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PEACE AND SECURITY COUNCIL

588TH MEETING

ADDIS ABEBA, ETHIOPIA

6 APRIL 2016

PSC/PR/COMM.(DLXXXVIII)

COMMUNIQUÉ

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The Peace and Security Council (PSC) of the African Union (AU), at its 588th meeting held on 6 April 2016, adopted the following decision on the situation in Western Sahara:

Council,

1. Takes note of the briefing provided by the Commissioner for Peace and Security on the situation in Western Sahara, 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 statement made by the Minister for African Affairs of the Saharawi Arab Democratic Republic (SADR,) as well as by the representatives of Senegal, Nigeria, South Africa, Egypt, New Zealand, Spain, France, United Kingdom and United States of America, United Nations (UN), and European Union (EU);

2. Recalls its earlier decisions on the situation in Western Sahara, namely Communiqué PSC/PR/COMM/1.(CDXCVI) and Press Statement PSC/PR/COMM.2(DII) adopted at its 496th and 503rd meetings held on 27 March and 30 April 2015, respectively. **Also recalls** Communiqué PSC/AHG/COMM.4(DXLVII) adopted at the 547th meeting of the Council held on 26 September 2015, in New York, at the level of Heads of State and Government, in which it urged the UN Security Council to fully assume its responsibilities, and take all necessary measures to rapidly resolve the Western Sahara conflict and find an effective response to issues related to respect for human rights and the illegal exploitation of natural resources of the territory;

3. Further recalls decision Assembly/AU/Dec.598(XXVI), adopted by the 26th Ordinary Session of the Assembly of the Union, held in Addis Ababa, from 30 to 31 January 2016, reiterating AU's call for the early resolution of the four-decade long conflict in Western Sahara, in line with international legality, and appealing, once again, to UN Security Council to fully assume its responsibility in this respect with the view to achieving a fair, 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 UN principles and purposes, as well as reiterating calls to the UN General Assembly regarding the determination of a date for the holding of the self-determination referendum for the people of Western Sahara and protection of the integrity of the Western Sahara as a non-self-governing Territory from any act, which may undermine it, including the preservation of its natural resources;

4. Notes with deep concern that, in spite of the sustained efforts made, including by the successive Personal Envoys of the UN Secretary-General, no progress has been made in the search for an effective solution to the conflict in Western Sahara, which has been in a stalemate for more than four decades;

5. Commends the efforts of UN Secretary-General, Mr. Ban Ki-moon, in the search for a settlement to the conflict in Western Sahara and welcomes his visit undertaken to Western

Sahara and the region, from 2 to 7 March 2016. Council strongly **encourages** the UN Secretary-General to prevail in his efforts and **reassures** him of full support of the AU;

6. **Condemns strongly** the decision by Morocco to expel 84 international civil servants, including AU personnel, from the UN Mission for the Referendum in Western Sahara (MINURSO) and for denying the visit of UN Secretary-General to Rabat, and to Laayoune, capital city of occupied Western Sahara and MINURSO's Headquarters, which constitutes a very dangerous precedent in that it challenges and undermines the mandate of the UN Security Council in maintaining international peace and security. In this regard, Council **emphasizes** that the presence and operation of MINURSO in Western Sahara is pursuant to UN Security Council resolution 690 of 29 April 1991. Furthermore, Council **stresses** that the decision by Morocco further complicates the current deadlock in the peace process, rekindle tensions in Western Sahara, and threaten regional security at a time when the international community is mobilizing to find a solution to the conflict in Western Sahara in accordance with international legality, including relevant OAU/AU and UN Security Council resolutions;

7. **Calls** on the UN Security Council to fully assume its responsibility in the matter, by acting under Chapter VII, to demand Morocco to annul its decision to expel MINURSO personnel. Furthermore, Council **urges** the UN Security Council to reaffirm the full mandate of MINURSO, including the organization of Referendum for self-determination of the people of Western Sahara and **stresses the need** for the international community as a whole, to continue to provide support to the ongoing efforts by UN Secretary-General, Ban-Ki Moon, and his Personal Envoy, Christopher W. S. Ross, towards materializing the solution to the conflict in accordance with international legality;

8. **Looks forward** to the renewal of the mandate of MINURSO at the expiration of its current mandate, on 30 April 2016, as decided by the Security Council in resolution 2218 (2015) of 28 April 2015. 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. In this respect, Council **requests** the High Commissioner for Human Rights to take appropriate steps in this respect. Council **further reiterates** its request to 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. In this regard, Council **urges** the Government of Morocco to extend full cooperation to the ACHPR, in particular, by allowing it to access the Territory;

9. **Notes with deep concern** the acute humanitarian situation in which the people of Western Sahara are living, the violation of human rights and the continuous illegal exploitation of the territory's natural resources, regardless of the relevant multiple opinions and decisions of the AU, as well as of international and regional organizations, on the matter;

10. **Commends** the EU Court of Justice for its recent ruling issued on 10 December 2015, annulling the trade deal in agricultural and fisheries products, concluded in March 2012, between the Kingdom of Morocco and the EU, due to its inclusion of Western Sahara and calls upon all concerned to respect the Court's ruling and desist from entering into any agreement that would violate the Sahrawi people's permanent sovereignty over their natural resources;
11. **Reiterates** its decision PSC/PR/COMM/1.(CDXCVI) it adopted at its 496th meeting held on 27 March 2015, 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, as well as 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 **renews its call** in regard, to the Chairperson of the Commission to undertake the necessary consultations to this end as well as to urgently undertake the necessary consultations for the finalization of the composition and the operationalization of the Ad hoc Committee;
12. **Also reiterates** paragraph 24 of decision Assembly/AU/Dec.598(XXVI), adopted by the 26th Ordinary Session of the Assembly of the Union, which requests the African members of the UN Security Council (A3), to work with the Commission, including the AU Permanent Observer Mission to the UN, to present reports, through the PSC, to the Assembly of the Union, on their efforts within the UN Security Council and the extent to which they managed to promote African positions as articulated by the Council and further requests the Council to provide timely guidance to the A3 to facilitate consistency in the promotion and defense of African positions on issues of concern to the continent. In this regard, Council **urges** the A3 to comply with the Assembly of the Union and the Council decisions in their activities within the UN Security Council;
13. **Also reiterates** the AU's commitment to continue to work towards the early resolution of the conflict in Western Sahara on the basis of international legality and relevant OAU/AU's decisions, and to cooperate closely with the UN. In this respect, Council **encourages** the Chairperson of the Commission to pursue and intensify her efforts, including through her AU Special Envoy for Western Sahara for Western Sahara, former President Joaquim Chissano of Mozambique, towards effective follow-up of the relevant provisions of this communiqué. In particular, Council:
- (i) **Requests** the AU Special Envoy for Western Sahara for Western Sahara to urgently undertake consultation mission to the UN Secretariat in order to reiterate the AU position and to be informed on the latest developments with regard to the UN engagements to overcome the impasse in the peace process as well as the operational situation of MINURSO, whose mandate expires on 30 April 2016; and

- (ii) **Also requests** the UN Security Council and all its members to facilitate the AU Special Envoy for Western Sahara's mission to New York, including granting to him audience to address the UN Security Council during its forthcoming meeting on Western Sahara;
14. **Looks forward** to its 10th Annual Joint Consultative meeting with the UN Security Council, in May 2016, and stresses the need to use the opportunity of the meeting to discuss, among others, the issue of Western Sahara;
15. **Also looks forward** with great interest to the holding in Geneva of the Donors' Conference on Saharawi refugees and **expresses its full support** to the UN Secretary-General efforts aiming to ensure its early organization and success, to meet the needs and expectations of the Saharawi refugees;
16. **Welcomes** the forthcoming Saharawi High Level Solidarity Seminar and Photo Exhibition to be hosted by the AU Commission and OXFAM, from 25 to 28 April 2016, at the AU Headquarters under the theme "40 Faces, 40 Years - A lifetime in Exile", aimed at highlighting the humanitarian socio-economic and human rights tragedy of the Saharawi's living in exile, on the occasion of the 40 year anniversary;
17. **Requests** the Chairperson of the Commission to forward the present communiqué to the two Parties, namely the POLISARIO Front and the Kingdom of Morocco for their information and action as appropriate. Council **further requests** the Chairperson of the Commission to transmit the communiqué to the UN Secretary-General and to request that it be circulated as an official UN Security Council document for its forthcoming meeting on Western Sahara, as well as to other relevant international stakeholders;
18. **Decides** to remain actively seized of the matter.