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COMMISSION ON HUMAN RIGHTS  
Fifty-eighth session  
Agenda item 5

**THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND  
ITS APPLICATION TO PEOPLES UNDER COLONIAL OR  
ALIEN DOMINATION OR FOREIGN OCCUPATION**

**Draft resolution submitted by the Chairperson**

**2002/... Question of Western Sahara**

*The Commission on Human Rights,*

*Having considered in depth the question of Western Sahara,*

*Reaffirming the inalienable right of all peoples to self-determination and independence,*  
in accordance with the principles set forth in the Charter of the United Nations and in  
General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration  
on the Granting of Independence to Colonial Countries and Peoples,

*Taking note of General Assembly resolution 56/69 of 10 December 2001,*

*Recalling its resolution 2001/1 of 6 April 2001,*

*Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of  
Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the  
proposals of the Secretary-General of the United Nations and the Chairman of the Assembly of  
Heads of State and Government of the Organization of African Unity in the context of their joint  
mission of good offices,*

*Recalling further* Security Council resolutions 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991, in which the Council approved a settlement plan for Western Sahara,

*Reaffirming* the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan,

*Recalling* all the Security Council, General Assembly and Commission on Human Rights resolutions relating to the question of Western Sahara,

*Noting with satisfaction* the entry into force of the ceasefire in accordance with the proposal of the Secretary-General, and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

*Noting also with satisfaction* the agreements reached by the two parties regarding the implementation of the settlement plan during their private direct talks and stressing the importance it attaches to a full, fair and faithful implementation of the settlement plan and the agreements aimed at its implementation,

*Noting* that, despite the progress achieved, difficulties remain in the implementation of the settlement plan which must be overcome,

*Taking note* of the resolutions of the Security Council relating to the question, including resolutions 1349 (2001) of 27 April 2001, 1359 (2001) of 29 June 2001, 1380 (2001) of 27 November 2001 and 1394 (2002) of 27 February 2002,

*Taking note* of the efforts of the Secretary-General and his Personal Envoy in search of a mutually acceptable political solution to the question of Western Sahara,

*Welcoming* the fact that the two parties have accepted the detailed modalities for the implementation of the Secretary-General's package of measures relating to the identification of voters and the appeals process,

*Recalling* that the General Assembly has examined the relevant chapter of the 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,

*Recalling also* that the General Assembly has examined the report of the Secretary-General (A/56/159),

1. *Takes note* of the report of the Secretary-General;

2. *Commends* the Secretary-General and his Personal Envoy for their outstanding efforts and the two parties for the spirit of cooperation they have shown in the support they provided for those efforts;

3. *Recalls* the agreements reached between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro for the implementation of the settlement plan during their private and direct talks under the auspices of Mr. James Baker III, the Personal Envoy of the Secretary-General, and urges the two parties to implement those agreements fully and in good faith;

4. *Urges* the two parties to continue their cooperation with the Secretary-General and his Personal Envoy, as well as with his Special Representative, and to refrain from undertaking any initiative that would undermine the implementation of the settlement plan and the agreements reached for its implementation and the continued efforts of the Secretary-General and his Personal Envoy;

5. *Calls upon* the two parties to cooperate fully with the Secretary-General, his Personal Envoy and his Special Representative in implementing the various phases of the settlement plan and in overcoming the difficulties that remain despite the progress so far achieved;

6. *Encourages* the parties to continue the discussions begun under the auspices of the Personal Envoy of the Secretary-General with a view to reaching a mutually acceptable agreement on the question of Western Sahara;

7. *Urges* the two parties to implement faithfully and loyally the Secretary-General's package of measures relating to the identification of voters and the appeals process;

8. *Reaffirms* the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan;

9. *Also reaffirms* its support for further efforts of the Secretary-General for the organization and the supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara that is impartial and free of all constraints, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council approved the settlement plan for Western Sahara;

10. *Recalls* the relevant Security Council resolutions, including resolutions 1349 (2001) of 27 April 2001, 1359 (2001) of 29 June 2001, 1380 (2001) of 27 November 2001 and 1394 (2002) of 27 February 2002;

11. *Urges* the parties to solve the problem of the fate of people unaccounted for and calls on the parties to abide by their obligations under international humanitarian law to release without further delay all those held since the start of the conflict;

12. *Notes* that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the positive ongoing implementation of the settlement plan, and to report thereon to the Assembly at its fifty-seventh session;

13. *Also notes* that the General Assembly has invited the Secretary-General to submit to it, at its fifty-seventh session, a report on the implementation of Assembly resolution 56/69 of 10 December 2001.

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