

AFRICAN UNION

UNION AFRICAINE

(A/ii

UNIAO AFRICANA

Addis Ababa, Ethiopia, P.O. Box: 3243, Tel.: (251-11) 551 38 22 Fax: (251-11) 55193 21

Email: situationroom@africa-union.org

PEACE AND SECURITY COUNCIL 496TH MEETING
ADDIS ABABA, ETHIOPIA
27 MARCH 2015

PSC/PR/COMM/1.(CDXCVI)

COMMUNIQUE

COMMUNIQUE

The Peace and Security Council of the African Union (AU), at its 496th meeting held on 27 March 2015, adopted the following decision on the situation in Western Sahara:

Council,

1. **Takes note** of the report of the Chairperson of the Commission on the situation in Western Sahara [PSC/PR/2(CDXCVI)], as well as of the update provided by the Special Envoy of the Chairperson of the Commission for Western Sahara, former President Joaquim Chissano of Mozambique. Council **also takes note** of the statements made by the Minister of Foreign Affairs of the Saharawi Arab Democratic Republic (SADR), as well as by the representatives of the Federal Republic of Nigeria, as an African member of the United Nations (UN) Security Council, and the United Nations Secretariat;
2. **Recalls** the Plan of Action adopted by the Special Session of the Assembly of the Union on the Consideration and Resolution of Conflicts in Africa, held in Tripoli, Libya, on 31 August 2009 [SP/ASSEMBLY/PS/PLAN(I)], expressing support to the UN efforts to overcome the impasse in the peace process in Western Sahara and to relevant UN Security Council resolutions, which call for direct negotiations between the Parties to the conflict, namely the Kingdom of Morocco and the Frente Polisario, without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara, in the context of arrangements consistent with the principles and purposes of the UN Charter, and, to this end, calling for the intensification of efforts towards the holding of a referendum to enable the people of the Territory to choose between the option of independence and that of integration into the Kingdom of Morocco;
3. **Further recalls** decision EX.CL/Dec.758 (XXII) adopted by the 22nd Ordinary Session of the Executive Council held in Addis Ababa, from 24 to 25 January 2013, requesting the Commission to take all necessary measures for the organization of a referendum for the self-determination of the people of Western Sahara, in compliance with the relevant decisions of the Organization of African Unity (OAU) and the UN, as well as decision EX.CL/Dec.773(XXIII) adopted by the 23rd Ordinary Session of the Executive Council held in Addis Ababa, from 19 to 23 May 2013, reiterating OAU/AU's earlier decisions and pronouncements on the situation in Western Sahara and requesting the Chairperson of the Commission to pursue her efforts, including further consultations with the Parties, as well as continued interaction with the UN and other relevant international stakeholders;
4. **Also recalls** decision Assembly/AU/Dec.559(XXIV) adopted by the 24th Ordinary Session of the Assembly of the Union, held in Addis Ababa, from 30 to 31 January 2015, reiterating UN Security Council calls to the Parties to continue negotiations without preconditions and in good faith, expressing AU's full support to the efforts of the UN Personal Envoy, welcoming the steps taken by the Chairperson of the Commission to follow-up on the relevant decision of the Executive Council and requesting her to pursue her efforts, in order to mobilize the necessary support for the UN-led process;
5. **Welcomes** the continued efforts of the UN Secretary-General, as well as those of his Personal Envoy, towards the search for a solution within the framework of the relevant resolutions of the UN Security Council, including the consultations undertaken by the Personal Envoy as part of his new approach as outlined in the report of the Secretary-General on the situation concerning Western Sahara of 10 April 2014 (S/2014/258);

6. **Further welcomes** the steps taken by the Chairperson of the Commission in implementation of the relevant decisions of the AU policy organs and in support of the UN-led efforts, including the appointment of former President Joaquim Chissano as AU Special Envoy and the initiative to interact with the Parties to the conflict. Council **expresses satisfaction** at the consultations conducted by the Special Envoy with the permanent members of the UN Security Council and Spain, as the former occupying power, as well as with the UN Secretariat, and **commends** him for his commitment in the discharge of his mandate;

7. **Notes with deep concern** that four decades after the onset of the conflict in Western Sahara and fifty years after the decision to decolonize Western Sahara, all efforts aimed at finding a solution have so far failed to achieve the expected results and that the prevailing stalemate not only heightens tension in the Territory, but also undermines efforts to promote integration in the Maghreb region. Accordingly, Council **expresses** the urgency of renewed efforts to overcome the current impasse. In this respect, Council:

- (i) **appeals** for an enhanced and coordinated international action towards the early organization of a referendum for the self-determination of the people of Western Sahara, in compliance with relevant OAU/AU decisions and UN resolutions;
- (ii) **urges** the UN Security Council to take all necessary decisions to ensure progress in the search for a solution to the conflict in Western Sahara, acknowledging its critical role and primary responsibility for the maintenance of international peace and security. In this respect, Council **encourages** the UN Security Council, at its forthcoming April 2015 meeting on Western Sahara, to give serious consideration to the recommendation contained in the above-mentioned Secretary-General report of 10 April 2014 for a comprehensive review of the framework it provided for the negotiating process in April 2007, should no progress occur before April 2015, on the understanding that such a review should aim at facilitating the early holding of a referendum for the self-determination of the people of Western Sahara;
- (iii) **renews its support** to the calls made by the UN Security Council for direct negotiations between the two Parties, namely the Kingdom of Morocco and the Frente POLISARIO, without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara, in the context of arrangements consistent with the principles and purposes of the UN Charter; and
- (iv) **appeals** to the larger international community to lend its full support to the efforts aimed at overcoming the current impasse;

8. **Encourages** the Chairperson of the Commission, including through her Special Envoy and any other appropriate framework, to pursue and intensify the efforts already initiated as a followup to the relevant decisions of the AU policy organs, in particular renewed contacts with the Parties, the neighboring states and other AU Member States, as well as with the UN and other relevant international stakeholders, with a view to ensuring the effective implementation of the relevant OAU/AU decisions and UN resolutions on Western Sahara, bearing in mind the role of the OAU/AU as Guarantor of the Peace Plan endorsed in resolution AHG/Res.IO4(XIX), adopted by the 19th Ordinary Session of the Assembly of Heads of State and Government, held in Addis Ababa from 6 to 12 June 1983, which served as the basis of the August 1988 Settlement Proposals that set into motion the peace process for Western Sahara. In

this respect, and taking into account that Western Sahara remains an issue in the completion of the decolonization process of Africa, Council:

- (i) **decides** to reactivate the *ad hoc* Committee of Heads of State and Government on the conflict in Western Sahara, established pursuant to resolution AHG/Res.92(XV), adopted at the 15th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Khartoum, Sudan, from 18 to 22 July 1978. Council **further decides** to expand the composition of the *ad hoc* Committee to comprise ten Heads of State and Government, two from each of the five regions of the continent. Council **requests** the Chairperson of the Commission to urgently undertake the necessary consultations for the finalization of the composition and the operationalization of the *ad hoc* Committee;
- (ii) **requests** the Commission, through the appropriate channels, to undertake a demarche towards the UN Security Council, for the AU Special Envoy for Western Sahara to be given the opportunity to address the Security Council during its meeting on Western Sahara scheduled to take place in the month of April 2015. Council **further requests** the African members of the UN Security Council, working within the framework of the A3, to support and facilitate this request;
- (iii) **decides** to establish an International Contact Group for Western Sahara (ICG-WS), in order to keep the issue on the international agenda and to mobilize the necessary support for the early resolution of the conflict, and **invites** the Chairperson of the Commission to undertake the necessary consultations to this end; and
- (iv) **further decides** to regularly review the situation in Western Sahara, at least twice a year, on the basis of updates and recommendations provided by the Chairperson of the Commission;

9. **Looks forward** to the renewal of the mandate of the UN Mission for the Referendum in Western Sahara (MINURSO) at the expiration of its current mandate, on 30 April 2015, as decided by the Security Council in resolution 2152 (2014) of 29 April 2014. Council **urges** the UN Security Council to take the necessary steps to provide MINURSO with a human rights mandate, taking into account the need to ensure sustained, independent and impartial monitoring of human rights in both the Territory and the refugee camps. Council **requests** the High Commissioner for Human Rights to take appropriate steps in this respect;

10. **Requests** the African Commission on Human and Peoples' Rights (ACHPR) to undertake, as soon as possible, a mission to Western Sahara and to the refugee camps in Tindouf, to assess the human rights situation and make recommendations to Council, building on the outcome of its visit to the region in September 2012. In this regard, Council **urges** the Government of the Kingdom of Morocco to extend full cooperation to the ACHPR, in particular by allowing it to access the Territory;

11. **Calls on** the UN Security Council to address the issue of the illegal exploitation of the Territory's natural resources, bearing in mind the call made in the UN Secretary-General report of 10 April 2014, for all relevant actors, in the light of the increased interest in the natural resources of Western Sahara, to "recognize the principle that the interests of the inhabitants of these territories are paramount", in accordance with Chapter XI, article 73 of the Charter". In this respect, Council **recommends** consideration of a strategy of global boycott of products of companies involved in the illegal exploitation of the natural

resources of Western Sahara as a way of further sustaining the attention of the international community on the situation in Western Sahara;

12. **Invites** the Chairperson of the Commission to forward this communique to the Parties, for their information and action as appropriate. Council **further invites** the Chairperson of the Commission to transmit the communique to the UN Secretary-General and to request that it be circulated as an official UN Security Council document, as well as to other relevant international stakeholders;

13. **Decides** to remain actively seized of the matter.