



**AFRICAN UNION COMMISSION**

*The Chairperson*

**BC/U/681/04.13**

**Addis Ababa, 10 April 2013**

**Excellency,**

I am writing to you in the context of the decision on Western Sahara adopted by the African Union (AU) Executive Council, at its 22<sup>nd</sup> Ordinary Session, held in Addis Ababa, on 24 and 25 January 2013. In that decision, the Executive Council requested 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 United Nations (UN) resolutions.

Earlier on, in August 2009, the Special Session on the Consideration and Resolution of Conflicts in Africa, convened by the Assembly of the Union in Tripoli, expressed support for the UN efforts to overcome the impasse on Western Sahara and relevant UN Security Council resolutions that call for direct negotiations between the two Parties, namely the Kingdom of Morocco and the Polisario Front, without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara, in the context of arrangements consistent with the principles and purposes of the United Nations Charter. To this end, the Special Session called 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.

The decision of the Executive Council was prompted by the recognition of the lack of progress towards the resolution of the dispute over the Territory of Western Sahara and the concern arising therefrom. It was also driven by the willingness of AU's Member States to give proactive meaning and comprehensive scope to Pan-Africanism and African Renaissance, under which the 50<sup>th</sup> anniversary of the OAU-AU will be celebrated.

Indeed, the question of Western Sahara was first inscribed in 1963 in the UN list of non-self-governing territories to which the landmark General Assembly Declaration on the Decolonization on the Granting of Independence to Colonial Countries and Peoples is applicable. Fifty-years have elapsed since then, and while most of the dependent territories have exercised their right to self-determination, the Territory of Western Sahara still remains on the list.

**H.E. Ban Ki-moon**  
**United Nations Secretary-General**  
**New York**





Given the dependent status of the Territory, the OAU had been seized with the matter since its inception. In this respect, a number of resolutions were adopted, calling on Spain, as the Administering Power, to enable the people of the Territory to exercise their right to self-determination, just as the United Nations had been doing. In particular, the 19<sup>th</sup> Ordinary Session of the OAU Assembly of Heads of State and Government, held in Addis Ababa, from 6 to 12 June 1983, adopted resolution AHG/Res. 104(XIX) on an OAU Peace Plan on Western Sahara, in which it notably urged the Parties to the conflict, the Kingdom of Morocco and the Polisario Front, to undertake direct negotiations with a view to bringing about a ceasefire to create the necessary conditions for a peaceful and fair referendum for self-determination of the people of Western Sahara.


The Settlement Proposals that the UN, with OAU support, presented to the two protagonists, in early August 1988, were aimed at enabling the people of the Territory to exercise the right to self-determination and independence, in accordance with UN General Assembly resolutions, 1514 (XV) and 40/50, as well as resolution AHG/Res.104(XIX). Unfortunately, neither the Settlement Proposals nor the subsequent efforts to resolve the dispute have succeeded in overcoming the impasse. Your Personal Envoy for Western Sahara, Ambassador Christopher Ross, is currently seized with the issue, but five years on, and in spite of the commendable efforts deployed, progress is yet to be made.

Against this background, there is need for renewed efforts by the international community to assist the two Parties to overcome the current impasse, on the basis of relevant UN resolutions. As your Personal Envoy recently stated, the current status quo is not a viable option. Indeed, this state of affairs contributes to continued tension in the Territory, as illustrated by the demonstrations that occurred over the past few years and the deteriorating human rights situation, which prompted a number of international stakeholders, including the African Commission on Human and People's Rights to call on the Security Council to provide MINURSO with a human rights mandate, as is the case in many UN peacekeeping missions. The current situation also complicates all efforts towards integration in the Maghreb region. Furthermore, it has the potential to undermine regional security.

I am aware that the Security Council will consider this matter in the coming days, and I would therefore appreciate if the above contents of this letter could be circulated to all members of the Security Council, for their information, consideration and action as appropriate.

Lastly, I intend to submit a report to the Executive Council on the matter at its next session, in May 2013. In this respect, and in order to provide the Executive Council with as comprehensive an update as possible, I would appreciate receiving an update from the UN on its efforts. I would also like to extend an invitation to your Personal Envoy to visit Addis Ababa as early as possible for an exchange of views with the Commission on the best way forward.

Please accept the assurances of my highest consideration.

  
Nkosazana Dlamini Zuma  
