorities, charging that it is financed by them and that it has been able to expand its membership because those who possess the party's membership card are given preferential treatment when applying for employment. Mr. Dueh Sidna Naucha, the Assistant Secretary-General of PUNS, and other representatives of the party with whom the Mission met in the Territory, deny these charges, although they concede that when the party was being formed, its organizers, who were students studying on scholarships in Madrid, received

some assistance from the Spanish Government in the form of travel expenses, to enable them to visit and make contacts in other Arab countries and in Europe.

211. As will be explained hereunder, although the Mission met privately with a number of groups in the northern region representing PUNS, it did not witness any separate public demonstrations in support of that party. This was in marked contrast to the Frente POLISARIO (see paras. 215 to 220 below), whose supporters from the outset appeared en masse carrying the flags and emblems of their movement. It was not until the Mission visited the southern region that PUNS, following the example of its opponents, organized mass demonstrations to greet the Mission at each place visited. It was noticeable that, when both parties were demonstrating, the adherents of PUNS were always placed close to the residence or meeting place of the Mission where they would be more visible.

212. The Mission was told by the leaders of PUNS that the party had not organized separate demonstrations in the north because it was under the impression that an agreement had been reached whereby, in order to avoid conflict, the two movements would abstain from displaying their flags in separate demonstrations and would instead demonstrate jointly in favour of independence, since that was their common aim. The leaders of the Frente POLISARIO, however, denied the existence of such an agreement (see also para. 232 below).

213. The failure of PUNS to manifest its strength in the northern region was clearly a tactical error which was the explanation given by Mr. Khali Hena Al Rachid, the Secretary-General of PUNS, for not meeting with the Mission during its stay in El Aaiún. Encountered at a reception given by the Governor-General, he told the Mission that, in order to correct this error, he was going to the southern region to organize demonstrations by PUNS and would meet the Mission when it arrived in Villa Cisneros. He did not, however, keep this or subsequent appointments and his whereabouts became a mystery which was solved only when the Moroccan radio announced that he had arrived in Morocco accompanied by two other Saharans and had proclaimed his loyalty to the Moroccan throne. The Mission finally met him during its visit to Morocco (see paras. 238-243 below).

214. After the departure of Mr. Khali Hena Al Rachid, which was described to the Mission by other members of PUNS as an act of treachery, the party was reorganized under Mr. Duih Sidna Naucha, and a six-member executive committee headed by Mr. Mohamed Lamin, who were formally elected to office at its second national congress held in El Aaiún from 16 to 18 August 1975. The party has embarked on a programme of increased political activity which has brought it into conflict with the Frente POLISARIO, leading to a reported riot in El Aaiún in early July between their respective adherents (see para. 257 below). The PUNS is, however, committed to the principle of freedom of political activity and is reported to be seeking peaceful relations and coexistence with its opponents.

2. Frente Popular para la Liberación de Saguia  
el Hamra y Río de Oro (Frente POLISARIO)

215. Also formed in 1973, the Frente POLISARIO describes itself as a liberation

movement and as the sole authentic representative of the Saharan people struggling for independence. The movement, whose leadership is based in Algeria (see paras. 361 to 373 below), held its first congress on 10 May 1973, two months after the Yema'a had approved its declaration addressed to the Head of the Spanish State in which it requested that the Territory proceed to internal self-government as a preparatory step to self-determination (see para. 82 above), a proposal which the party describes as an attempt by Spain to create a puppet régime.

216. The objectives of the Frente POLISARIO, which are set out in its manifestos and in statements to the Mission, are the immediate independence of the Territory and the creation of a republican régime along socialist lines with the effective participation of the masses. It is opposed to Spain's continued presence in the Territory under any guise, as well as to the territorial claims of Morocco and Mauritania. It is equally opposed to what it calls the feudal element in Saharan society and to the Yema'a and PUNS, which it describes as instruments of colonialism. It denounces the repression, which it says has been practised by the colonial authorities and which it claims has resulted in the exodus of refugees from the Territory and the imprisonment of its members for their activities.

217. The long-term programme of the Frente POLISARIO, adopted at its second congress in 1974, calls for the nationalization of all natural resources and the distribution of their benefits in the interests of all sections of the population, the reconstruction and development of the economy, the improvement of social conditions of the inhabitants, especially women, which its representatives describe as deplorable, and the preservation of Islamic religious institutions.

218. According to its leaders, whom the Mission met in Algeria, the Frente POLISARIO has both a political wing and a wing devoted to armed liberation. The members of the party are organized into sections, including women's sections and sections of workers, and students. Each year, an annual congress is held which sets out policy directives and elects the members of its Executive Committee (headed by a Secretary-General) and of its Political Bureau. The leaders claim that the Frente POLISARIO is well organized in the northern region of the Territory, but less so in the south. They also claim that the party, which has sympathizers within the Territorial Police and the Tropas Nomadas (Nomad Troops), has been waging an armed struggle against Spanish occupation since May 1973. Among the party's principal operations have been the destruction in October 1974 of one of the power and relay stations of the conveyor belt linking the phosphate mine at Bu Craa to the coast, which caused an interruption in the transport of phosphate for some time. During the Mission's stay in the Territory, the Frente POLISARIO was responsible for the mutiny by two patrols of Tropas Nomadas and the capture of their Spanish officers and non-commissioned officers. Details of these incidents are given separately in paragraph 261 below.

219. The Frente POLISARIO did not furnish the Mission with the number of its registered members, as opposed to sympathizers. According to the Spanish authorities, its principal strength is among the younger generation, although the Mission found that a number of older people, including sheiks and notables, admitted to being sympathizers. From what the Mission was told during its preliminary meetings with representatives of the Spanish Government in Madrid, and from its discussions with the leaders of PUNS, the strength of the Frente POLISARIO has apparently been underestimated. In fact, the Mission found that it had

considerable support among all sections of the population and especially among women who, together with the young people and workers, are among its most active adherents.

220. As explained elsewhere in the report, the mass public demonstrations of support for the Frente POLISARIO, which the Mission witnessed throughout the Territory, and especially in the northern region, including El Aaiún, came as a surprise to the Spanish authorities and to many Saharans, and has considerably altered the political situation in the Territory.

### 3. Movements calling for integration with Morocco

221. During its visit to the Territory, the Mission did not encounter any groups supporting the territorial claims of neighbouring countries and consequently had no way of estimating the extent of their support, which appeared to be submerged by the massive demonstrations in favour of independence. That sympathizers do exist within the Territory was evidenced by the fact that several testimonials supporting integration with Morocco were passed surreptitiously to members of the Mission. When the Mission arrived at El Aaiún, an individual among the large crowds of demonstrators assembled to greet it raised the Moroccan flag but this was immediately seized by other demonstrators supporting the Frente POLISARIO. Likewise, at La Güera, the Mission was also approached by an individual who, having been identified as a Moroccan sympathizer, felt that his safety was in danger from the crowd and sought the Mission's protection. At his request, this individual was escorted across the nearby frontier to Mauritania. Later, however, when the Mission visited Morocco (where opinion among Saharans refugees appeared to be unanimously in favour of unity with that country), it encountered the two liberation movements described below which claim support among Saharans both in Morocco and within the Territory. The Mission did not, however, encounter a third movement, the Movement of August 21, which Spanish authorities in Madrid believe was formed recently in Morocco, but which they think has very few members.

#### Front de Libération et de l'Unité (FLU)

222. This movement, which has support among the refugees and political exiles in Morocco, stated in a manifesto presented to the Mission during its visit to Tan-Tan in southern Morocco (see paras. 329 to 331 below), that its objective was to restore the national unity of Morocco from Ceuta and Melilla to La Güera. It demanded the termination of colonial rule by Spain, opposed the erection of a puppet State and denounced foreign exploitation as well as what it termed the "Spanish-Algerian plot".

223. FLU is engaged primarily in armed struggle and claims responsibility for a series of bombings in El Aaiún, a number of which preceded the Mission's visit, as well as armed attacks against Spanish military outposts near the Moroccan frontier following the Mission's departure. While at Tan-Tan, the Mission had a meeting with an armed and uniformed unit of FLU which is reported in greater detail in paragraphs 329 to 331 below. The leader of the unit described himself as the commander of the El Aaiún sector.

224. According to this spokesman, the movement exists in all regions of the Territory, which is divided into sectors, each with a sector commander. The spokesman said that FLU was composed entirely of Saharans, many of them deserters from the Territorial Police, from whom it obtained its equipment.

225. Both the Spanish authorities and the Frente POLISARIO, however, consider FLU to be a creation of the Government of Morocco, although composed of Saharans. The Spanish authorities believe that FLU has about 1,500 armed fighters who, they claimed, were Saharans serving in the army of Morocco.

Mouvement de résistance pour la libération des territoires sous domination espagnole (MOREHOB)

226. This movement, formerly known as the Mouvement de résistance des Hommes bleus, was formed in Morocco in 1971 by Mr. Edouard Moha, its president, with the objective of uniting the Territory with Morocco. Later, however, its relations with the Government of Morocco deteriorated because, according to its president, MOREHOB considered that the Government was not giving sufficient support to its cause. Subsequently its headquarters were moved first to Algeria and then to Europe. The party returned to Morocco in early 1975.

227. According to Mr. Moha, whom the Mission met during its visit to Morocco (see paras. 327 and 328 below), MOREHOB is directed by a political council and has a central committee composed of three persons. It has a wing for political action and one for armed struggle.

228. The Spanish authorities and the political movements encountered within the Territory consider that MOREHOB does not have many members and point to the fact that there is no evidence of it having engaged in armed activities within the Territory. In fact, the Mission did not encounter any other members or supporters of MOREHOB either in the Territory or elsewhere.

### C. Wishes and aspirations of the population

229. The Mission was aware from the outset that it would be difficult to obtain a completely accurate assessment of Saharan opinion, in view of the nomadic character of the population and its dispersion in neighbouring countries. Moreover, there is no agreement as to the numbers of political exiles and refugees. The Mission's task was further complicated by a series of bombings immediately prior to the visit, which necessitated the taking of security precautions. Despite these difficulties, the Mission was able to conclude after visiting the Territory that the majority of the population within the Spanish Sahara was manifestly in favour of independence.

230. The Mission based its impression both on the public manifestations which it witnessed and on an extremely large number of interviews with groups and individuals representing differing shades of opinion. All of the interviews were held in private in the absence of any representatives of the Spanish authorities. Random discussions were also held with members of the general public. By so doing, the Mission was able to obtain a broad cross-section of opinion in the Territory.

#### 1. Public demonstrations

231. It was clear that the highly charged emotional atmosphere favoured those groups of demonstrators which were more militant, better organized and able to mobilize mass support. That serious clashes did not occur between the followers of the Frente POLISARIO and PUNS was due largely to the persuasive efforts of the authorities and also to the discipline exercised by those who had organized the demonstrations.

232. In the northern part of the Territory this clearly worked to the advantage of the Frente POLISARIO. Whether because its supporters were less numerous in the north, or because, as the leaders of PUNS claimed, they had made an agreement with the Frente POLISARIO whereby the followers of both movements would abstain from displaying party flags and emblems in order to avoid a confrontation (see para. 212 above), the fact remains that during the Mission's visits to El Aaiún and other localities in the north, it witnessed no public demonstrations by PUNS. The spokesman for the Frente POLISARIO conceded that such a proposal had been made by PUNS but claimed that it had not been agreed to by their leaders and they frankly admitted that its supporters had destroyed flags and emblems of PUNS.

233. For these reasons, the Mission is aware that public demonstrations cannot be taken as the sole measure of popular support for any political movement, especially in a Territory where all political organization is new and at a formative stage and where the majority of the population is relatively unsophisticated. Since, however, the demonstrations involved large masses of people, their significance was manifest.

234. Throughout its tour of the Territory, the Mission witnessed very large political demonstrations which, in many urban centres, none of them large, appeared to comprise the majority of the Saharan residents. Thus, in El Aaiún, with a population of only 28,499, the Mission was greeted upon its arrival by

crowds estimated at several thousand persons lining both sides of the route from the airport, a distance of several kilometres. In the north, when it visited Semara, with slightly more than 7,000 inhabitants, it was met by a demonstration which appeared to comprise the majority of the inhabitants. Similar demonstrations on a smaller scale were witnessed at Daora, Mahbés and Guelta Zemmur, while at the phosphate mine of FOSBUCRAA, it appeared that almost the entire Saharan work-force of about 2,500 employees had turned out to greet the Mission. In all these manifestations in the northern part of the Territory, the overwhelming majority of demonstrators carried the flags and emblems of the Frente POLISARIO or incorporated its colours in their apparel. Everywhere the Mission saw signs displayed demanding total independence of the Territory from Spain and rejecting integration with any neighbouring country. Typical of the slogans carried on these signs, which were also repeatedly proclaimed orally to the Mission, were: "We demand absolute independence", "No to Spanish colonialism, no to Morocco and no to Mauritania", and "Sahara for the Saharans". Many of the banners of the Frente POLISARIO also called for the release of political prisoners.

235. On 13 May, in El Aaiún, the Mission attended the largest of the demonstrations, organized by the Frente POLISARIO, which was reported in the press to have amounted to 15,000 people. Although tumultuous, the demonstration was orderly and members of the Mission were able to walk among the demonstrators and hear their views.

236. When it arrived in Villa Cisneros, the Mission was again greeted by thousands of demonstrators lining the route from the airport and throughout the town. This time, however, there were two large and completely separate groups of demonstrators, one carrying the red, green, white and black flags and emblems of the Frente POLISARIO and the other the yellow and blue flags and emblems of PUNS. Their placards and slogans were similar, however, for both demanded complete independence for the Territory and opposed integration with neighbouring countries.

237. Thereafter, throughout its visits to centres in the south - Ausert, El Aargub, Tichla and La Güera, the Mission witnessed similar demonstrations in every case, with the supporters of the Frente POLISARIO and PUNS forming separate groups each with their flags and emblems prominently displayed. Although both groups mustered a large number of supporters, the preponderance was clearly in favour of the Frente POLISARIO. It is difficult to assess to what extent this accurately reflects the balance of opinion in the Territory, or whether it reflects in part the better preparation and dynamic leadership of the Frente POLISARIO and its youthful adherents. It is certain that the latter's campaign, carried out by roving teams composed largely of students which went ahead of the Mission, succeeded in producing mass support among the population far beyond what was anticipated by the Spanish authorities or by PUNS.

## 2. Interviews with representative groups

238. In the course of their seven-day stay in the Territory, the members of the Mission had formal interviews with no less than 60 groups of between 10 and 30 persons each, in addition to a great many more interviews with private individuals.

So numerous were the number of requests to meet the Mission that the members were obliged, on a number of occasions, each to conduct a separate series of interviews. By so doing, and by devoting the greater part of its time to this, the Mission believes that it was able to meet with and obtain the freely expressed views of a broad cross-section of the population in every town and centre visited. As previously noted, all of the interviews were conducted in private, in the absence of the Spanish authorities, the security provisions taken to protect the mission being such that all who wished to approach it could do so. These interviews were, of course, in addition to meetings with the members of the Permanent Commission of the Yema'a and contacts with members of the municipal councils of El Aaiún and Villa Cisneros.

239. The groups interviewed included delegations of the Frente POLISARIO and PUNS, local councils, sheiks and notables, as well as groups composed of women, students or workers and groups drawn on an ad hoc basis from the local population. In nearly every case, the views expressed were identical with those of one or the other of the two political movements referred to above, the speakers being unanimous in their demand that the Territory should be completely independent, and in their opposition not only to the continuation of Spanish colonial rule, but also to any territorial claims by neighbouring countries. These two points were repeatedly emphasized to the Mission. The main differences between the adherents of the two parties concerned their attitude towards Spain and the modalities by which independence should be achieved. Those who took the position of PUNS, as well as many of the sheiks and older people, who belonged to neither party, favoured self-determination through a referendum organized by Spain and also stressed their desire that an independent Sahara should maintain friendly relations with Spain and with all non-aligned countries.

240. Those who were members of, or sympathizers with, the Frente POLISARIO, which included a certain number of sheiks and notables, as well as women and students, and who constituted approximately two thirds of those presenting their views to the Mission, strongly opposed Spain's continued presence in the Territory and its conduct of any referendum. They insisted on the immediate removal of Spanish military forces and denounced PUNS as an instrument of Spain which they suspected of having been created with a view to perpetuating the Spanish presence in the Territory.

241. Women supporters of the Frente POLISARIO complained also of social conditions, saying that education was inadequate, that there was a lack of trained Saharan medical personnel and that discrimination between Saharans and Europeans was practised in regard to hospital facilities and wages. jj/

242. Many of those interviewed said that they had relatives among the Saharans living in neighbouring countries but they differed in their estimates of the numbers involved and the percentage of political refugees and exiles among them. Widely

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jj/ The Mission's discussion with Saharans working in the phosphate industry is reported in para. 184 above.

divergent views were expressed, ranging from under 9,000 to 50,000, kk/ but representatives of both political movements said that when the Mission visited those countries it would undoubtedly encounter persons who would falsely claim to be from the Territory.

243. The two political movements held opposing views on the subject of the means by which the population should exercise its right of self-determination. On the one hand, the representatives of PUNS said that there must be a referendum with a secret ballot. They did not favour several alternative options but considered that the voters should be asked simply whether they wished independence or not. If the majority rejected independence, then a second referendum should be held at which they would choose among the remaining alternatives.

244. The leaders of the Frente POLISARIO considered that there was no necessity for a referendum. Their position was that their movement represented the population. They said that they would nevertheless accept a referendum if the United Nations insisted that there be one, on the following conditions:

- (a) Prior withdrawal of the Spanish administration, and its replacement by a temporary "national" administration;

- (b) Prior withdrawal of all Spanish armed forces, the defence and security of the Territory to be assumed by the liberation army of the Frente POLISARIO under guarantees by the United Nations and the League of Arab States (LAS);

- (c) The return of political exiles and refugees.

245. Both movements agreed that only persons who were genuinely autochthonous to the Territory and who intended to return and live there permanently regardless of the vote, should be allowed to vote. Representatives of the Frente POLISARIO said that their party would insist on being part of any body set up to screen and determine the authenticity of such persons. Both parties agreed that the criteria which should be applied should be, first, their membership of a family group (subfraction of a tribe) existing within the Territory, which could best be attested to by the sheiks and notables of the family group, and second, their intention to return and live permanently in the Territory regardless of the outcome of the vote.

246. As regards the questions which should be put to the voters, the leaders of the Frente POLISARIO considered that there should be only one, namely, "Do you wish to be free or to remain under Spanish rule?". There should not be more than one question, as this, they said, would split the voting and could enable the wishes of a minority to prevail.

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kk/ The Secretary-General of the Frente POLISARIO estimated that the total population of the Territory could rise to 750,000 if all the Saharans living in regions adjacent to the Territory were given the choice of returning.

### 3. Interview with Saharans in Madrid

247. During its first stay in Madrid and before visiting Spanish Sahara, the Mission received two Saharans from the Territory who were studying on scholarships financed by the Spanish Government.

248. The two students asserted that all the political movements in the Territory were to some extent the creations either of Spain or of the countries adjoining Spanish Sahara. They said that, as Saharans, they would opt for independence if they thought that the Territory could constitute a viable State. They were convinced, however, that the Territory had little chance of surviving as an independent State for a number of reasons, one of which was that the population had never had a sense of constituting a separate nation. They believed that the only viable solution would be for the Territory to merge with a neighbouring State and they favoured integration with Morocco, which had long-established contacts with the population in the north of the Territory.

#### D. Freedom of political activity

249. In its interviews with groups representing or supporting the Frente POLISARIO, the Mission repeatedly heard complaints that the authorities had engaged in acts of repression against its militants and that persons had been arrested, mistreated and imprisoned for having participated in demonstrations and other political activities. Several of the groups supplied the Mission with the names of persons who, they said, were being held as political prisoners. Repeated references were made to a Mr. Mohamed Basiri, who they said had been arrested in 1970 and of whose subsequent fate nothing was known (see paras. 254 and 343 below). After detailed questioning of these groups, among whom were women who said that they were the wives or daughters of the prisoners, the Mission obtained a list of 21 names, which included 8 members of the liberation army of the Frente POLISARIO captured in armed encounters with Spanish forces.

250. Besides these complaints of past mistreatment and imprisonment, members of the Frente POLISARIO repeatedly expressed the fear that they would be the subject of reprisals after the Mission's departure; in fact, representatives of the party, especially the students, frequently appeared before the Mission with their faces covered, explaining that this was to prevent their being identified. These fears did not, however, prevent the supporters of the Frente POLISARIO from demonstrating en masse before the Mission.

251. As stated above, the Mission, prior to its arrival in the Territory, had sought and obtained formal assurances from the Spanish authorities that no one would be molested or penalized for having expressed any views to the Mission or having demonstrated peacefully during its visit. These assurances were repeated on several occasions by the Governor-General and by the highest representatives of the Spanish Government. In fact, the Mission witnessed no arrests and saw no evidence of intimidation by the authorities during its stay in the Territory.

252. The Mission discussed the complaints concerning political prisoners at its meetings with the Governor-General and Secretary-General of the Territory and with representatives of the Spanish Government in Madrid. It was told that there were no political prisoners as such, since it was not an offence in the Territory to advocate independence from Spain, but that there were a number of persons serving prison sentences for politically related crimes of violence, including acts of sabotage and the placing, or attempted placing, of bombs. A few had been put in preventive detention during the Mission's visit because they had been found in possession of explosives. These measures had been taken to safeguard the Mission. The Governor-General informed the Mission that amnesty would be given to all those whose offences were not of an extremely serious nature.

253. At their own initiative, the Spanish authorities produced a list of the names of persons who were serving prison sentences, only two of which appeared on the list given by Frente POLISARIO, the other names being unknown to the authorities in the Territory. The Mission was aware, however, that representatives of the Frente POLISARIO had stated that some of its armed fighters, captured in connexion with the attack on the phosphate conveyor system, had been sent to the Canary Islands to serve their sentences.

254. Concerning Mr. Basiri, whose fate was of particular interest to the Mission in view of the many representations received from the supporters of the Frente POLISARIO, who regarded him as a hero of the liberation movement, the Spanish authorities said that he had been arrested during riots in El Aaiún in 1970 and immediately thereafter had been deported to Morocco, from whence he had come. They said that they had had no information concerning Mr. Basiri since that time. They wondered, however, if he might be the same person as a certain Mr. Mohamed Bashir who, according to their information, had later been inculpated in an attempt to overthrow the Government of Morocco and had been convicted in that country on a charge of treason. The Mission later met with members of Mr. Basiri's family, including three of his brothers, during its visit to Tan Tan in Morocco. The family had had no news of him since 1970 and they requested the United Nations, through the intermediary of the Mission, to institute an inquiry into his disappearance.

255. During its stay in El Aaiún, the Mission visited the prison where it had private interviews with a number of Saharans who had been sentenced, or were awaiting trial, for various offences such as the placing of bombs or acts of sabotage. Some of the prisoners said that they had been ill-treated when arrested but not since their arrival at the prison. After interviewing the prisoners, the Mission met with the civil and military judges. It was told that 11 persons who had been arrested had already been released, but that, according to the law, those who were awaiting trial could not be granted amnesty until they had been convicted.

256. On its departure from the Territory, the Mission issued a statement, which was read over the radio. In its statement, the Mission referred to the assurance given to it by the Spanish authorities that nobody would be arrested or molested for having expressed their opinions to the Mission or for having participated peacefully in political demonstrations. It expressed the hope that political activities in the Territory would continue to be peaceful and be characterized by a spirit of tolerance and respect for the views of others.

257. According to the information subsequently received by the Mission, this does not seem to have been the case. On the contrary, it was reported by representatives of the administering Power and in the international press that the political atmosphere in the Territory following the Mission's departure was one of tension and confrontation between the Frente POLISARIO and PUNS. According to the Spanish press, serious rioting occurred between members of the two movements on 6 July, in El Aaiún, following a public demonstration on the previous day by PUNS. Adherents of the Frente POLISARIO attacked two offices of PUNS, one of which was destroyed by fire. The fighting reportedly lasted for three hours, before the situation was brought under control by the Territorial Police, who arrested several people. A number of persons were also injured. Another version of this incident is contained in a manifesto by the Frente POLISARIO in which it stated that on 6 July the movement held simultaneous demonstrations throughout the Territory, that its supporters were attacked by the police and by followers of PUNS and that many of its members were arrested.

## E. Questions relating to security

258. The security and defence forces within the Territory consist in the first instance of the Territorial Police, a paramilitary force, and the Tropas Nomadas, both composed of Saharans, mostly led by Spanish officers and non commissioned officers. 11/ These are lightly armed and highly mobile units, the Territorial Police being mainly concerned with internal security, particularly in the towns and rural centres, while the Tropas Nomadas, which include motorized and camel-riding units, are a defence force which patrols the frontiers and the desert of the interior. Numbering only a few thousand, these two forces are scarcely adequate to control a land frontier over 2,000 kilometres in length and an area of 266,000 square kilometres. They are therefore supplemented by regular units of the Spanish army, air force and marines and the Foreign Legion. These metropolitan forces, which are well trained and equipped and highly mobile, also patrol the frontiers and coastal areas but are for the most part concentrated in larger units at strategic locations as a reserve. At the time of the Mission's visit, many were in barracks at El Aaiún and Semara. During its visits to centres near the northern frontier, the Mission noted the absence of large concentrations of troops. Those which it did see, apart from small units of the Territorial Police and Tropas Nomadas, were stationed in defensive positions.

259. Because of reports which had been circulating concerning the size of Spain's military forces in the Territory and the demand by the leaders of the Frente POLISARIO that they be removed before any referendum, the Mission raised these matters in its discussions with the Governor-General and later with the representatives of the Spanish Government in Madrid. The Mission was told that the Spanish armed forces were substantially fewer in number than it had been given to understand, the actual figure being furnished to the Mission in confidence. It was explained to the Mission that the strength of the armed forces varied from time to time, as considered necessary, and could be rapidly reinforced from reserves in the Canary Islands if circumstances required. The Mission was told that the task of the metropolitan forces was solely to defend the Territory from armed attack, including guerrilla raids by the various clandestine liberation movements. The Governor-General, referring to reported statements by highly placed Moroccan public figures concerning that country's claim to the Territory, said that the situation on the northern frontier was tense. Intelligence reports indicated the existence in the Tarfaya region of strong Moroccan forces, of which, he said, three battalions had recently been moved up to the frontier, where there were also a number of units of FLU, totalling about 1,500 men, apparently poised to make guerrilla raids into the Territory. The Spanish metropolitan forces were needed for defence so long as this situation continued. He added that no such threat existed on the frontiers with Mauritania and Algeria and that, although the Frente POLISARIO had undertaken several guerrilla attacks, mainly against frontier posts from camps in both countries, these had not resulted in much loss of life.

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11/ Three Saharans were promoted to commissioned rank shortly before the Mission visited the Territory.

260. The Mission had been aware, prior to its arrival in the Territory, that there had been a number of incidents involving bombing attacks in El Aaiún, attributed to persons seeking unification of the Territory with Morocco. A series of such incidents, fortunately without much loss of life, had occurred just before the Mission's arrival. There had also been a number of guerilla attacks, reportedly by FLU and the Frente POLISARIO, mainly on frontier posts or border patrols and although of comparatively minor importance, there had been casualties on both sides.

261. While the Mission was meeting with Spanish officials in Madrid prior to its visit to the Territory, on 10 and 11 May, two separate patrols of Tropas Nomadas on duty near the frontier mutinied and, after taking prisoner their Spanish officers and non-commissioned officers, together with several Spanish soldiers who formed part of the patrols, joined the Frente POLISARIO with their weapons and equipment. During the mutinies, one of the Spanish soldiers was killed and the other 14, including 2 wounded, were taken into captivity. mm/ Later, in another incident which occurred on 14 June after the Mission's visit, a unit of the Frente POLISARIO was reported to have occupied the Territorial Police post at Guelta Zemmur and to have carried into captivity its commanding officer and one other member of the force, both Saharans, together with the weapons and equipment of the post.

262. The Spanish authorities have reported a series of incidents on the frontier with Morocco, some of which occurred while the Mission was in the Territory but most occurring after its departure. These consisted mainly of exchanges of gunfire and attacks on forts. On 8 June, a unit of 44 men under the command of a captain, all Saharans, were reportedly captured by Spanish troops while attempting to occupy the post of Mahbés. The Spanish authorities stated that documents found in their possession indicated that they were one of four companies of the Moroccan army which had been ordered to occupy four posts near the frontier, but the Government of Morocco denied this, stating that they were a unit of FLU.

263. On 24 June, a vehicle carrying a Spanish officer and four soldiers was destroyed by a mine near the post of Tah, 3 kilometres from the frontier and 27 kilometres from Daora. All the occupants were killed. The post of Tah had been under attack on several occasions prior to this occurrence.

264. Between the end of June and mid-August, a series of incidents took place on or near the frontier with Morocco. These included armed attacks on the post of Tah and another post at Hausa, as well as several clashes with Spanish military patrols. On 22 July, an armed detachment consisting of a sergeant and 15 men were captured by a Spanish patrol in the vicinity of Hagunia. Further bombings in El Aaiún were also reported.

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mm/ Later, while staying at Tindouf, Algeria, which is close to the frontier with Spanish Sahara, the Mission was enabled by the Frente POLISARIO to meet and talk privately with these prisoners, who reported that they were being well treated in accordance with the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949 (United Nations, Treaty Series, vol. 75, No. 972, p. 135). The two wounded prisoners were later released and repatriated. See also paras. 374 and 375 below.

## V. DISCUSSIONS WITH THE GOVERNMENT OF SPAIN

### A. Meetings held in Madrid

265. The Mission had no less than eight meetings with representatives of the Spanish Government before and after visiting the Territory. Half of these consisted of working meetings with a delegation of senior officials, including the heads of departments and services concerned, which were presided over by Mr. Juan J. Rovira, Under-Secretary of State in the Ministry of Foreign Affairs. At these meetings, each of which lasted for several hours, the Spanish delegation spared no pains in providing the Mission with all the information which it requested and explaining the policies of the Government and the problems encountered in regard to the decolonization of the Territory.

266. In addition to these meetings at the working level, the Mission was received by Mr. Pedro Cortina Mauri, the Minister for Foreign Affairs, both before and after its visit to the Territory, and by Mr. Antonio Carro, the Minister for the Presidency of the Government, who is responsible for the Spanish Sahara. Finally, after its return from the Territory, the Mission had an audience with Mr. Arias Navarro, the President of the Government, at which the Minister for the Presidency was present. At all these meetings, the President and the ministers frankly discussed with the Mission the policy of their Government in regard to the decolonization of the Territory. They emphasized their Government's desire, on the one hand, to carry out the decisions of the United Nations and, on the other, to withdraw from the Territory completely and as rapidly as possible.

267. It should be noted that the position of the Spanish Government in regard to the timing of its withdrawal changed between the Mission's first and second visit to Madrid as a result of the mounting tension on the Territory's northern frontier and the incidents which took place while the Mission was in the Territory. Although still maintaining its position of principle, especially concerning the right of the population to self-determination, the government representatives made clear to the Mission their deep concern at what they considered to be the rapid deterioration of the situation. They informed the Mission that, if the situation deteriorated further, to the point where the Government considered that it could no longer administer the Territory and guarantee its security, Spain would withdraw from the Territory forthwith. The Government of Spain has reiterated this in public statements and in its communications addressed to the Secretary-General.

268. The following paragraphs set out the position of the Spanish Government, as explained to the Mission, both before and after its visit to the Territory, and as set out in written answers to questions presented by the Mission and in subsequent statements by representatives of the Government.

B. Position of the Spanish Government in regard to the principles governing the decolonization of the Territory

1. Implementation of General Assembly resolutions

269. It was explained to the Mission during its discussions in Madrid that the administering Power fully subscribed to the view that the basis for decolonization of Spanish Sahara should be the free exercise by the indigenous population of its right to self-determination in accordance with the principles contained in the Declaration on the Granting of Independence to Colonial Countries and Peoples, as set out in resolution 1514 (XV). The reason for its delay in implementing the resolutions of the General Assembly calling for the holding of a referendum in the Territory had been the lack of preparedness of the population and the unwillingness of its leaders to move precipitately. However, after receiving the communication of 20 February 1973 from the Yema'a (A/9176, annex I; see also para. 82 above), which in the light of its subsequent reaffirmation by the newly elected Yema'a, made clear the wishes of the Saharan people, the Spanish Government had acceded to the requests contained therein and had set in motion a constitutional process whereby the population of the Territory, after a brief experience of internal self-government, would exercise their right to self-determination in a referendum under the auspices of the United Nations.

270. By so doing, the Spanish Government was acting in conformity with the wishes of the population of the Territory and in compliance with the resolutions of the General Assembly of the United Nations concerning the Territory. Thus the Political Statute providing for internal self-government had been approved by the Territorial Assembly in 1974. A few months later, in a letter dated 20 August 1974, addressed to the Secretary-General, the Spanish Government had announced that, in conformity with resolution 3162 (XXVIII), it would hold a referendum, under the auspices of and supervised by the United Nations, during the first six months of 1975 so as to enable the indigenous population of the Sahara to exercise its right of self-determination (A/9714). The Government had hoped that the referendum could take place in June 1975 but had postponed it in compliance with the request of the General Assembly contained in resolution 3292 (XXIX). The Government had viewed that request as a step backwards. It had invited the Special Committee to send a visiting mission to the Territory in order that it might observe the political awakening which had taken place in the Territory and in the hope that, as a result of the Mission's report the General Assembly would "give a green light" for the holding of the referendum.

271. It was the position of the Spanish Government that the future status of the Territory should be a matter for free choice by the indigenous people concerned and that it should be for them to determine whether to opt for independence or for integration with a neighbouring State.

272. The Spanish Government had, to the best of its ability, complied with the provisions of resolution 3162 (XXVIII). It had created an atmosphere of free political expression in the Territory and it had undertaken consultations with the other Governments which were concerned or interested parties in regard to the decolonization of the Territory. After announcing its decision in principle

to hold a referendum, the Spanish Government had, in accordance with paragraph 4 of resolution 3162 (XXVIII), invited the parties to consult on the modalities. Unfortunately, the Government of Morocco had opposed the holding of a referendum and consequently no further consultations had taken place on that subject. The Government of Spain was ready, however, to undertake such consultations at any time.

## 2. The question of who should participate in a referendum

273. The Spanish Government considered that only Saharans should be entitled to vote in a referendum and that the right should be restricted to Saharans who were indigenous to the Territory. This should include political exiles and refugees and all others who were living outside the Territory for any reason.

274. The Government recognized that difficulties would arise in determining who, especially among those in neighbouring countries, were or were not indigenous to the Territory, but considered that proof of authenticity should be membership in a family group (subfraction) existing in the Territory, which could be verified by the members of the group consulted through their sheiks.

## 3. Withdrawal of Spanish military forces

275. The Spanish Government emphasized that its military forces were in the Territory solely for the purpose of maintaining security and protecting its borders. So long as tension existed on the Territory's frontiers, such protection was necessary. The Government would be prepared to withdraw these forces during a referendum, provided that they were replaced by United Nations forces and that the United Nations assumed responsibility for guaranteeing the security of the Territory.

## 4. Modalities of a referendum

276. The Government was prepared to consider any suggestion by the United Nations concerning the manner in which a referendum should be carried out and the role of the United Nations in such a referendum. It believed that there should be polling places and electoral colleges at all the population centres and that there should be roving electoral colleges to register the nomads. The latter could vote at the nearest centre.

277. The Government had not formulated the questions to be put to the voters because it had not been able to carry out consultations with the other interested parties prescribed in the relevant resolutions of the United Nations. If a referendum was held, the questions could be formulated on the basis of a decision by the United Nations General Assembly.

## 5. Relations between Spain and the Territory after decolonization

278. It was emphasized to the Mission that the Spanish Government's only concern was that the Territory should be decolonized as rapidly as possible, in an orderly manner and on the basis of the freely expressed wishes of the population. Having fulfilled these responsibilities, Spain wished to withdraw completely from the Territory.

279. The Spanish Government had formally recognized the sovereignty of the indigenous inhabitants of the Territory over its natural resources. This included, of course, the phosphate mine which, when fully developed, would give the inhabitants an average per capita income comparable to that of many developed countries. During the discussions which preceded its visit to the Territory, the Mission was told that the Government of Spain hoped that a future Government in the Territory would be willing to negotiate repayment of the capital which Spain had invested in the development of the phosphate industry. Subsequently, when the Mission returned from the Territory, the Spanish Government made it clear that it would not insist on such negotiations taking place.

### C. Possible withdrawal of Spain from the Territory before self-determination

280. The increasing tension on the frontier with Morocco and the political turmoil within the Territory which accompanied the Mission's visit produced a reaction of profound concern on the part of the Spanish Government. During its second series of discussions in Madrid, the Mission was told quite frankly that, if the situation on the border deteriorated, or if internal opposition to its continued presence in the Territory became such that it could no longer administer the Territory effectively or guarantee its security, the Spanish Government might consider withdrawing completely from the Territory without waiting for the referendum. The Spanish authorities explained to the Mission that the postponement of the referendum in response to the request of the General Assembly contained in resolution 3292 (XXIX) had contributed greatly to the increasing tension. Although the Government recognized and accepted its responsibility to decolonize the Territory as rapidly as possible, it did not feel obliged to accept the additional responsibilities resulting from the delay imposed by the General Assembly. If, as a result of this delay, Spain's position in the Territory became untenable, the Government would see no alternative but to withdraw its administrative and military forces and request the United Nations to replace it.

281. Since the Mission concluded its visit to Madrid, the Government of Spain has maintained its position. In a letter dated 23 May 1975 (A/10095), addressed to the Secretary-General by the Permanent Representative of Spain to the United Nations, the Spanish Government stated, inter alia, that the uncertainties caused by the postponement of the referendum was one of "the main reasons why the political elements in the Western Sahara - some internal and others external - are trying to impose themselves urgently, with a serious risk that this may degenerate into a violent situation". In the opinion of the Spanish Government, the presence of

the United Nations Visiting Mission in the Territory had provided an opportunity for the Saharan people to express their unequivocal desire for independence. The Spanish Government therefore informed the Secretary-General that it believed it had accomplished its mission and that it wished to terminate its activities without leaving a vacuum, by transferring power to those who would assume responsibility for the administration of the Territory as a result of decolonization.

282. The Spanish Government considered that it was urgent to involve the parties concerned in the decolonization process, for which purpose it proposed to invite them to harmonize their position or, failing such a direct attempt, to invite them with the same aim to a conference under United Nations auspices, in order to permit the peaceful evolution of the decolonization process.

283. If it was not possible to implement either of these ideas, because of a lack of agreement among the parties concerned, or to find an equivalent solution which would achieve similar goals, the Spanish Government would be obliged to end its presence and administering role, setting a deadline for the transfer of powers. This did not mean, however, that it would cease to co-operate with the United Nations in order successfully to fulfil its aim of decolonizing the Territory as soon as possible.

284. The Spanish Government suggested that observers from the United Nations Secretariat might be sent to the Territory. In any event, in accordance with its responsibilities as administering Power, it reserved the right to report to the United Nations Security Council if it considered, in the light of developments, that the maintenance of peace in the Territory necessitated such action.

## VI. VISIT TO MOROCCO

### A. General

285. The Mission's visit to Morocco, which included talks with His Majesty King Hassan II and Moroccan authorities, under the leadership of the Prime Minister, and meetings with representatives of the Moroccan people and refugees, leaders of political parties and of liberation movements, can be fully understood only when viewed in the light of the atmosphere which prevailed during the visit.

286. Throughout its travels, wherever it went - at Agadir, where some Moroccan political movements had organized a popular demonstration, at Tan-Tan, Zag or the refugee camp at Amakroud, situated 25 kilometres from Agadir - the Mission received a warm welcome from the people who, together with the mass media and the Moroccan Government, expressed in unambiguous terms their feelings about the Moroccan character of Western (Spanish) Sahara and about its reunification with Morocco.

287. The basic details of the Moroccan position on the question of Spanish Sahara which the Mission gathered during its stay in Morocco were explained clearly by the King, by a governmental delegation headed by the Prime Minister and by the Commander-in-Chief of the Moroccan troops in the southern provinces.

288. The basic details of the Moroccan position were also set forth in the reply to the questionnaire which the Mission submitted to the Moroccan Government.

289. Thus, the Mission had the opportunity to discuss freely and to ascertain accurately Morocco's views regarding the demand for decolonization, the ways and means of effecting decolonization and the military situation in the border region.

### B. Talks with Moroccan authorities

#### 1. Morocco's claims

290. The foundations of Morocco's position concerning the Moroccan character of Western Sahara and its claims to the Territory have been discussed earlier in the present report (see paras. 89-102 above).

291. It is sufficient to recall that the Moroccan Government considers that it has been established that Western Sahara belongs to Morocco on historical, legal, administrative, socio-economic and cultural grounds. Morocco has therefore requested its reintegration into the territory of Morocco.

292. In the course of talks with the Mission, the Moroccan authorities stressed in the first place that Morocco had not experienced the usual form of colonization through occupation by a single foreign Power, but had instead been the victim of a

veritable colonial dismemberment: one part under a French protectorate, a so-called international zone of Tangiers under the administration of 13 Powers and another region under Spanish protectorate, comprising a northern zone, a southern zone (Tarfaya, Saguia el Hamra and Rio de Oro) and enclaves. Thus, according to the Moroccan authorities, although a large portion of Moroccan territory had now been liberated, vast regions and enclaves of Morocco were still under Spanish occupation.

293. Secondly, the Moroccan authorities said that the Spanish policy for penetrating Western Sahara had not been accompanied by the same violence as that which characterized another occupation in North Africa. It had concentrated on nibbling away at the Territory bit by bit. This policy had been all the more effective owing to the absence of means of communication. The Moroccan Government acknowledged, however, that Spain had not dared to sever the Territory from Morocco; it had always been careful to govern and legislate in conjunction with the representative of the Sultan, who was at that time a vassal of the King.

294. Consequently, the Moroccan authorities asserted that Morocco was not and had never been annexationist, but was merely claiming its rights by defending the integrity of its territory.

295. In the view of the Moroccan Government, the concept of territorial integrity as envisaged in paragraph 6 of resolution 1514 (XV) referred to the integrity of a country which was already in existence and was already constituted as a State. For proof of this, paragraph 6 should be read in conjunction with paragraphs 4 and 7 of the same resolution. Similarly, reference was made to General Assembly resolution 2625 (XXV) of 24 October 1970, containing the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, especially the provisions concerning the principle of the equal rights and self-determination of peoples.

296. The Moroccan Government felt that its claims to the Territory, announced officially in 1956, considerably antedated any discovery of phosphate or even any prospecting activity in the area. Furthermore, the phosphate resources in the Territory would be of only minor significance to Morocco since it already had sufficient reserves to continue exploitation at the current rate for eight centuries, not to mention recently discovered deposits, the exploitation of which had not yet begun. Finally, Morocco had claimed and reincorporated the provinces of Tarfaya and Ifni which had been and were still very poor regions. Thus, the claims of the Moroccan Government to the Territory were in no way motivated by the presence of mineral wealth in the region.

## 2. Decolonization of the Territory

297. Explaining its position on the question of decolonization, the Moroccan Government noted that from the very beginning it had initiated and promoted action to place the question of Spanish Sahara on the agenda of the United Nations General

Assembly. Moreover, Morocco had not only voted in favour of all General Assembly resolutions on the question with the exception of resolution 2983 (XXVII), but had also been an initiator and sponsor of the drafts for those resolutions. That meant that the Moroccan Government saw no contradiction between United Nations doctrine with regard to decolonization in general and to Western Sahara in particular, and the policy advocated by Morocco for the liberation of Western Sahara from the colonial yoke. The history of the colonization of Morocco and the process of its decolonization were cited as proof.

298. The Moroccan authorities stated that the liberation struggle would remain unfinished as long as parts of Moroccan territory such as Western Sahara remained under the colonial yoke. Thus, for Morocco, the problem of the decolonization of the area was identical to that of the return to the Moroccan State of territories and populations torn away by colonial usurpation. In a word, the decolonization of Western Sahara implied, ipso facto, its reintegration into the Moroccan State.

299. For the Moroccan Government, self-determination or the right of Western Sahara to free determination, a principle to which it had always subscribed, had never meant abandoning a part of its territory. On the contrary, whatever procedures the United Nations may have contemplated since 1965, the sole concern of Morocco, which had participated in the formulation of those procedures, was the liberation of Western Sahara and its reintegration into the Moroccan State.

300. In the view of the Moroccan Government, this policy derived from the United Nations resolutions on the question of Spanish Sahara and in particular from the provisions of resolution 2072 (XX), in which the General Assembly urgently requested the Government of Spain, as the administering Power, to take immediately all necessary measures for the liberation of the Territory from colonial domination and, to this end, to enter into negotiations on the problems relating to sovereignty presented by this Territory.

301. In the view of the Moroccan Government, the specific character of the decolonization of Western Sahara was thus demonstrated by the fact that the United Nations had advocated negotiations for the purpose of solving the problem of sovereignty. With regard to such negotiations, the Moroccan authorities said that no one doubted that Spain's opposite number in this affair was Morocco, which had taken the initiative of requesting the inclusion of the question on the agenda of the twentieth session of the General Assembly.

302. According to the Moroccan Government, the question of Western Sahara remained unsolved because Spain refused to open negotiations on the subject of the problem of sovereignty presented by this Territory. Spain's refusal to implement resolution 2072 (XX) had led the General Assembly not only to keep this question on its agenda but also to adopt several later resolutions all of which referred to the initial resolution 2072 (XX).

303. The Moroccan Government felt that the fact that the question had been deadlocked since 1966 by the attitude of Spain had led the General Assembly to adopt resolution

3292 (XXIX) in 1974, under the terms of which the United Nations began a re-examination of the question, with emphasis again placed on the legal aspects involving the problem of sovereignty.

304. To complete the presentation of their position on the problem of decolonization as envisaged in United Nations doctrine, the Moroccan authorities cited the provisions in principles V and VI of General Assembly resolution 1541 (XV) of 15 December 1960:

"Principle V. Once it has been established that such a prima facie case of geographical and ethnical or cultural distinctness of a territory exists, other elements may then be brought into consideration. These additional elements may be, inter alia, of an administrative, political, juridical, economic or historical nature ...

"Principle VI. A Non-Self-Governing Territory can be said to have reached a full measure of self-government by:

- (a) Emergence as a sovereign independent State;
- (b) Free association with an independent State; or
- (c) Integration with an independent State."

305. In the view of the Moroccan Government, correct and faithful application of the principles of decolonization and self-determination did not necessarily and automatically lead to the status of independent statehood; in other words, everything depended on the particular situation in each Territory.

306. The Moroccan Government, felt, therefore, that the correct and faithful application of both resolution 1541 (XV) and other pertinent resolutions lay in the judicious combination of the principles of decolonization and a respect for the unity and territorial integrity of sovereign States.

### 3. Ways and means of decolonization

#### Negotiations

307. Morocco was convinced that if the principle of respect for territorial integrity had been taken into consideration by the administering Power, its application to Western Sahara would not have presented any insurmountable difficulty.

308. The application of this principle would have set in motion the mechanism for negotiations concerning sovereignty in conformity with the provisions of paragraph 2 of resolution 2072 (XX); this would have resulted in the procedure for the transfer of administration, as was the case for the Ifni enclave. Morocco said that the refusal of Spain to open negotiations had led to the request

to the International Court of Justice for an advisory opinion in conformity with resolution 3292 (XXIX).

309. In the opinion of the Moroccan Government, should the opinion of the International Court of Justice be favourable to the position of Morocco and provide the clarification requested by the General Assembly on the problem relating to sovereignty presented by the Territory, no one would have the right to expect Morocco to collaborate with any other State in the dismemberment of its national unity and territorial integrity, which international law, based on the principle of equal rights of States, does not allow for any other State. The Moroccan authorities also viewed in the same way the procedure for the transfer of administration through negotiations.

#### Referendum

310. The Moroccan Government pointed out that seven years had passed since the General Assembly's first call for the organization of a referendum. The Moroccan Government therefore rejected the referendum for the simple reason that the conditions for the procedure of decolonization through a referendum had been destroyed by the administering Power, which it accused of having instituted in the Territory a policy based on the following facts. Spain has refused all negotiation or consultation on the problem of sovereignty presented by the Territory. The silence with which it has greeted, since 1966, the injunctions of the Assembly resolutions, including the sending of a United Nations Visiting Mission, was all the more disturbing because during this time, the administering Power had unilaterally taken measures to install a political and military apparatus governing the connected sectors of security, administration, justice, economy and education.

311. In the first place, there was, according to Morocco, a military occupation whose personnel has been estimated at between 70,000 and 80,000 men. In the second place, the Moroccan Government has denounced a "so-called assembly" empowered to speak in the name of the population of Western Sahara and which in reality, it said, only endorsed decisions taken by the colonial authorities. In the third place, Morocco noted the situation of the refugees whose return to their homes was being prevented by the administering Power.

312. Despite the fact that the situation prevailing in the Territory was not one which could create a favourable political climate, as specified in resolution 2229 (XXI), the Moroccan authorities stated that Morocco was willing once more to show its goodwill. Thus, if all the conditions enumerated in the pertinent resolutions of the General Assembly could be fulfilled - which the Moroccan authorities strongly doubted - Morocco would accept a referendum under the following supplementary conditions:

- (a) Withdrawal of the Spanish troops and administration;
- (b) Presence of United Nations troops in the Territory;

(c) A United Nations administration in the Territory;

(d) A transitional period of six months after the departure of the Spanish troops and administration.

313. Finally, the only referendum question to which the Moroccan Government could agree was the following:

"Do you want to remain under the authority of Spain or to rejoin Morocco?"

#### 4. Military situation in the border region

314. During its stay in Agadir, the Mission sought information on the military situation prevailing in the border region as well as the forces found there.

315. The Moroccan authorities described the situation as calm in the province of Tarfaya, which is along the border separating Morocco from the Territory. In this connexion, the authorities said that they had never noted the slightest incident in the Moroccan territory where units of the Royal Armed Forces were stationed. It was also pointed out that, since Morocco's independence and the reintegration of the province of Tarfaya, there had always been units of the Moroccan Army stationed in the region.

316. The Moroccan authorities said, however, that following the decision of Spain to create a State in Western Sahara, which Morocco considered as an integral part of its territory, the Moroccan Government had decided to reinforce its armed forces stationed in the region. This reinforcement, called symbolic, had not been done in the spirit of confrontation but rather to show the determination of Morocco not to allow Spain to carry out its plan for Western Sahara.

317. The Moroccan Government did not intend to change the present situation in the Territory unilaterally, because it had been behind the request to the International Court of Justice.

318. Morocco accused Spain of trying to obstruct the procedure decreed by the United Nations by declaring its intention to "withdraw immediately" from Western Sahara and to "transfer power". Such an action, in Morocco's view, would create a dangerous void in the region and could only endanger peace. The Moroccan Government has declared that, if such a step, which it has called irresponsible, were to be taken in the Territory by Spain, Morocco, for its part, was firmly determined to assume its historical and juridical responsibilities in Western Sahara because "Morality, history and law all oblige it to act, however great the sacrifices such action would require".

#### C. Interviews with leaders of political parties and liberation movements and representatives of groups of prominent citizens

319. During its stay in the southern provinces of Morocco, the Mission was able to visit refugee camps at Tan-Tan, Zag and Amakroud. The Mission thus had

contacts with refugees and talked to their representatives. The Mission was also able to talk to Mr. Khali Hena Al Rachid, the Secretary-General of PUNS; Mr. Edouard Moha, the President of MOREHOB; a group of soldiers from FLU; a group of Saharans expelled from the Territory; a delegation from the executive committee of the ISTIQLAL party; groups representing the refugees; Saharans residing in Morocco; and prominent Moroccan personalities.

320. During these conversations, all the persons and groups heard claimed Moroccan origin, whether they were from Sahara or elsewhere, expressed their attachment to King Hassan II, alleged that Spanish Sahara belonged to Morocco and declared their firm wish to have Western Sahara reintegrated into Moroccan territory.

1. Meetings with Mr. Khali Hena Al Rachid, Secretary-General of the Partido de la Unión Nacional Saharaui (PUNS)

321. The Mission has described in paragraph 213 above the circumstances surrounding the disappearance from the Territory of Mr. Khali Hena.

322. The Mission had talks with Mr. Khali Hena on 23 and 26 May at Agadir. Mr. Khali Hena said that his statements did not reflect his true feelings, because in the Territory it was dangerous for anyone to speak out in favour of Morocco. He said that he had always been loyal to Morocco and that other members of the Central Committee of PUNS shared his views, although many of the rank-and-file members had been kept in ignorance of this and had been led to believe that PUNS was what it purported to be. Explaining the situation in the Territory and his role as leader of PUNS, he said that ever since 1958, when Spanish troops had forcibly suppressed the first uprisings in Villa Cisneros and Semara which began the struggle for liberation, the Spanish authorities had been skilfully manoeuvring to undermine the population's loyalty to Morocco by seeking to turn the Territory into a separate political entity. This policy had consisted, on the one hand, of creating a puppet Yema'a and, on the other, of promoting an artificial pro-independence movement. This had been done partly so that Spain could continue to control the Territory's economic wealth and partly so that Spain could justify itself in the eyes of the world. It was only when this policy seemed to be bearing fruit that the Spanish Government had asked the United Nations to send a visiting mission to the Territory.

323. Mr. Khali Hena said that the Spanish authorities had chosen him to lead PUNS, with the promise that he would become the head of government after independence, because he had been educated in Spain and had a Spanish wife. He had accepted the offer and had pretended to advocate independence for the Territory because he wanted to undermine the independence movement from within. He said that the only way to preserve peace in the region was to reintegrate the Territory with Morocco. There was, in his view, no justification for holding a referendum.

324. Mr. Khali Hena believed that the Spanish authorities had created a demand for independence among a section of the population by holding out the prospect that the Territory would become wealthy because of its phosphate resources.

325. Speaking of the mass public demonstrations organized by both the Frente POLISARIO and PUNS, which the Mission had witnessed in the Territory, Mr. Khali Hena said that they had been orchestrated by Spain and did not reflect the wishes of the majority of the population, which was loyal to Morocco. He insisted that the Frente POLISARIO in the Territory was, like PUNS, a Spanish creation, and had little or nothing to do with the Frente POLISARIO in Algeria. In fact, he said, there were three movements bearing the name of Frente POLISARIO: one in Algeria serving Algerian interests, a second in the Territory and a third of Mauritania.

326. Mr. Khali Hena asserted that his views were shared by the members of the Central Committee of PUNS, which had decided to go to Morocco with him two months before the arrival of the Mission; however, the other members had been unable to leave with him. The Central Committee had not considered it necessary to inform all the 20,000 members of PUNS of its decision. In fact, he said, the supporters of PUNS in the southern part of the Territory were not under the control of the Central Committee.

2. Interviews with Mr. Edouard Moha, President of the Mouvement de résistance pour la libération des territoires sous domination espagnole (MOREHOB)

327. Mr. Moha told the Mission of his journeys to Morocco, Algeria, Libya, Belgium and back to Morocco. He explained that MOREHOB had been obliged to move its headquarters constantly because of the political difficulties it encountered wherever it went. Established in Morocco in 1961, MOREHOB had had to leave Rabat for Alger in 1973, because Morocco, which it considered its motherland, had not defended it sufficiently. Deprived of his Moroccan passport, Mr. Moha had gone to Algeria on a "United Nations travel document". In Alger he had realized that not only had the Algerian Government signed agreements with Spain relating to gas and to mines, but it had also refused to put him in touch with the chiefs of Saharan tribes. In addition, Algeria had decided to restrict the activities of MOREHOB. Therefore he had felt obliged to go to Libya, where he had remained for a short time before settling in Brussels. MOREHOB had returned to Rabat because it had noted mobilization for the liberation of Western Sahara and its integration into the territory of Morocco.

328. Mr. Moha declared that there were at least two parties bearing the name of the Frente POLISARIO. The first, which had been established by Mauritania and MOREHOB, had disappeared because Mauritania, through its Ambassador in Madrid, had requested Spain to transfer sovereignty over Western Sahara to Mauritania in exchange for economic monopolies there from which Spain would continue to profit. These proposals, according to Mr. Moha, had been rejected by Spain, which probably felt that it might achieve "other more important

concessions". The second Frente POLISARIO, according to Mr. Moha, had been created in Algeria in 1974. As to PUNS, Mr. Moha declared that it had been established by Spain. In that connexion, he explained that at the time this party was established, he had been asked by "influential persons in Madrid" to join the movement. As to the political future of Western Sahara, Mr. Moha thought that, if the International Court of Justice recognized the merits of the Moroccan request, there would no longer be any question of consulting the inhabitants by referendum. He thought that the inhabitants of the interior of the Territory comprised only one sixth of the total Saharan population. Nevertheless, if a referendum were to take place, it would have to be subject to the following conditions: withdrawal of Spanish soldiers and administration from the Territory; return of the refugees to the Territory; responsibility of the United Nations. The wording of the question to be posed in the referendum would be discussed between Morocco and Spain.

### 3. Interviews with soldiers from the Front de Libération et de l'Unité (FLU)

329. The Mission did not meet any of the leaders of FLU. However, it met a group of FLU soldiers. Established in February 1975, FLU has as its objective the liberation of occupied Spanish Sahara and its integration into Morocco. In behalf of this cause, the FLU soldiers whom the Mission met affirmed that they would carry on an armed struggle either until the complete liberation of the Territory or until death.

330. In the Territory, FLU said that it based its action on an organization divided into seven groups, of which four operated in the southern region (Río de Oro), and three operated in the northern region (Saguia el Hamra). Armed action has been reported by FLU at Hagunia, Semara, El Aaiún, Hausa and Echderia.

331. Most of the FLU troops were deserters from the Tropas Nomadas and the Territorial Police. Thus, a large part of the equipment used, including the jeep used to travel to the Mission's hotel, came from the Spanish army. Furthermore, FLU claimed that it had received no assistance from Morocco. FLU did not recognize PUNS, which it described as a Spanish creation, or the Frente POLISARIO, "composed of children", which it would fight unremittingly. As to MOREHOB and Mr. Moha, FLU claimed not even to know of their existence.

### 4. Interview with prisoners expelled from the Territory

332. On 25 May 1975, the Mission met a group of Saharan prisoners at Tan-Tan, who had been expelled from the Territory in the region of Tarfaya. The six members of the group declared that they had been arrested on 19 May 1975 and accused of having thrown bombs in El Aaiún. They also declared that they had been tortured and confined for three days without food or water. One of their number, a Mr. Abay Mohamed, had died as a result of torture inflicted by the Territorial Police. The six persons showed the Mission visible traces

of the treatment received. The Mission arranged for them to be examined by the Moroccan doctor accompanying it during its stay in Morocco.

5. Meeting with the Secretary-General and members of the Executive Committee of the ISTIQLAL party

333. Upon its arrival at Agadir, the Mission witnessed a mass demonstration organized by ISTIQLAL of Morocco and other Moroccan organizations in support of that country's contention that the Territory was part of Morocco and should be re-integrated with it.

334. The views of ISTIQLAL were explained to the Mission at a meeting which took place at Agadir on 26 May. ISTIQLAL was represented by a delegation composed of Mr. M'Hammed Boucetta, the Secretary-General of the party, and four members of its Executive Committee.

335. Mr. Boucetta said that the frontier separating the Moroccan province of Saguia el Hamra and Río de Oro from the mother country was an artificial one which divided the people on each side from their kith and kin. He considered that it was essential for the maintenance of peace that the Territory be re-integrated with Morocco as rapidly as possible. The people of Morocco were united in their determination to go to all lengths to achieve this objective.

336. He said that Morocco's claim was fully in accordance with resolution 1514 (XV) which, in its paragraph 6, laid down the principle of respect for the unity and territorial integrity of countries concerned. This principle, which was also embodied in the Charter of the United Nations, had been applied with respect to the decolonization of West Irian and of several other Territories formerly under colonial domination, such as Ifni. The principle of self-determination could not be applied in the case of Western Sahara because the population inside the Territory was a part of the Moroccan nation. Application of the principle in this case would not be a genuine act of self-determination since the population was subject to pressure by the colonial authorities.

337. The Secretary-General of ISTIQLAL said that the Mission should not be influenced by the public demonstrations in support of independence witnessed in the Territory. It should ask itself why a colonial Power, having previously denied freedom of expression to the population under its domination, should reverse its policy and allow the people to call for its withdrawal.

338. Mr. Boucetta believed that if the population had been really free to express its wishes, many people would have demonstrated for integration with Morocco. He said that branches of ISTIQLAL had existed in the Territory until they were closed by the Spanish authorities. Since then, ISTIQLAL had continued to operate clandestinely in the area.

339. At the conclusion of the meeting, the ISTIQLAL delegation gave the Mission the text of a manifesto.

6. Meetings with groups representing Saharan refugees  
and Saharans residing in Morocco

General

340. So as to be objectively informed of the wishes and aspirations of the people, the Mission wished to receive the greatest possible number of their representatives, appointed on the spot by the people themselves, in order to have discussions with them away from the noisy atmosphere of the demonstrations. For that purpose, the members of the Mission on each occasion formed into three groups, each of which held separate meetings with spokesmen for the local population, who were received in turn with no Moroccan authorities present. In the course of its stay in the Agadir region, the Mission met some 30 groups ranging from 20 to 50 persons in number. All the statements made by these groups to the Mission focused on three ideas: the Moroccan character of Western Sahara; its liberation from Spanish domination; and its restoration to Morocco.

Statements by the refugees

341. The spokesmen for the refugees told the Mission, essentially, that the refugees came from all parts of Western Sahara and had either been driven from the Territory or forced to leave it for expressing their attachment to Morocco. A number of them said that they had left the Territory following the arrest of a member of their family. They all deplored the underdeveloped state of the Territory in every sphere, for which they blamed Spain, but only a few said that they had left the Territory for economic reasons. The refugees declared that they preferred to live in Western Sahara rather than remain in Morocco. They all expressed a desire to return home once the Territory was liberated. The refugees expressed their determination to fight to the death for the liberation of the Territory. They all opposed the referendum.

342. The refugees said that they had no problems with the local Moroccan population, nor with the Moroccan authorities or the soldiers of the Royal Armed Forces. If they had not become integrated into the local population, they said, it was because they wished to keep their Saharan identity. If they had not taken up permanent employment in Morocco, it was because they wished to avoid the temptation to settle there permanently. Similarly, they did not work in the fields because they did not wish to become emotionally tied to the land. It was the hope of returning one day to the Sahara which encouraged them to live in jaimas (tents) instead of building solid houses.

Meeting with members of the family of Mr. Mohamed Basiri

343. At Tan-Tan, the Mission met with a group of people who introduced themselves as members of the family of Mr. Basiri, the Saharan hero whose fate is of great concern to a large majority of Saharans and whose case is mentioned in paragraph 254 above. The group included three persons who introduced themselves as Mr. Basiri's brothers. Their identification papers bear the names of

Mr. Basir Moulay Larbi, born in 1925 at Marrakesh and domiciled at Rabat; Mr. Basir Mokhtar, born in 1935 at Tadla; and Mr. Basir Mohamed, born in 1949 at Beni Ayatt. The three brothers asked the United Nations, through the intermediary of the Mission, to open an inquiry to help them clear up the mystery of Basiri's disappearance.

344. The members of the group said that they favoured the liberation of the Sahara and its integration into Morocco.

## VII. VISIT TO ALGERIA

### A. Views of the Government

345. On its arrival in Alger, on 28 May, the Mission had an audience with President Houari Boumediene after which it departed to the border areas in order to visit the camps of refugees from the Spanish Sahara (see paras. 361 to 363 below). On its return to Alger, on 31 May, the Mission had a meeting, in the absence of the Minister for Foreign Affairs, with Mr. Abdelmalek Benhabyles, the Secretary-General of the Ministry of Foreign Affairs, Mr. Abdesselam Zemined and other senior officials of the Algerian Government. At the conclusion of the Mission's visit, on 1 June, the Mission had a brief audience with the President. The views expressed to the Mission at these meetings were later supplemented by replies to written questions previously submitted to the Government. The following paragraphs set out in summary form the position of the Algerian Government as explained to the Mission.

#### 1. Basic principles

346. It was explained to the Mission that the Government's policy was based on three elements. In the first place, it had no territorial claim on Western Sahara; secondly, it was in favour of genuine and total decolonization; and thirdly, it supported the principles laid down by the United Nations for the Territory's decolonization.

347. With regard to the first of these elements, the Government considered that although it had no territorial claim, it was, nevertheless, directly concerned because it had a common frontier with the Territory and the troubled situation there affected its security as well as the security of the region of which Algeria was a part. For that reason, Algeria sought a genuine solution which took account of all interests, especially those of the population whose future was being discussed.

348. The Algerian Government considered that the basis for decolonization was the exercise by the peoples under colonial domination of their right to self-determination, a view which, its representatives asserted, was in conformity with the principles of the Charter of the United Nations and the Charter of the Organization of African Unity (OAU) and also, specifically, with the procedure laid down for the decolonization of Western Sahara in successive resolutions of the General Assembly. Resolution 3292 (XXIX) differed from preceding resolutions only to the extent that it contained a request for an advisory opinion from the International Court of Justice and provisionally suspended the holding of the referendum by which the population would exercise its right to self-determination. However, since the General Assembly had specified in paragraph 1 of the resolution that the decision to seek an advisory opinion from the Court was "without prejudice to the application of the principles embodied in General Assembly resolution 1514 (XV)", the Algerian Government considered that resolution 3292 (XXIX) in no way altered the decolonization procedure adopted by

the United Nations. The principle that it was the inviolable right of peoples under colonial domination to determine for themselves their political status had been reiterated in many declarations and resolutions, and particularly in resolution 2625 (XXV) containing the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. The same principle was to be found in resolution 1541 (XV) which did not, strictly speaking, deal with the subject of decolonization since it only set out the ways in which a Non-Self-Governing Territory might reach a full measure of self-government. According to this resolution, a Non-Self-Governing Territory may enter into free association with, or be integrated with, an independent State only as a result of a free decision by the people of the Territory. It was therefore clear, in the opinion of the Algerian Government, that United Nations doctrine on decolonization was based first and foremost on the freely expressed will of the population to be decolonized.

349. The Algerian Government pointed out that OAU and the Group of Non-Aligned Countries, in their resolutions on the Western Sahara, had taken the same position as the United Nations.

350. The Government also stressed that the three countries bordering the Territory - Algeria, Mauritania and Morocco - had all shared this attitude, at least until July 1973, as was apparent from the joint communiqués issued after the meetings which took place on several occasions between their Heads of State. The last of these communiqués, issued at the conclusion of their meeting at Agadir, which took place on 23 and 24 July 1973, contained a statement reaffirming their unwavering attachment to the principle of self-determination and their concern to ensure that the principle was implemented in the Western Sahara in a framework which would guarantee that the will of the inhabitants was given free and genuine expression, in conformity with the decisions of the United Nations on the question.

351. It was pointed out to the Mission that the Algerian Government's position in this respect had not changed. It believed that to deny the universality of the right of all colonial peoples to self-determination would be to deliver a stab in the back to all liberation movements. Algeria would not oppose a solution based on the division of the Territory in accordance with the claims of Morocco and Mauritania, provided the population had been properly consulted and had freely opted for that solution. Any solution was, in fact, possible if the population freely expressed itself in favour of that solution.

352. It was the responsibility of the General Assembly to decide how the population should exercise its right of self-determination and to ensure that it did. The General Assembly's responsibility in this respect had become particularly evident in view of the Spanish Government's announcement that, under certain circumstances, Spain might withdraw from the Territory before the referendum was held.

## 2. Modalities of an act of self-determination

353. The Algerian Government pointed out that, beginning with resolution 2229 (XXI), the General Assembly had specified, and repeatedly reaffirmed, that the population of the Territory should exercise their right to self-determination by means of a referendum, the procedures for which should be determined by the administering Power in consultation with the Governments of Mauritania and Morocco and "any other interested party". The Assembly also specified that such a referendum should be held under the auspices of the United Nations and that a United Nations mission should participate actively in the organization and holding of the referendum. The resolutions setting out this procedure had received the approval of the overwhelming majority of States Members of the United Nations, including Algeria, Mauritania and Morocco.

354. The Algerian Government therefore believed that a carefully prepared referendum, supervised and guaranteed by the United Nations, remained the best means, despite the difficulties its organization might entail, of enabling the population to exercise its right to self-determination.

355. The Algerian Government emphasized that the role of the United Nations should go beyond that of a mere observer, since, in its opinion, only the United Nations, by its nature and vocation, was in a position to provide the necessary guarantees of impartiality for a genuine consultation of the population. In addition to supervising and guaranteeing the referendum, the United Nations must decide the terms of the question or questions to be voted upon, so as to ensure that they were of such a nature as to elicit unambiguous replies, making it possible to determine the true will of the population.

356. The Government considered that, if solutions other than that of outright independence of the Territory were to be envisaged, it should be borne in mind that the General Assembly, in resolution 1541 (XV), when examining the possibility of the accession of a Territory to self-government by its integration with an independent State, had specified in Principle IX (a) as follows:

"(a) The integrating territory should have attained an advanced stage of self-government with free political institutions, so that its peoples would have the capacity to make a responsible choice through informed and democratic processes."

357. In view of the above, the Algerian Government believed that it would be necessary, first of all, to ascertain the will of the population to free itself from colonial domination, and, should the need arise, it would be only at a later stage, once the Territory had adopted free political institutions, that the question of association or integration with another independent State could arise.

358. The Algerian Government believed further that the right to vote in the referendum should be restricted to Saharans indigenous to the Territory. The task of screening refugees living outside the Territory could be entrusted to an ad hoc commission of the United Nations composed of representatives of the

administering Power, the countries receiving refugees, and the Saharan political movements, and also social scientists who could help to define objectively the scientific criteria and appropriate procedures for determining who was a Saharan indigenous to the Territory. The representatives of the Algerian Government agreed with the view, which had been expressed to the Mission during its discussions in the Territory, that the organization of Saharan society into family groups (subfractions) would, to a certain extent, help the commission to determine who was and who was not indigenous to the Territory.

### 3. Position of Algeria with regard to national liberation movements

359. The Algerian Government said that it had abstained from intervening in the affairs of the population of the Territory and that there was no truth whatsoever in the accusation that it had created the Frente POLISARIO. It had simply aided the liberation movement which happened to be the most active, just as it would aid any liberation movement which opposed colonization and was not seeking to overthrow an independent Government.

360. The Government said that its position in this regard was well known and had always been consistent. Algeria, basing itself on its own experience, espoused the right of all colonial peoples to free themselves from colonial domination and was always ready to receive and to aid their liberation movements. Subject to the above-mentioned condition, the Algerian Government did not favour one liberation movement against another.

#### B. Visit to the border areas

##### 1. Contacts with Saharan refugees

361. The Mission, accompanied by representatives of the Algerian Government, travelled by air to Tindouf, in the south-west of Algeria, about 50 kilometres from the frontier of Spanish Sahara. Although a small town, it is the administrative headquarters of the region, the site of an important iron mine and of an annual fair visited by people from as far away as Mali.

362. During the two days which it spent at Tindouf, the Mission visited three camps, which it was told contained a total of about 7,000 Saharan refugees from the Territory. The first two, visited on 29 May, were at Oumm el Assel, about 180 kilometres from Tindouf, and at Sebicha Abdallah, about 30 kilometres from Tindouf. The third camp, which the Mission visited in the morning of 30 May, was on the outskirts of Tindouf. At all three of these camps the Mission was met by large and vociferous demonstrations of several thousand people, in which the flags of the Frente POLISARIO were prominently displayed and there were many placards carrying slogans such as "The people of the Sahara demand total independence"; "We say no to Spanish colonialism and no to Morocco" or "Our only legitimate representative is the Frente POLISARIO". It was evident that, even if the demonstrators were not all members of the Frente POLISARIO, they were at least its supporters. This was confirmed in the many interviews which the

Mission had with individuals and groups among the demonstrators, nearly all of whom said that they had fled from repression both within the Territory and in the Tarfaya region of Morocco, which is inhabited by Saharans. Many said that they had been in the camps since 1973, when the Frente POLISARIO was formed, although there were some who claimed to have left the Territory after the Mission's visit. The Mission heard a number of general complaints of arrests and ill treatment of Saharans who were pro-independence by the authorities both in the Territory and in Morocco, a theme which was frequently repeated to it by the representatives of the Frente POLISARIO. Many persons from the Territory said that they had been forced to leave without any possessions. They said that they were grateful to the Algerian authorities for having provided them with food, medical dispensaries and schools.

363. Among those whom the Mission saw in the camps were a number of people who said that they had left the Territory as long ago as 1970 when the first pro-independence riots occurred. Most of those interviewed appeared to have come from the northern region of the Territory. The Mission was told that the majority were refugees but that among them there were members of the liberation army of the Frente POLISARIO, who received military training while in the camps. It noted the presence among them of about 30 men who were still wearing the uniform of the Tropas Nomadas of Spanish Sahara and who, it was told, were former members of two patrols which had mutinied earlier in the month (see para. 261 above), and had joined the Frente POLISARIO with their weapons and equipment. The Mission noted that living conditions in the camps did not appear to be very good, although the refugees all said that they were satisfied with the assistance they received.

## 2. Meeting with leaders of the Frente POLISARIO

364. During its visit to the Territory, the Mission had encountered masses of supporters of Frente POLISARIO and had met with many groups of its members, including local representatives. It was not until the Mission arrived in Algeria on 28 May that it first had contact with the leadership of the movement which sent a representative to meet it in Alger.

365. The Mission's formal discussions with the leadership of Frente POLISARIO took place at Tindouf on 30 May. The delegation was led by Mr. Said Louali, its Secretary-General, and in addition comprised both members of the Executive Committee, Mr. Omar Mohamed Ali and Mr. Mahfoud Ali Bayba, and Messrs. Brahim Galli, Moussa and Ahmed Kaïd, all members of the Political Bureau. The discussion, which lasted a number of hours, was frank and cordial, the delegation explaining that it welcomed the opportunity of making itself and its activities known to the world, since it lacked the means to issue communiqués or engage in publicity.

366. Much of what the Secretary-General told the Mission concerning the objectives, organization and activities has already been set out earlier in the present report (see paras. 215-218 and 244-246 above). The Secretary-General asserted that the Frente POLISARIO was a national force

representing the aspirations of the population of the Territory and that it was not the creation of any outside Power; it was grateful, however, for the assistance which it received from Algeria and Libya. Its aim was the complete independence of the Territory and the creation of a new democratic order which would serve the interests of all the people. He said that the Frente POLISARIO opposed all territorial claims on Western Sahara by its neighbours and, at the same time, made no claim for the return of areas (in all three neighbouring countries) which, he said, had been ceded by Spain although they were inhabited by Saharans.

367. Mr. Louali said that the organizational structure of the Frente POLISARIO was set out in a statute adopted at its first congress in 1973. The congress, which was held each year and at which all sections of the movement were represented, was the supreme policy-making body. It alone had the power to alter the statute, formulate general policy and determine the course of action to be followed during the ensuing year. It also elected each year the members of the Executive Committee and the Political Bureau. The former was composed of four military members and three political members. One of the military members was the Secretary-General, who was responsible for running the movement and, as Chairman of the Executive Committee, for implementing the decisions of the congress. The Political Bureau was composed of 21 members.

368. Each of the military members of the Executive Committee was responsible for a military sector in the armed struggle for liberation. The only sector where there was no armed struggle in progress was the southern part of the Territory where the movement was not well organized. The question of armed struggle was still being discussed in that part of the Territory. The Secretary-General spoke with pride of the activities of the guerrilla fighters, which the Mission has already described.

369. He said that students played a vanguard role in the liberation struggle although there were some differences and contradictions between the members of the movement and those among the students, who were pursuing their studies for their personal advantage rather than for the purpose of contributing to the welfare of the Saharan people. The leaders of the Frente POLISARIO believed that individuals should sacrifice private interests for the good of the people and, for their own part, had given up their studies to devote all their efforts to the struggle for liberation. However, the Secretary-General said that he felt no bitterness towards such students, because most of them had helped the cause by arousing public opinion and, especially by assisting the militants of the Frente POLISARIO to counter Spain's efforts to establish PUNS as a third force. Many had joined in burning the flags of PUNS and preventing the latter from holding demonstrations during the Mission's visit.

370. The views of the leaders of the Frente POLISARIO in regard to the holding of a referendum in the Territory have been set out in paragraphs 244-246 above. In general, the Secretary-General saw no need for a referendum because, in his view, the population had made known its wishes to the Mission through the mass demonstrations which the Mission itself had witnessed during its visit to the Territory. However, the Frente POLISARIO would accept a

referendum, provided Spain first withdrew its administration and armed forces and the latter were replaced by the liberation army of the Frente POLISARIO, and also provided that exiles and refugees were allowed to return to participate in the vote. He emphasized that the voters should be asked only one question, namely, whether they wished to be free or to remain under Spanish rule.

371. During the Mission's meetings with the Governor-General of the Territory in El Aaiún, the latter had requested the Mission to inform the leaders of the Frente POLISARIO of his readiness to meet with them anywhere and without conditions in the hope that he could induce the movement to abandon its armed struggle and accept the role of a legal political party. When the Mission conveyed this message to the delegation, Mr. Louali said that the Frente POLISARIO would consider it and give its reply later. He added that the movement would be prepared to enter into a dialogue with the Spanish authorities, provided the latter were willing to offer genuine concessions.

372. Also, during its stay in El Aaiún, the Mission had been approached by the family of a Spanish citizen, Mr. Antonio Martin, the owner of a private transport company, who had been kidnapped by the Frente POLISARIO and was being held in captivity. When the Mission raised this matter with the leaders of the movement, it was assured that he was in good health and being well treated. The Secretary-General said that the Frente POLISARIO was against racism and treated all its captives humanely. This applied equally to the Spanish officers and military personnel which the Frente POLISARIO was holding as prisoners (see para. 261 above).

373. Concerning the military prisoners, the Frente POLISARIO had already informed the International Red Cross that it would respect the provisions of the Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949. nn/ When the Mission suggested that the movement might consider releasing the two wounded prisoners as a humanitarian gesture, the Secretary-General asked whether the Spanish authorities would release the armed guerrilla fighters whom it had captured. oo/ The Mission's interview with the military prisoners is reported in the following section.

### 3. Interview with Spanish prisoners

374. Late in the evening of 29 May, the Mission, accompanied by several journalists, was conducted by members of the Frente POLISARIO to a rendezvous in the desert about 80 kilometres from Tindouf where the 14 Spanish military personnel, including officers, non-commissioned officers and soldiers, who were being held prisoner, had been taken to meet the Mission. The prisoners had

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nn/ United Nations, Treaty Series, vol. 75, No. 972.

oo/ In a letter dated 10 July 1975, addressed to the Secretary-General of the United Nations, the Frente POLISARIO announced its decision to release the two wounded prisoners as a gesture of its friendship for the Spanish people.

formed part of the two patrols, referred to above, where Saharan Tropas Nomadas had mutinied and taken them captive. During the mutinies, a Spanish soldier had been killed and two others, who were among the prisoners, had been wounded. The names of the prisoners were as follows:

Officers (lieutenants)

Juan Alvarez  
Antonio Fandiño Navarro  
José Sanchez Venega  
Francisco Lorenzo Vazquez

Other ranks

Antonio Moras Benito  
Jacinto Escalante Caldito  
Antonio Bausa Demain  
Daniel Fuentes Garrote  
Vicente Blanco Garcia  
Pedro Mateos Medino  
Mateo Heredia Perez  
José Manuel Collado Piñero  
José Sobrino Ríos  
José Lara Romero

375. At its request, the Mission interviewed the prisoners privately out of hearing of any of their captors or the accompanying journalists. The prisoners were thus able to speak freely to the Mission. They gave the Mission their names and rank and each one assured the Mission that he had, indeed, been well treated by his captors. The Mission was glad to be able to convey this assurance to the Spanish Government and to their families, through the Ambassador of Spain in Algiers.

## VIII. VISIT TO MAURITANIA

### A. Views of the Government

376. The Mission arrived in Nouakchott early in the morning of 4 June after travelling from Paris via Dakar where it was met by representatives of the Mauritanian Government. Later that day, the Mission had an audience with President Moktar Ould Daddah, which was preceded by working meetings with a government delegation of senior officials led by Mr. Hamdi Ould Mouknass, the Minister for Foreign Affairs, and Mr. Ahmed Ould Mohamed Salah, the Minister for the Interior. In addition to the aforementioned, the delegation comprised: Mr. Abdallah Ould Cheikh, Minister for Trade and Transport; Mr. Bal Mohamed El Bechir, Assistant Secretary-General of the Office of the President of the Republic; Mr. Mohamed Ould Sidi Aly, Director of Political Affairs in the Ministry of Foreign Affairs; Mr. Moulaye El Hassen, Permanent Representative of Mauritania to the United Nations; Mr. Taki Ould Sidi, Director of Protocol; and Mr. Mohamed Mahmoud, Counsellor in the Ministry of the Interior.

377. Subsequently, after visiting centres in the north of Mauritania adjacent to the border of Spanish Sahara, which enabled it to have contact with the populations concerned, the Mission had further discussions with the President and the Minister for Foreign Affairs, on 8 June. These discussions later supplemented by the Government's reply to written questions previously submitted to it by the Mission, enabled the Mission to clarify the views of the Mauritanian Government concerning the decolonization of Spanish Sahara. The following paragraphs set out the position of the Government of Mauritania as explained to the Mission.

#### 1. Basis of Mauritania's territorial claim

378. According to the Government of Mauritania, the political frontiers established for the Territory during the colonial period were artificial boundaries which bore no relation to history or to ethnographic reality. Before the advent of Spanish rule, the entire region, from the Senegal River to Saguia el Hamra, which included Mauritania and most of Western Sahara, had been known as the country (bilad) of the Chinguetti, this being the name of the Mauritanian entity, a region occupied by Mauritanian tribes of nomadic herdsman who shared a common language (Hassania), culture, customs and traditions. Because of the physical characteristics of the region, including its scarce rainfall and pasturage, these tribes had long ago evolved a socio-economic system based on nomadizing within traditionally recognized migration areas. These traditional migration areas, which frequently overlapped, extended over what were now the Republic of Mauritania and Western Sahara up to the southern limit of Moroccan influence. The nomadic socio-economic system had continued throughout the colonial period to the present day, without any regard being paid to the purely administrative frontiers imposed by the colonial régimes. As a consequence, the populations on both sides of the frontier were identical, being members of the same Mauritanian tribes and, often, the same social and family groups.

379. In terms of both physical geography and population, Western Sahara was an enclave in the greater Mauritanian entity, separated from it by a frontier which had no justification other than in terms of colonial rule. The perpetuation of this arbitrary division by the creation of an artificial independent State of Western Sahara would create serious problems. It would not only divide the Mauritanian people and separate members of the same families, but would also cut across the traditional migration areas, which, the Mauritanian Government insisted were essential to the economic life of the nomadic tribes, thereby taking away from an entire people its means of subsistence.

380. It was explained to the Mission that, ever since that part of the Mauritanian people previously under French colonial rule had obtained its independence, the Mauritians had asserted their claim for the decolonization and reintegration of the rest of their country which remained under Spanish rule. President Ould Daddah had in fact stated that position as long ago as 1957, and since then the position of Mauritania had been restated on many occasions.

381. When the Mission asked whether this position conflicted with that of Morocco, it was told that for the Government of Mauritania there was really no contradiction between the territorial claims of the two countries. Morocco had a common frontier with the Territory and the tribes in the north of the Territory were definitely akin to those in southern Morocco, a kinship which was similar to that which linked the population of most of the Territory with Mauritania. Morocco therefore had objective reasons for claiming a part of the Territory and Mauritania supported that claim. Each recognized the rights of the other within its respective area of influence. Most of the Territory belonged to Mauritania, while the northern part belonged to Morocco.

382. In the light of its position as described above, the Government of Mauritania, when asked if there were any refugees from the Territory, said that, inasmuch as Saharans and Mauritians were one and the same people, there were no refugee camps nor was it possible to distinguish those who came from the area under Spanish control from other Mauritians. Although there might be a few persons who could not return to Western Sahara for one reason or another, none could be considered refugees because they were, first and foremost, Mauritians living in their own country and among their own kin. There was, in the normal course of events, constant and continuous movement across the border in both directions as the nomads moved with the seasons; for example, many of the tribes had their date groves in southern Mauritania which they visited for the harvest.

383. The Mauritanian Government explained that one of its purposes in inviting the Mission to visit towns near the frontier, was to enable the members of the Mission to see for themselves that the populations on both sides of the frontier were identical, that there was constant interpenetration among them and that all, whether from the Territory or from Mauritania, considered themselves to be one people.

## 2. Principles to be applied for the decolonization of the Territory

384. The Mission was told that the Government of Mauritania saw no incompatibility

between its position and the principles of the United Nations in regard to decolonization or the provisions of resolutions of the General Assembly concerning the question of Spanish Sahara.

385. In the first place, the Declaration contained in resolution 1514 (XV) set out a number of principles of equal importance. Thus, while recognizing the right of colonial peoples to self-determination and independence, it also affirmed, in paragraph 6, that any attempt aimed at the partial or total disruption of the national unity of a country was incompatible with the purposes and principles of the Charter. Furthermore, according to resolution 1541 (XV), self-determination might be achieved under several circumstances, one of which was integration with an independent State. Thus, the resolutions of the General Assembly provided a number of alternative ways by which decolonization might be achieved, and the question was to determine to which principle priority should be given. In practice, the General Assembly had always taken into account the specific circumstances of each case, and in many instances it had accorded priority to the principle that the national unity and territorial integrity of the countries concerned should be maintained.

386. The Mauritanian Government pointed out that in the case of Western Sahara, the General Assembly had recognized the right of the population to self-determination, without excluding the above-mentioned principle. Indeed, in setting out procedures for decolonizing the Territory, the resolutions of the General Assembly repeatedly emphasized two elements: first, that there should be a referendum conducted on a free, democratic and impartial basis; and second, that the referendum should be based on consultations with the Governments of Mauritania, Morocco and any other interested party. Had the referendum been held earlier, as the Assembly had requested, it would undoubtedly have produced a result more easily reconcilable with the principle of respect for the national unity and territorial integrity of the countries concerned. However, the administering Power had delayed nine years before implementing the request of the General Assembly. The Mauritanian Government believed that the conclusion must be drawn that the administering Power had made use of that delay to change the socio-political structures of the Territory in order to develop it into an entity separate from its environment. In short, the Mauritanian Government believed that the situation had been tailored and the choice so oriented that a referendum could have only one result, that sought by the administering Power.

387. The Mauritanian Government believed that the General Assembly, in deciding the policy to be applied in the decolonization of the Territory, should take into account the above considerations, and arrive at a viable solution which would be in the interests of peace and harmony in the region. It was of the opinion that the principles governing decolonization set out in the resolutions of the General Assembly offered a range of alternatives from which the Assembly could choose. It could find that its choice was facilitated by recognizing the respective areas of influence in the Territory of the concerned and interested parties. That of Mauritania corresponded with the traditional migration area of the Mauritanian people, which extended to Saguia el Hamra. By rejoining Mauritania, the people of that area would achieve self-determination and independence.

388. The representatives of the Mauritanian Government said that, if the General Assembly decided to organize an act of self-determination in the Territory, the considerations set out in the following section should be taken into account.

### 3. Modalities of a referendum

389. Although the representatives of the Government of Mauritania did not consider that a referendum was a prerequisite for determining the wishes of the population in the Territory regarding their future status, they believed that if the General Assembly decided that it was necessary, then it must not be conducted by the Spanish authorities. Spain, they said, was aiming at the independence of the Territory and could easily influence the population through the traditional sheiks. However, in view of the conditions prevailing in the Territory, particularly the lack of trained personnel and the nomadic character of the population, the Territory, despite its economic wealth, could not be viable as an independent State. There was, consequently, a risk that colonialism might be replaced by a form of neo-colonialism.

390. In their view, a pre-condition for any free exercise of self-determination was the withdrawal of the Spanish administration and its replacement by a provisional United Nations administration, which could not be accused of partiality and would enjoy the confidence of all parties.

391. The second condition should be the close association of the countries concerned, Mauritania and Morocco, each within its respective area of influence, in the preparation and conduct of the referendum.

392. All Saharans indigenous to the Territory should participate in the act of self-determination, by a referendum based either on universal adult suffrage or, as in the case of West Irian, on the vote of their representatives. It would be extremely difficult to determine who among the people in Mauritania might be considered as an inhabitant of the Territory but the Mauritanian Government was prepared to undertake a census if the United Nations decided that it was necessary. Such a census would, however, be purely administrative and would not be realistic since it presupposed the division of families.

393. The task of determining who should be entitled to vote in a referendum should, in the opinion of the Mauritanian Government, be entrusted to a body composed of representatives of the United Nations, the countries concerned and the populations themselves. It should also be the task of such a body to formulate the questions to be voted upon, taking into account the objective facts of the situation and the need to respect the national unity and territorial integrity of States.

394. The representatives of the Mauritanian Government assured the Mission that the United Nations could count on the full collaboration of their Government.

## B. Contacts with the population

395. From 5 to 7 June 1975, the Mission, accompanied by the Minister for Trade and Transport, the Permanent Representative of Mauritania to the United Nations and other senior officials of the Government, visited the population centres near the frontier of the Territory. The first visited was Atar, which is located in the region of the Adrar about 80 kilometres south of the frontier; thereafter the Mission visited Fdérík Zoufrât, and Bir Mogreïn, all of which are close to the eastern frontier of the Territory, the last-named being a trading centre for nomads in the north roughly opposite Guelta Zemmur. Finally, on 7 June, the Mission visited Nouadhibou, a port and fishing town and the second largest population centre in Mauritania, which is located on the Atlantic Ocean directly on the frontier opposite La Güera.

396. As had been its experience elsewhere, the Mission was met at each place visited by large groups of demonstrators who lined the roads as the Mission passed and greeted it with flags and placards. In these cases, however, nearly all the flags were Mauritanian and nearly all the placards carried slogans calling for reintegration of the Territory with Mauritania, or denouncing Spanish colonialism. Typical among them were placards reading: "We demand the liberation of Mauritanian Sahara", or "We proclaim the unity of the Mauritanian people". In private interviews, however, nearly all the groups, except for those encountered at Nouadhibou (see below), said that they recognized the right to self-determination of the Saharans within the Territory and also their right to choose independence if that was their wish. It was the general view nevertheless that, if the Territory could not subsist as a viable State, it should integrate with Mauritania.

397. At each of the places visited, and more specially at Bir Mogreïn and Nouadhibou, the Mission also encountered groups of demonstrators displaying the flags and emblems of the Frente POLISARIO and carrying placards calling for the independence of the Territory and opposing its annexation by Morocco or Mauritania. The presence of these demonstrators, who were clearly in the minority, confirmed statements made to the Mission by the Mauritanian authorities that restrictions would not be imposed on the right of the population freely to express its wishes to the Mission, even if they did not agree with the position of the Government.

398. As it had done in the other countries visited, the Mission interviewed a great many individuals and representative groups at each of the places visited, in every case without the presence of any representative of the Mauritanian Government.

399. Atar, the first of the places visited, is an important centre for the growing of dates where, according to the Mauritanian authorities, many nomadic groups own date groves and come and settle during part of the year. Here the Mission was greeted by several thousand demonstrators, one of the largest demonstrations encountered in Mauritania. During a comparatively short stay of only a few hours, the Mission was able to interview four representative groups and

a number of individuals, nearly all of whom made it clear to the Mission that they were Mauritaniens and that they none the less had very close kinships, in several cases immediate family, living in Western Sahara. They emphasized that, for them, the inhabitants on the other side of the frontier were their own people with whom they wished to be reunited. The Mission also encountered a group of several hundred demonstrators at Atar, mainly women, who supported the Frente POLISARIO and who later protested to the Mission because some of their number had been arrested on the Mission's arrival for being disorderly and obstructing the Mission's progress. When this minor incident had been settled, they told the Mission that they were the wives of members of the liberation army of the Frente POLISARIO.

400. At Fdérík and Zoufîrât, the situation was very much the same. At Zoufîrât among a large number of people calling for the unification of Western Sahara with Mauritania, the Mission again encountered a small group of members of the Frente POLISARIO, consisting this time of young men or students. They claimed, that there were many political refugees in Zoufîrât but that they were being prevented by the authorities from seeing the Mission, because the authorities had limited the number of demonstrators to 100. When asked to substantiate their claim, however, they were able to mount only a small demonstration of about 300 supporters. Those who did appear before the Mission claimed to be refugees and said that their first choice for Western Sahara was independence, but if that proved to be impracticable they wished to join Mauritania.

401. At Bir Mogreïn which is adjacent to Saguia el Hamra in the northern region of the Territory, where the Frente POLISARIO has its main strength, the Mission encountered two large groups of demonstrators, one calling for integration with Mauritania and the other supporting the position of the Frente POLISARIO. The Cadi and other notables of Bir Mogreïn, told the Mission that, as far as they were concerned, the first priority was for the population of Western Sahara to gain their independence from Spain. Once this had been achieved, they believed that "their brothers" in the former Territory would probably decide to unite with Mauritania.

402. At Nouadhibou, the Mission was met by several thousand demonstrators calling for integration of the Territory with Mauritania and a small, but vociferous minority of several hundred supporters of the Frente POLISARIO. The presence of the latter caused some temporary difficulty when the Mission found that the programme established by the municipal authorities consisted of a meeting in a cinema organized by leaders of the national political party of Mauritania, with prepared speeches in support of the official position of the Government. Later, however, the Mission was able to hold private interviews with a number of groups, including representatives of the Frente POLISARIO. Except for the Frente POLISARIO, whose position has already been fully explained, all the groups interviewed said that they considered the population of Western Sahara to be Mauritanian and they wished the Territory to be reunited with Mauritania. They emphasized, however, that their first objective was to free the Territory from colonial rule.

## APPENDICES

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## APPENDIX I

### Observation by Mrs. Marta Jiménez Martínez (Cuba)

The Cuban representative is in essential agreement with the report but wishes to make the following observation:

Peoples have the legitimate right to be the masters of their own destiny in accordance with General Assembly resolution 1514 (XV) of 14 December 1960, which states: "All peoples have the right to self-determination: by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." The exercise of this right cannot be limited, much less subordinated to the interests of other nations.

The actions of the United Nations must be directed towards ensuring that the Saharan people freely determine their own destiny, and the administering Power and neighbouring countries must contribute to this objective in an atmosphere of peace and mutual security.

Meetings with heads of State or GovernmentA. Meeting with the President of the Spanish Government  
on 21 May, in Madrid

1. Mr. Arias Navarro, the President of the Spanish Government, said that he hoped that the Visiting Mission had had at its disposal in the Territory all the necessary facilities to discharge its task successfully. He emphasized that the basic feature of Spain's position was its firm intention to bring its presence in the Territory to an end, thus complying fully with United Nations resolutions on the decolonization of /Spanish/ Sahara but doing so in a peaceful climate, avoiding any confrontation between groups or countries with conflicting interests. Were that not the case, Spain's efforts in Sahara would be meaningless. As a State Member of the United Nations, Spain believed that the most appropriate way of fully discharging its mission in the Territory was to follow the course indicated in the relevant United Nations resolutions. Accordingly, it had accepted the recommendations of the Organization and had even agreed to suspend the decolonization process already initiated and to postpone the organization of a referendum, heeding the new requirement that the advisory opinion of the International Court of Justice on the historical aspects of the question should be awaited, and thus agreeing to the delay requested.

2. The most rapid solution would have entailed direct negotiations with all the countries concerned. However, Spain had been confronted with conflicting interests and ambitions which made it impossible to reach a fair solution through agreement among all those affected by the future of the Territory.

3. Spain, which did not favour any group over any other, wished above all to leave the Territory in peace and in the hands of those chosen freely by the population. It would be unfortunate if, despite Spain's sincere desire to co-operate and accept the resolutions of the United Nations, the decolonization process became a series of delays and postponements which could only aggravate tensions and radicalize positions. Morocco would like to undertake bilateral negotiations with Spain, but did not wish to take into consideration the views of the Saharan people. Mauritania also had put forward claims and Algeria had indicated its interest. Faced with that situation, Spain did not wish to set itself up as a judge; accordingly, it had accepted the recommendations of the United Nations that it should bring about decolonization through the exercise of self-determination by the population and had subsequently even agreed to delay the process in view of the request for an advisory opinion from the International Court of Justice.

4. Summing up, he reiterated that Spain felt it was urgent to carry through the decolonization process because the aggravation of existing tensions would pose a serious danger to Spain's responsibilities - which should not exceed what its normal responsibilities would be in a peaceful process - and to the region. He wished the countries and parties involved with the issue to know that Spain was

prepared to turn the Territory over immediately to an authority agreed upon in a just and equitable manner by all of them.

5. After indicating how the Mission planned to proceed as a result of its visit and after stressing the advantages of collaboration between the countries concerned in finding a solution in accordance with the principles of the United Nations, the Chairman of the Mission inquired whether Spain intended to take pacifying measures in order to reduce tensions. One such step would be to release persons who had been imprisoned for subversive activities.

6. The President of the Government pointed out that, owing to the delay in the decolonization process, the parties involved were becoming increasingly intransigent and impatient in their attitude. Aggressive attacks had been launched from neighbouring countries, resulting in death or abduction of members of the armed forces responsible for maintaining peace in the Territory. The persons detained for committing such acts had been detained justifiably; however, magnanimous gestures might be considered if the other parties took some corresponding action. The President asserted that there was no difficulty regarding the release of the persons - to whom the Chairman of the Mission seemed to be referring - who had been placed under preventive detention to guarantee the security of the Mission.

7. Spain respected the aspirations of the Saharan people; however, it appeared that those aspirations were being threatened by the danger that the Territory might be annexed by force against its will. Spain had no desire to remain in the Territory; nevertheless, it wished above all that the transfer of power should take place peacefully, to whoever was freely elected by the population.

8. The Chairman of the Mission said that the Mission had ascertained that there was a definite desire for independence in the Territory; it would inform the other countries which it was to visit of that fact. He emphasized that the collaboration of all was needed to enable the population to express its desires freely.

9. The President of the Spanish Government stressed that Spain would not have the slightest difficulty in respecting the freely expressed will of the people and that the only threat to the people was that the Territory might be annexed by force. When the Mission visited the neighbouring countries, perhaps it could make them understand that, in the interest of peace in the region, all parties should comply with the decisions of the General Assembly, change their attitude and try to discuss the best means of ensuring the peaceful decolonization of the Territory. The President believed that the Mission would be successful. He again reiterated that Spain, which had no interest whatsoever in remaining in the Territory, would continue to endeavour to abide by the resolutions of the United Nations; however, he emphasized the Spanish Government's firm determination to withdraw from the Territory as soon as possible and its desire that the rights and freedom of the Saharans should be duly guaranteed.

10. Although the Chairman of the Mission understood Spain's impatience, he stressed that that country, as the administering Power, had responsibilities with respect to the Territory. Undue haste might prove harmful.

11. The President of the Spanish Government again emphasized that Spain's desire to decolonize the Territory peacefully was the only factor that justified its continued presence there, with the sacrifices which that involved: Spain had not wished to abandon the Territory to anarchy but, rather, to entrust it to a responsible authority chosen by the population and, as far as possible, backed by the guarantee and agreement of the countries concerned. The Spanish Government would continue its endeavours to fulfil its duties and responsibilities. He would like to believe that the moral authority of the Mission would have an impact on the neighbouring countries that might be reflected in a general improvement in the climate in which the decolonization process should unfold.

B. Meeting with the King of Morocco on 22 May, in Fès

12. After welcoming the Visiting Mission, His Majesty King Hassan II, stressed the importance of the Mission, which should help to strengthen peace and co-operation in the region. The Mission would be beneficial, whatever its conclusions might be.

13. He said that the first objective of the Mission was to inform the United Nations about the situation existing in the region, which should be a link between the countries of North Africa and the countries south of Sahara and not an arena for confrontation. In order to achieve that objective, the Mission should take into account the interests of the various parties regarding the question of Sahara.

14. His Majesty said that it was true that the United Nations had promoted decolonization in Africa on the basis of the principle of self-determination. The same principle had been applied in Asia and Latin America. In those cases, however, self-determination had not been the same thing as autonomy. In fact, all those countries had determined their own future, but not on the basis of self-determination. If, before the Congo became Zaire and Nigeria the Nigeria of today, Katanga and Biafra had been asked whether they wished to become independent, there would have been no Zaire and Nigeria as the international community now know them. No African State would have supported that policy of disintegration of those States.

15. His Majesty stressed that the Spanish policy of penetration in the Territory had not been marked by the violence which accompanied the French occupation in North Africa. Spanish penetration had been insidious and perfidious. Spain had set itself to nibble up the Territory bit by bit. That insidious policy had been all the more successful because of the absence of means of communication. Despite the perfidy of its action, however, Spain had never had the courage to cut Sahara off from Morocco. It had always governed and legislated with the collaboration of the representative of the Sultan, who was the vassal of the King.

16. As soon as Morocco became independent it had expressed its support for the self-determination of Sahara, but that had never meant that it had abandoned part of its territory. There had been no major problem during the early years. Problems began to arise only when Spain introduced the concept of "interested party".

17. His Majesty said that he was not a regionalist at the Moroccan and international levels. He was in favour of horizontal and vertical integration. Even if there had been no territorial claim and no interest had been expressed, he would have preferred to interest the other countries of the Maghreb - Mauritania, Algeria and the Libyan Arab Republic - in the matter, rather than foreign countries.

18. The Mission was to visit the southern provinces of Morocco. As far as His Majesty was concerned, what the inhabitants of those provinces said to the Mission was less important than what the Mission would see for itself regarding the similarities which existed between the inhabitants on either side of the artificial frontier with regard to customs, dances, folklore, religion and culture. The conclusions of the Mission would either help to settle the problem or lead to the initiation of a dialogue, even if it was necessary to continue the battle at the diplomatic level, which was preferable to battling at another level.

19. Morocco had always defended respect for the integrity of its territory. At the time that it joined the Organization of African Unity (OAU), Morocco had made reservations concerning the charter of OAU regarding Mauritania. General de Gaulle had proclaimed the independence of Mauritania without previously consulting Spain with a view to integrating Sahara into Mauritania. From that time on, Sahara had tacitly or implicitly been a pending question, to be discussed with Morocco.
20. His Majesty observed that Algeria had stated that it had no territorial claim regarding Sahara; to say that that was natural would be a truism. As to Mauritania, whatever the latitudes, the essential thing was that Mauritania should share a common frontier with Morocco, for cohabitation with Mauritania would pose no problem.
21. Morocco's primary concern was the presence of an intruder, the creation of a puppet State which would separate the north and south of Sahara. The fruitful womb of Africa consisted of that part of the continent which ran from the African bulge to Tangiers; it must not be occupied by, or at the mercy of, an intruder.
22. His Majesty said he wondered how the United Nations could agree to the organization of a referendum in a Territory occupied by 25,000 inhabitants and 70,000 soldiers. He merely wished to express some of his own thoughts, but left the Mission to draw its own conclusions. He hoped, however, that the Mission would adopt unanimous conclusions which were in conformity with the interests of the peoples of the region. Morocco was merely claiming its rights in defending the integrity of its territory. His country was not and had never been annexationist.
23. His Majesty then said a few words concerning Fès, a city of culture and wisdom, which was the site of the oldest university in the world, the Karouine University.
24. In conclusion, His Majesty said that with regard to a possible referendum in Sahara, the only question which Morocco could accept was the following: "Do you wish to remain under the authority of Spain or to join Morocco?" If the question for the referendum was worded in that way, Morocco would accept the decision of the will of the populations of Sahara.
25. The Chairman of the Mission thanked the King of Morocco for the invitation he had been kind enough to address to the Mission. He said that the Mission's task was very delicate, because of its political, legal and other implications.
26. The Mission had already visited Spanish Sahara, and he was pleased to state that its visit to the Territory had taken place under good conditions. The Mission had been in direct contact with the inhabitants of the Territory and had taken note of everything said to it and of everything it had been able to see. The conclusions of the Mission would be incomplete, however, if Morocco, Algeria and Mauritania were not visited. The direct contacts and talks which the Mission was holding in Morocco and would hold in Algeria and Mauritania would be useful to it in connexion with its approach to the problem.
27. The Chairman recalled the mandate of the Mission, which was first, to study the political, economic, cultural and social situation in the Territory; second, to make

direct contacts with the indigenous inhabitants with a view to ascertaining their sentiments and deepest aspirations; and third, to ascertain the points of view of those who were concerned or interested. At the current stage, he did not know what the Mission's conclusions would be, but thought that His Majesty's statement constituted a new approach to the problem.

28. The Chairman expressed the hope that the Mission's visit to Morocco would take place in a calm atmosphere and would not lead to an aggravation of the situation. He requested that the Moroccan authorities make all arrangements to enable the Mission to fulfil its mandate.

29. During its stay in Morocco, the Mission would have talks with the Moroccan authorities and in that context would pose questions with a view to obtaining clarification on all aspects of the problem as Morocco envisaged it. During those talks, the Mission would tell the Moroccan authorities what it had seen and heard in the Territory, in order to learn the views of the Moroccan Government concerning those facts.

30. The Chairman said that on completion of its visit to Morocco, the Mission would go to Algeria, whose views on Sahara differed from those of Morocco. It would be useful for the Mission to learn about those views in detail. Lastly, the Mission intended to undertake similar activities in Mauritania. The information it obtained would enable the Mission to inform the United Nations about the real situation in the Territory and to indicate to it the views of the Mission on the most appropriate ways and means of helping to solve the problem.

31. The Chairman stressed that the Mission was a mission of the United Nations, whose doctrine with regard to decolonization was set out in resolution 1514 (XV). He was aware that the principle of self-determination might come into conflict with that of territorial integrity. His primary concern was, however, the maintenance of peace and security in the region and, beyond that, in Africa; that was obviously in the interest of co-operation, friendship and understanding among the States and peoples of the continent.

32. The Chairman thanked His Majesty for the clarifications he had been kind enough to give the Mission and for the attention which His Majesty had shown during the presentation of his own statement.

33. His Majesty thanked the Chairman for his statement and said that the Mission's task would be as delicate as it was difficult. He himself had assumed his responsibilities, basing his approach to the problem on negotiation founded on justice. In difficult, tense situations, he had always taken steps to avoid the irreparable.

34. His Majesty considered that the referendum would be detrimental to decolonization; that was why Morocco had addressed itself to the International Court of Justice. The question posed to the Court was divided into two parts. It was dangerous except for those who were sure of their rights.

35. As a last resort, Morocco might be induced to accept the referendum under the following conditions:

- (a) Withdrawal of the Spanish troops and administration;
- (b) Presence of United Nations "blue helmets" in the Territory;
- (c) United Nations administration in the Territory;

(d) A six-month transitional period following the departure of the Spanish troops and administration.

36. If the foregoing conditions were fulfilled, Morocco could accept the referendum, which would involve taking risks. His Majesty explained that in taking those risks he was acting not as a gambler but as a sportsman.

37. The Chairman said that His Majesty's words were reassuring and gave him hope for the future.

38. Referring to the composition of the Mission, His Majesty noted that the three countries from which its members came represented three continents which had suffered under colonialism. He therefore considered that the dialogue which was being initiated was a dialogue among militants and combatants.

39. Finally, His Majesty referred to the situation in southern Africa and said he would always fight for the cause of Africa, unless such a course would be prejudicial to his own country.

C. Meeting with the President of Algeria  
on 28 May, in Alger

40. The Chairman of the Mission apologized to President Houari Boumediene for the Mission's tardy arrival in Alger. The President asked the Chairman of the Mission if it was correct that Spain wished to withdraw from Sahara. In reply, the Chairman said that the President of the Spanish Government had expressed to the Mission his Government's desire to withdraw from the Territory as soon as conditions had been established which would permit the population to express its views. However, new factors had emerged since the departure of the Mission.

41. The Chairman said that he would welcome some clarification concerning the position of Algeria, which was an "interested" party, according to the United Nations resolutions, but not one of the parties "concerned", because it had no territorial claims. According to some reports, Algeria's interest in decolonization corresponded to that of all other African countries.

42. The President explained that, while all African countries had the same interest, for example, in the case of Angola, Mozambique or southern Africa, Algeria's interest in the question of Sahara was slightly different.

43. The Chairman said that it was precisely that difference about which the Mission would like to obtain information. Through the Algerian Government, the Mission would also like to meet the leaders of the Frente Popular para la Liberación de Saguia el Hamra y Río de Oro (Frente POLISARIO) who were in Algeria, and, if possible, to receive the assistance of the Government in meeting the prisoners reportedly held by that movement. He explained that the Mission's purpose in meeting the prisoners would be essentially humanitarian; the Mission had also visited the prisoners held in Sahara by the Spanish authorities. The Chairman said that it was on its own initiative that the Mission wished to meet the Spanish prisoners, and not at the request of the Spanish Government, which had merely expressed its concern for the prisoners.

44. The President stated the position of Algeria, which, with the knowledge gained from its own experience, had championed the cause of independence and was constantly seeking to help other countries in their struggle. As part of that policy it welcomed all liberation movements and assisted them, and there could be no question of its abandoning that attitude. A certain segment of the press had raised questions concerning the purpose of the Mission's visit to Algeria. The President wished to reaffirm that Algeria had no territorial claim with respect to Sahara. That did not mean, however, that it should fail in its duty; it could not attack racism in South Africa, for example, and remain silent about Spanish colonialism on its borders.

45. Until last year, there had been meetings between Morocco, Mauritania and Algeria; Algeria had sought to help its two brother countries to find an area of agreement. Unfortunately, that policy of co-operation had ended. Algeria was ready for discussions with Spain, with which it had never had any dispute, even in connexion with the Palestinian problem, since Spain had no relations with the

Zionists. The position of Morocco with respect to Spain was not logical, however, in that it claimed Sahara but not the Spanish enclaves; when fighting against a colonial adversary, one must have a consistent policy.

46. Algeria felt that it had an involvement in its area, in its region, because the situation was becoming more and more confused. The responsibility for the situation was not Spain's alone, but was shared by Morocco and Mauritania, both of which were claiming Sahara although they had subscribed until a few months ago to all United Nations resolutions providing for the application of the principle of self-determination. That was a universal fighting principle to which Algeria had always subscribed and would continue to subscribe. At the recent meeting of heads of Arab States, Morocco had asked that they should waive that principle, and Algeria had categorically refused. There was, of course, no question of allowing neo-colonialism to establish itself on the borders of the three interested countries; but what reason was there to fear the application of the principle of self-determination if that could enable Spain to withdraw honourably and completely from the Territory? Furthermore, to deny the universal application of that principle would be a stab in the back for the liberation movements.

47. Thus, Algeria's position was quite clear. The Mission would do well, on the other hand, to ask Morocco and Mauritania what they meant by "Sahara", which they claimed, and what were its exact boundaries. Having said that, Algeria would not be opposed to partition as a solution, if that would resolve the question. In Algeria's view, however, a country which was certain of the justice of its cause should not have to go to court to recover a part of its territory, since that would imply that there was some doubt from the legal point of view; such a country had other means at its disposal. In any case, it would be very different to determine Morocco's former boundaries, since, in olden times, there had been no borders in the Arab world. In addition, the spiritual authority of religious leaders had not coincided geographically with administrative divisions.

48. The President said that it was for the United Nations to decide whether the wishes of the population must be taken into account. Algeria, for its part, had refrained from intervening in the affairs of the population. Algeria had been accused of creating a liberation movement out of thin air; nothing could be more false. Since it was not claiming a single acre of land, it had no need to stage any spectacles. It was, of course, helping the Frente POLISARIO, just as it was ready to help all liberation movements without exception, including the Partido de la Unión Nacional Saharani (PUNS) and the Front de libération et de l'Unité (FLU), etc. Algeria had, in fact, helped several movements simultaneously in Angola, for example. Similarly, if a movement for the liberation of the Spanish enclaves in Morocco were to be created, it too would receive aid from Algeria. On the other hand, Algeria did not support subversive movements which sought to overthrow established régimes. As it happened, the fighters of the Frente POLISARIO were the most active in the Territory; they had carried out raids and taken prisoners. However, Algeria was not responsible for those acts.

49. The President briefly recalled the three elements on which Algerian policy was based: Algeria had no territorial claims; it was in favour of genuine and complete decolonization; and it subscribed to the principles of the United Nations. It was astonished that certain circles should now be asking Spain to slow down the process of decolonization. It was true that the recent Spanish communiqué had been confusing, and Algeria for its part had requested clarifications concerning the meaning of the expression "transfer of powers". Was Spain thinking of a transfer of powers to Morocco, to Mauritania (or both simultaneously) or to the local population? Like any head of State conscious of his responsibilities, the President was following very closely the development of the situation, which might create a security problem in the region.

50. As for the prisoners whom the Mission would like to meet, the President thought that they were probably being held near the border. All that the Algerian Government could do was to help the Mission to contact the leaders of the Frente POLISARIO; it could also intercede with them to grant the Mission's request. However, it was for them alone to take a decision.

51. The Chairman asked the President whether, if the International Court of Justice were to recognize the sovereignty of Morocco (or of Mauritania, or of both countries) over Sahara, the principle of self-determination would necessarily have to apply. In other words, would the population have to be consulted regarding the transfer of powers, or could the transfer be carried out simply through negotiations between Spain and the country designated by the Court?

52. The President said he did not think that it was within the competence of the International Court of Justice to decide on the political aspect of the question - in other words, to recognize the sovereignty of one country or another. It had authority only to resolve the legal question which had been submitted to it, namely, whether or not Sahara had been terra nullius. The General Assembly would then have to resolve the political question, and it would not be logical for the United Nations to reverse its own decisions on decolonization. He did not understand the fear of consulting the population that seemed to exist in some quarters. In his opinion, one must have confidence in the people. He cited the case of Algeria, where the population had pronounced itself almost unanimously in favour of independence, even though the consultation had taken place under French supervision. Algeria was therefore at the disposal of the Mission to help it in its task, simply out of concern for promoting peace and harmony among peoples.

53. The Chairman asked whether, if the circumstance arose, Algeria would accept the presence of a new independent State on its borders; the President replied that his country would comply with the decision of the United Nations; that was the only possible reply, because if Algeria said that it favoured a consultation of the population it might be accused of playing into the hands of Spain, while if it declared itself in favour of partition it would be going against the principle of self-determination. He observed that the decision of the United Nations on Sahara would depend largely on the positions of the three adjacent countries.

54. The President said that the question was complicated, owing to the fact that the two countries claiming the Territory had not clarified their positions. One could not resort to mystification when dealing with the International Court of Justice. Only if the Court was fully informed would it be possible to move towards a solution. In his view, one could not disregard the wishes of a population, however small it might be.

55. The President then inquired about the plans of the Mission and was told that it would visit the south of Algeria to meet the leaders of the Frente POLISARIO and also to see whether there were any Saharan refugees in the area.

56. The President noted that the Frente POLISARIO must be a very powerful movement, since it had been able to gain the upper hand by recruiting armed men, namely, the deserters from the Spanish army. In regard to refugees, he pointed out that it was very difficult to distinguish between the elements of the local population. For instance, nomadic groups wandered between Algeria, Morocco and Sahara. He understood that Morocco had reported having 35,000 Saharan refugees.

57. The Chairman explained that the Mission, accompanied by the Algerian delegation, would try to ascertain which persons were registered as refugees, with a view towards the establishment of electoral rolls for a possible referendum.

58. The President assured the Mission that the Algerian Government would do everything in its power to facilitate its task so that it could meet anyone it wished.

59. In conclusion, the President said that he felt particularly at ease in talking to the Mission because his country had no territorial claim on Sahara. If it did have such a claim, it would recover what belonged to it without waiting for the arrival of a United Nations mission, despite the great respect it had for the Organization.

60. The conversation ended with an exchange of thanks.

D. Meetings with the President of Mauritania at Nouakchott

Meeting on 4 June

61. After welcoming the members of the Mission, President Moktar Ould Daddah noted that, as Mauritania had always stated and as the Mission would itself be able to confirm, "Sahara is Mauritania and Mauritania is Sahara". From the point of view of both geography and population, they were one country: on each side of the frontier arbitrarily established by the colonizers the same tribal entities and even the same families could be found. Such a situation was of course not unique, since the whole of Africa had been partitioned along entirely arbitrary lines, but in the current case the division imposed by the colonizers had had a much less noticeable impact than elsewhere, possibly because of the nomadic character of the population. The fact that the two parts of the country had had different colonizers was now causing a problem, since Mauritania had already been independent for a long time, whereas Sahara remained under Spanish domination.

62. Ever since Mauritania had been in a position to express its views, it had asserted its claim to Sahara. Thus, as early as July 1957, when Mauritania had still been subject to the outline law (loi-cadre), Maître Ould Daddah, in a speech delivered at that time, had defined the position of the country on the problem; since then, its position had been restated on many occasions.

63. When, in 1965 or 1966, the question of self-determination had been raised in OAU, Mauritania had supported it and continued to do so. On the one hand, the procedure would be abnormal. Does one ask two brothers if they belong to the same family? On the other hand, given the colonial status of the Territory, the right to self-determination must be exercised, but under normal conditions. In those circumstances, there could be no doubt as to the results of the consultation, and "the brothers would only ask to be reunited with their brothers". However, the necessary conditions must be ensured, and the United Nations was best qualified to perform that function.

64. The President was convinced that, without being ethnologists or sociologists, the members of the Mission could not fail to note the ties of kinship and the similarities which existed between Mauritania and Sahara. That kinship was such that there were no Saharan refugees in Mauritania; nor, by the same token, could there be any Mauritanian refugees in Sahara. The Mission would have ample opportunity to observe, listen and question whomever it pleased. It could then put questions either to the members of the Government or to the President himself.

65. The Chairman asked how the following three points could be reconciled: Mauritania wished to integrate /Spanish/ Sahara into its territory; it subscribed to the principle of self-determination; and it was not the only party laying claim to the Territory. The King of Morocco had told the Mission that his country agreed with Mauritania concerning the decolonization of the Territory.

66. The President confirmed that the views of Morocco and Mauritania on the Territory had come closer since 1970 and that the two countries were currently in

agreement with regard to the decolonization of the Territory. Morocco had originally claimed the whole of Mauritania, of which Sahara was only a part. Reason had prevailed in the end, however, and Morocco had recognized the independence of Mauritania. There was no contradiction between the claims of the two countries: Morocco wanted the decolonization of Sahara, and so did Mauritania.

67. Sahara had a common frontier with Morocco, and the tribes in the northern part of the Territory were definitely akin to those in southern Morocco, a kinship similar to that which linked most of Sahara with Mauritania. Morocco therefore had objective reasons for claiming a part of the Territory, and Mauritania supported those claims; that was why it had agreed with Morocco's proposal to submit the case to the International Court of Justice. Moreover, since the most recent session of the General Assembly, Morocco had recognized the rights of Mauritania to Sahara. Consequently, there was no contradiction between the claims of the two countries: most of Sahara belonged to Mauritania, and the north belonged to Morocco. It was therefore normal that the two countries should adopt a common position.

68. The Chairman asked whether it could be concluded from the statements made by the President that the two countries were prepared to envisage a partition arrangement. If so, how could such a position be reconciled with Mauritania's support for the right to self-determination?

69. The President replied that the issue was above all the decolonization of the Territory. Decolonization should proceed in several stages, beginning with the departure of the colonizers, whose presence was a source of oppression. Moreover, it was not Spain as such but the colonial Power that was to blame. Once that essential condition had been fulfilled, it would be possible for the population to exercise its right to self-determination. However, it was out of the question that Spain should be left to organize the consultation; it could easily influence the population through the traditional chiefs. The Spanish administration could perhaps be replaced by a provisional United Nations administration which could not be accused of partiality, and which would enjoy the confidence of all.

70. The Chairman noted that that suggestion was in accordance with the position adopted by Morocco. He pointed out, however, that neither Morocco nor Mauritania seemed to envisage the possibility that the decision of the population might be against integration and in favour of total independence. What would Mauritania think of the creation of an independent State?

71. The President agreed that the exercise of the right to self-determination could produce very different results. The population could even request the maintenance of the status quo in Sahara, somewhat similar to the case of Djibouti. Spain, for its part, was aiming at independence as a solution. In view of the conditions prevailing in the Territory, however, particularly the lack of trained personnel and the nomadic character of the population, independence would not be viable, despite the wealth of the country; there was a risk that colonialism might be replaced by a form of neo-colonialism, which would be even more difficult to combat since it would be more insidious. Of course, absolute independence existed

nowhere, certainly not in underdeveloped countries which needed assistance, but relative independence for a country consisted in being able to choose its partners. Perhaps the population itself might prefer independence. The main thing was to give the people of the Territory the possibility to express themselves in complete freedom, without being subjected to pressures or influence of any kind. However, the very presence of Spain was a form of pressure. It was probable that the population would reject independence as a solution if it were free to express itself.

72. The Chairman noted the existence in the Territory of a political movement whose leaders were in Algeria, which was demanding total independence for the Territory. The President replied that, if such a movement in fact existed and was genuinely Saharan, it would be able to express its views during the consultation of the population, under the same conditions as any other group.

73. The Chairman asked the President to comment on the "divergent" position adopted by Algeria, and the President noted that the United Nations itself had made a sharp distinction between the position of Morocco and Mauritania, on the one hand, and that of Algeria, on the other, since Algeria had never been expressly mentioned in its resolutions.

74. Asked whether the Algerian position aroused misgivings in Mauritania, the President preferred not to reply, for fear that his words might be misinterpreted. His principal aim was to remain on friendly terms with neighbouring countries, in a climate of mutual understanding.

75. In conclusion, the President stressed that Mauritania's concern for the population of the Sahara was wholly disinterested.

#### Meeting on 8 June

76. Summing up the Mission's stay in Mauritania, the Chairman stressed that no solution to the Saharan problem would be viable unless it took into account both the wishes of the population and those of the countries concerned. Agreement at the regional level was therefore essential. The Mission had gathered in Mauritania certain data which would perhaps make it possible to suggest a solution.

77. On the other hand, it had also met with difficulties, since it had been unable to meet "Saharan refugees"; however, it had noted a certain identity among the population of the region. Should the United Nations decide that there was a need for the population to be consulted, agreement would have to be reached on who should participate in such consultations.

78. The three members of the Mission expressed their gratitude for the warm welcome they had received and their hope that the work of the Mission would promote peace in the region.

79. The President said that he would not reopen discussion on the substance of the problem. The Mission had been advised in advance of the difficulty of meeting

Saharans "parked" in camps. Mauritania could very well have made a prior selection so that the Mission would not have heard a jarring note. If it had not done so, it was not because it had wished to complicate the Mission's task; neither had it wished to make that task too easy. What was more important was that there was total freedom of expression in the country, as had been proven by the varying opinions heard by the Mission - such variation being, moreover, a guarantee of sincerity. By letting everyone say what he or she thought, Mauritania might seem to be prejudicing the interests of one side or the other, particularly its own side; but that was the only honest approach and, in consequence, the only possible approach.

80. Mauritania relied on the United Nations to solve the problem of Sahara; it had always endorsed the decisions of the Organization and would continue to do so. It would be extremely difficult for it to agree that the Saharans should be separated from their brothers, but it promised to co-operate in the United Nations. The interest Mauritania had in its Saharan brothers was in no way a selfish one; it wished above all to avoid the adoption of any solution which would not be in accordance with the wishes of the Saharans, even if some of them preferred independence or some other solution. They must be regarded as conscious beings and not as pawns on a chess-board. Nor did Mauritania desire a "falsified" solution.

81. Mauritania was happy to feel that it had participated, however insignificantly, in the success of the Mission. It was not seeking favours or trying to influence anyone or to play on anyone's friendship. It simply asked the Mission to state what it had seen and heard and, in its comments, to go to the root of the problem.

82. The Chairman said that he was pleased at the way in which the Mission's visit to Mauritania had been organized. Although its work had perhaps been made more complicated, the Mission had been able to appreciate the scope of the problem and all the aspects of the situation. In its contacts with Saharans, the Mission had noted differences which invited reflection. It would try to report on what it had seen and heard with the greatest objectivity - the best way of serving the interests of all concerned.

83. Pending the publication of its report and the decision of the General Assembly, the Mission hoped that nothing would be done to alter the situation in the Territory. It had had no doubts on that score with relation to Mauritania, but had been pleased to receive that very morning the assurances of the Minister for Foreign Affairs on the subject.

84. The President confirmed that his country would do nothing to complicate the task of the Mission.

### APPENDIX III

#### Text of joint communiqués issued by concerned and interested parties

##### A. Joint communiqué issued by the Governments of Algeria, Mauritania and Morocco on 14 September 1970 at Nouadhibou

In keeping with the spirit of the meetings, agreements and treaties of Ifrane, Tlemcen and Casablanca and in the context of the fraternal relations existing between the Kingdom of Morocco, the Democratic and Popular Republic of Algeria and the Islamic Republic of Mauritania, His Majesty King Hassan II, His Excellency President Houari Boumediene and His Excellency President Moktar Ould Daddah met at Nouadhibou on 14 September 1970 to exchange views, in particular on matters related to regional issues.

After a thorough study of the situation prevailing in Sahara under Spanish domination, they decided to intensify their close co-operation in order to hasten the decolonization of this region in compliance with the relevant United Nations resolutions.

For this purpose, a Tripartite Co-ordinating Committee was set up to follow the process of decolonization in the Territory in both the political and diplomatic fields.

This Committee also has the task of promoting the development of economic co-operation between the Organization of the Senegal Riparian States (OERS) and the Maghreb.

The three heads of State emphasized the necessity and the usefulness of increasing contacts between Morocco, Algeria and Mauritania at all levels and co-ordinating their respective policies at both the regional and the international levels.

At the conclusion of their work, which disclosed a perfect identity of views, the three heads of State decided to meet again in order to take stock of the development of the situation in the region.

His Majesty King Hassan II and His Excellency President Houari Boumediene expressed their appreciation and gratitude for the welcome and the fraternal hospitality accorded to them by His Excellency President Moktar Ould Daddah, by the party and by the Mauritanian people

B. Joint communiqué issued by the Governments of Algeria,  
Mauritania and Morocco on 5 January 1972, at Alger

The Tripartite Co-ordinating Committee established at the Nouadhibou summit meeting and composed of His Excellency Mr. Abdelatif Filali, Minister for Foreign Affairs of the Kingdom of Morocco, His Excellency Mr. Hamdi Ould Mouknass, Minister for Foreign Affairs of the Islamic Republic of Mauritania, and His Excellency Mr. Abdelaziz Bouteflika, Minister for Foreign Affairs of the Democratic and Popular Republic of Algeria, met in Alger on 4 and 5 January 1972.

After having examined the state of relations between the three fraternal countries and after an exchange of views on the evolution of all the problems relating to the region, the three ministers welcomed the favourable development of relations between their countries, both at the bilateral and at the regional level. They reaffirmed their determination to consolidate those relations following the guidelines set by their heads of State at Ifrane, Tlemcen, Casablanca and Nouadhibou.

The Ministers for Foreign Affairs also noted with great satisfaction the perfect identity of views which marked their current discussions and once again expressed the determination of the Governments of their respective countries to continue their efforts to intensify bilateral and regional co-operation in accordance with the policy of fraternity and good neighbourliness and the spirit of solidarity which derive both from the profound aspirations of their peoples and from their faith in their joint destiny.

The three ministers paid special attention to consideration of problems of joint interest, in particular those relating to the decolonization of Sahara which was still under Spanish domination.

They emphasized the need to strengthen their front and to co-ordinate and pursue jointly their activities to hasten the liberation of that Territory.

The three fraternal countries, conscious of the nature of the relations and the importance of the interests which link them to Spain, fervently hope that that neighbouring and traditionally friendly country will take steps to follow the course of history in order to preserve the chances for peace and co-operation.

In so doing, it will contribute to the elimination of all the factors giving rise to tension which might compromise agreement, stability and security in the region.

The three ministers agreed on a programme of action which will be submitted to the heads of State of the three countries at their forthcoming meeting which will take place at Rabat during the second half of March 1972.

The Ministers for Foreign Affairs of the Kingdom of Morocco and the Islamic Republic of Mauritania expressed to Mr. Abdelaziz Bouteflika, Minister for Foreign Affairs of the Democratic and Popular Republic of Algeria, their sincere thanks for the warm and fraternal welcome accorded to them during their stay in Algeria.

C. Joint communiqué issued by the Governments of Algeria, Mauritania and Morocco on 9 May 1973, at Nouakchott

On the invitation of His Excellency Mr. Hamdi Ould Mouknass, the Minister for Foreign Affairs of the Islamic Republic of Mauritania, and after diplomatic consultations, the Ministers for Foreign Affairs of the Kingdom of Morocco, His Excellency Mr. Ahmed Taibi Benhima, and of the Democratic and Popular Republic of Algeria, His Excellency Mr. Abdelaziz Bouteflika, met with the Minister for Foreign Affairs of the Islamic Republic of Mauritania on 8 and 9 May 1973, at Nouakchott.

At these meetings, the three ministers studied the state of relations between the three fraternal countries and proceeded, in an atmosphere of frankness, sincerity and clarity, to express their respective points of view on the evolution of all of the problems of the subregion.

They noted with satisfaction the continued development of the good relations which had been established between their countries and the encouraging results of the co-operation which they had undertaken in an increasing variety of fields.

The three ministers paid special attention to the evolution of the situation in Sahara still under Spanish domination and expressed their concern with regard to the attitude and intentions of the Spanish Government in respect of its decolonization.

They denounce the dilatory manoeuvres of the Spanish Government by which it seeks to avoid the obligations incumbent upon it and the relevant decisions of international bodies.

They reaffirm their determination to take steps energetically within the United Nations so that the latter may shoulder its responsibilities which are clearly set forth in several relevant resolutions supported by the Organization of African Unity (OAU) and the non-aligned countries.

They also reaffirm the desire of their Governments to co-ordinate and intensify their efforts to frustrate the manoeuvres of the Spanish Government, hasten the genuine decolonization of the Territory and implement the guidelines established by their heads of State in keeping with the spirit of the meeting at Nouadhibou in September 1970 and the conversations in Rabat in June 1972.

For this purpose, they decided to keep permanently in contact with each other in order to follow the evolution of the situation and take such measures as it may require.

They considered that the meeting of their heads of State was extremely necessary in order to draw up a plan of action in the light of the new situation created unilaterally by Spain. The date of the summit conference, to be held in Rabat, will be set as soon as possible.

They welcomed the atmosphere of frankness which enabled them to clarify their positions and to correct all the malicious interpretations deliberately disseminated by certain circles concerning the respective attitudes of the three countries regarding Sahara.

The Ministers for Foreign Affairs of Algeria and Mauritania wished to express at this meeting their complete solidarity with Morocco on the measures it had taken, in the exercise of its sovereignty, to preserve its rights over its natural resources by extending its fishing zone to 70 nautical miles.

The Ministers for Foreign Affairs of Algeria and Morocco expressed to the Minister for Foreign Affairs of Mauritania their thanks for the warm and fraternal hospitality accorded to them during their stay at Nouakchott and requested him to express to His Excellency Mr. Moktar Ould Daddah, the President of the Islamic Republic of Mauritania, their gratitude for the audiences he was kind enough to grant them and for the welcome he accorded to them.

D. Joint communiqué issued by the Governments of Algeria, Mauritania and Morocco on 24 July 1973, at Agadir

At the kind invitation of His Majesty King Hassan II, His Excellency President Houari Boumediene, President of the Council of the Revolution and head of Government of the Democratic and Popular Republic of Algeria, and His Excellency President Moktar Ould Daddah, President of the Islamic Republic of Mauritania, paid a visit on 23 and 24 July 1973 to Agadir, where His Majesty King Hassan II at present is in residence.

On this occasion, the three heads of State held a meeting in keeping with the fraternal bonds and the relations of friendship, co-operation and good neighbourliness which characterize the relations between the three brother countries.

This meeting afforded a further opportunity to examine bilateral, regional and international relations. Convinced that the strengthening of relations between their three countries reflects both the profound aspirations of their peoples and the principles embodied in the treaties concluded between them, the three heads of State reaffirmed their determination to pursue their efforts with a view to consolidating the existing co-operation and broadening perspectives in all fields.

His Excellency President Houari Boumediene and His Majesty King Hassan II welcomed with great satisfaction the desire expressed during this meeting by His Excellency President Moktar Ould Daddah to see his country integrated into the Arab Maghreb, to contribute to its development and to strengthen the foundations of its institutions.

The three heads of State paid special attention to developments regarding Sahara still under the domination of Spanish colonialism. They reaffirmed their unwavering attachment to the principle of self-determination and their concern to

ensure that this principle was implemented in a framework which guaranteed that the will of the inhabitants of Sahara was given free and genuine expression, in conformity with the United Nations decisions on this question.

Desiring to intensify their co-operative relations at the regional level and also to make a greater contribution to the co-ordination of interests between the various regions of Africa, the three heads of State decided to undertake jointly the construction of a highway between Agadir, Tindouf and Atar. They expressed their conviction that such a project (by reason of its economic and political impact) was in keeping with the continent's desire for unity and constituted a practical contribution to the opening up of trade and co-operation between the Arab Maghreb and the western part of Africa.

Faithful to the policy of national independence and non-alignment, the three heads of State attached particular importance to the conference to be held at Alger in early September 1973 and expressed their firm determination to do their utmost to ensure its success.

The three heads of State are convinced that their approach expressed their desire to contribute to the realization of the profound aspirations of the countries of the third world and reflects their concern over the development of economic circumstances which represent a serious turning-point in the present state of international relations.

On the occasion of his visit, His Majesty King Hassan II, accompanied by his distinguished guests, inaugurated the Youssef Ben Tachfine dam. The presence of Presidents Moktar Ould Daddah and Houari Boumediene at this eminently Maghrebian ceremony was a source of deep satisfaction and augured well for a common future rich in promise for their peoples.

His Excellency President Houari Boumediene and His Excellency President Moktar Ould Daddah were especially moved by the warm and fraternal welcome which His Majesty King Hassan II accorded them and by the atmosphere of friendship, confidence, frankness and perfect harmony which prevailed at the Agadir meeting.

They expressed their sincere thanks and deep gratitude to His Majesty the King and their sentiments of fraternity and friendship to the Moroccan people for the warmth of the welcome accorded them in their public appearances with His Majesty the King during their stay in Agadir.

E. Joint communiqué issued by the Governments of Mauritania and Morocco on 12 June 1975, in Rabat

In the context of the fraternal relations existing between the Islamic Republic of Mauritania and the Kingdom of Morocco, His Excellency President Moktar Ould Daddah visited Rabat from 11 to 12 June 1975.

During the talks, which took place in an atmosphere of perfect understanding and mutual agreement, His Excellency President Moktar Ould Daddah and His Majesty King Hassan II reaffirmed their common desire to continue their periodic consultations at the highest level, with a view to strengthening co-operation between their two countries in all fields and reaching a permanent agreement on the policy to be followed for the liberation of the Sahara under Spanish domination.

On this occasion, the two heads of State reaffirmed their determination to do everything possible to frustrate Spain's manoeuvres which were designed to impede the proceedings instituted by the General Assembly of the United Nations before the International Court of Justice at the joint request presented by Morocco and Mauritania in order to assert their joint rights to the Territory.

F. Joint communiqué issued by the Governments of Algeria and Morocco on 4 July 1975, in Rabat

Mr. Abdelaziz Bouteflika, member of the Council of the Revolution and Minister for Foreign Affairs of Algeria, visited Morocco from Tuesday, 1 July 1975 to Friday, 4 July 1975. This visit is in keeping with the fraternal ties which unite Morocco and Algeria and their common destiny both in prosperity and in adversity.

The visit is also in keeping with the close co-operation which exists between the two countries in all fields in conformity with their noble objectives concerning the building up of the Arab Maghreb and the pursuance of a policy of fruitful dialogue, concerted action and mutual assistance.

This policy derives from the historic meetings between His Majesty King Hassan II and His Excellency President Houari Boumediene as well as from the treaties and conventions concluded between the two fraternal countries.

His Majesty King Hassan II received Mr. Abdelaziz Bouteflika in audience. During this audience, which was marked by frankness and cordiality, the Algerian Minister said that Algeria, while affirming that it had no territorial designs on Western Sahara under Spanish domination, warmly welcomed the agreement reached between the two fraternal countries, Morocco and Mauritania, concerning the region, an agreement which would consolidate security, tranquillity, stability and co-operation. The latter will undoubtedly have a beneficial effect on this vital region of the Arab Maghreb.

Faithful to the principle of the struggle against colonialism in all its forms, the two parties, Algeria and Morocco, are convinced of the need for perfect co-ordination of their actions with a view to putting an end as soon as possible to the Spanish occupation and to the manoeuvres of the Spanish Government which are designed to maintain its domination in the Sahara by any means.

Desiring to consolidate and expand co-operation and to do everything possible to ensure its greatest success, the two parties agree to implement projects which have been adopted by mutual consent and have not yet been executed and to take all steps to accelerate the building up of the Arab Maghreb.

