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

**Email: [situationroom@africa-union.org](mailto:situationroom@africa-union.org)**

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**PEACE AND SECURITY COUNCIL 668<sup>TH</sup> MEETING**

**ADDIS ABABA, ETHIOPIA**

**20 MARCH 2017**

**PSC/PR/COMM(DCLVIII)**

## COMMUNIQUE

The Peace and Security Council of the African Union (AU), at its 668<sup>th</sup> meeting held on 20 March 2017, 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 AU Special Representative for Western Sahara, Ambassador Tadesse Yilma. Council **also takes note** of the statement made by the delegation of the Saharawi Arab Democratic Republic (SADR), led by His Excellency Mohamed Salem Quid Salek, Minister of Foreign Affairs , as well as by the United Nations (UN);

2. **Recalls** decision EX.CL/Dec.758 (XXII) adopted by the 22<sup>nd</sup> 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 23<sup>rd</sup> 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;

3. **Further recalls** decision Assembly/AU/Dec.559(XXIV) adopted by the 24<sup>th</sup> 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;

4. **Also recalls** decision Assembly/AU/629 (XXVIII) adopted by the 28<sup>th</sup> Ordinary Session of the Heads of State and Government held in Addis Ababa, from 30 to 31 January 2017, in which the Assembly expressed its deep concern over the current impasse in the peace process in Western Sahara, stressed the urgent need for renewed efforts to facilitate an early resolution of the conflict and reiterated its call to the UN General Assembly to determine a date for the holding of the self- determination referendum for the people of Western Sahara and protect the integrity of the Western Sahara as a non-self-governing territory from any act which may undermine it. Council **underlines** other relevant provisions of the Assembly's decision relating to urging the UN Security Council to fully assume its responsibilities in restoring the full functionality of the United Nations Mission for the Referendum in Western Sahara (MINURSO), as it is indispensable for overseeing the ceasefire and organizing the self-determination referendum in Western Sahara, as well as in addressing the issues of the respect of human rights and the illegal exploration and exploitation of the Territory's natural resources, particularly in line with the important judgment of the Court of Justice of the European Union issued on 21 December 2016, on the arrangement between the EU and Morocco signed in 2012, on the mutual liberalization of the trade in agricultural and fisheries products;

5. **Recalls** its earlier decisions on the situation in Western Sahara, namely Communiqué PSC/PR/COMM/I (CDXCVI) of T1 March 2015 (496<sup>th</sup>), Press Statement PSC/PR/COMM.2(DII) of 30 April

2015 (503<sup>rd</sup>) and Communique PSC/PR/COMM.(DLXXXVIII) of 6 April 2016 (588<sup>th</sup> ), as well as its Communique PSC/PR/COMM.(DCXVII) of 12 August 2016 (617<sup>th</sup> ). **Also recalls** Communique PSC/AHG/COMM.4(DXLVII) adopted at the 547<sup>th</sup> 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;

6. **Congratulates** the Kingdom of Morocco for its accession to the AU without preconditions nor reservations. Council **commends** Morocco's readiness to sit side by side with the SADR in the deliberations of the AU Policy Organs;

7. **Regrets** the fact that the Kingdom of Morocco, which had been invited by the Council to attend its 668<sup>th</sup> meeting on the situation in Western Sahara, did not come to the meeting. Council, therefore, **calls on** the Kingdom of Morocco to extend the necessary cooperation in conformity with the provisions of the AU Constitutive Act and the PSC Protocol;

8. **Commends** 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 2016 (S/2016/355). Council **regrets** the resignation of Ambassador Christopher Ross, the UN Secretary General's Personal Envoy for Western Sahara, and also **commends** him for the efforts he had been deploying to overcome the deadlock in the peace process;

9. **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 efforts of former President Joaquim Chissano as the AU Special Envoy. Council **expresses satisfaction** at the efforts deployed by the Special Envoy to address the current impasse in the peace process, and **commends** him for his commitment in the discharge of his mandate;

10. **Notes with deep concern** that four decades after the onset of the conflict in Western Sahara and fifty four 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 deadlock in the peace process not only heightens tensions in the Territory, but also undermines efforts to promote continental integration. Accordingly, Council **expresses the urgency** for renewed efforts to achieve an early and definitive resolution to this conflict. In this respect, Council:

- (i) **recalls** the pertinent provisions of Article 4 of the Constitutive Act of the AU stipulating, among others, the peaceful resolution of conflicts among the Member States of the Union;
- (ii) **underlines** the imperative for the Kingdom of Morocco and the SADR, in their capacity as Member States of the Union, to immediately engage in direct and serious talks, without preconditions and in compliance with Article 4 of the Constitutive Act;
- (iii) **decides** to strengthen the mandate of Former President Joaquim Chissano of Mozambique, to be appointed as AU High Representative for Western Sahara with the

mandate to facilitate the direct talks between the two Member States and to mobilize African and UN efforts required to this effect. Council **requests** the Chairperson of the Commission to take necessary steps to enable the AU High Representative to immediately undertake his mandate;

- (iv) **also 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 15<sup>th</sup> 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 **requests** the Chairperson of the Commission to undertake the necessary consultations for the finalization of the composition and the operationalization of the Ad hoc Committee;
- (v) **calls on** all AU Member States, in the spirit of pan-Africanism and in line with the provisions of the Constitutive Act, to mobilize and provide political, diplomatic and other forms of support to the two Member States and to the AU High Representative for Western Sahara in order to facilitate their direct talks;
- (vi) **further requests** the AU Commission to immediately take the necessary steps for the re-opening of the AU Office in Laayoune, Western Sahara, including provision of the requisite human and financial resources and logistical facilities;
- (vii) **appeals** to the UN and the larger international community to lend their full support to African efforts aimed at overcoming the current impasse in the peace process in Western Sahara;
- (viii) **further decides** to regularly review the situation in Western Sahara, on the basis of updates and recommendations provided by the Chairperson of the Commission and the AU High Representative for Western Sahara;
- (ix) **also decides** to undertake a field mission of the Council to Western Sahara in the course of 2017.

11. **Looks forward** to the renewal of the mandate of the MINURSO at the expiration of its current mandate, on 30 April 2017, as decided by the UN Security Council in resolution 2285 (2016) of 29 April 2016. Council **urges** the UN Security Council to take the necessary steps to restore full functionality of MINURSO in order for it to effectively oversee the cease-fire agreement and to avoid recurrence of violations. Council **further requests** the UN Security Council to provide the Mission 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 **also requests** the UN High Commissioner for Human Rights to take appropriate steps in this respect;

12. **Requests further** 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 two Member States to extend full cooperation to the ACHPR mission;

13. **Stresses the urgent need** to address the issue of the illegal exploration and exploitation of the Territory's natural resources, bearing in mind the call made in the UN Secretary-General's 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", as well as in line with the many legal opinions and judgments issued by international and regional Organizations on the issue. In this respect, Council **urges** the Kingdom of Morocco not to enter into contracts for the exploration and exploitation of Western Sahara's natural resources;

14. **Requests** the Commission, through the appropriate channels, to undertake a demarche towards the UN Security Council, for the AU High Representative 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 2017. Council **further requests** the African members of the UN Security Council, working within the framework of the A3, to support and facilitate this request;

15. **Invites** the Chairperson of the Commission to forward this communique to the two Member States, namely the Kingdom of Morocco and the SADR, for their immediate action. 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;

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