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**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 Chair

2004/... 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 58/109 of 9 December 2003,

Recalling its resolution 2003/1 of 14 April 2003,

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

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

Recalling Security Council resolutions 1359 (2001) of 29 June 2001 and 1429 (2002) of 30 July 2002, as well as resolution 495 (2003) of 31 July 2003, in which the Council indicated its support for the peace plan for self-determination of the people of Western Sahara as an optimum political solution on the basis of agreement between the two parties,

Taking note of the responses of the parties and neighbouring States to the Personal Envoy of the Secretary-General, concerning the peace plan, contained in the report of the Secretary-General of 23 May 2003 (S/2003/565),

Reaffirming the responsibility of the United Nations towards the people 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 that it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

Underlining, in this regard, the validity of the settlement plan, while noting the fundamental differences between the parties in its implementation,

Stressing that the lack of progress in the settlement of the dispute on Western Sahara continues to cause suffering to the people of Western Sahara, remains a source of potential instability in the region and obstructs the economic development of the Maghreb region and that, in view of this, the search for a political solution is critically needed,

Welcoming the efforts of the Secretary-General and his Personal Envoy in search of a mutually acceptable political solution which will provide for self-determination for the people of Western Sahara,

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/58/171),

1. *Takes note of* the report of the Secretary-General;
2. *Underlines* Security Council resolution 1495 (2003), in which the Council expressed its support of the peace plan for self-determination of the people of Western Sahara as an optimum political solution on the basis of agreement between the two parties;
3. *Strongly supports* the efforts of the Secretary-General and his Personal Envoy in order to achieve a mutually acceptable political solution to the dispute over Western Sahara;
4. *Commends* the Secretary-General and his Personal Envoy for their outstanding efforts and the two parties for the spirit of cooperation which they have shown in the support that they provide for those efforts;
5. *Calls upon* all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy;
6. *Reaffirms* the responsibility of the United Nations towards the people of Western Sahara;
7. *Calls upon* the parties to cooperate with the International Committee of the Red Cross in its efforts to solve the problem of the fate of people unaccounted for, and calls upon the parties to abide by their obligation under international humanitarian law to release without further delay all those held since the start of the conflict;

8. *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, and to report thereon to the Assembly at its fifty-ninth session;

9. *Also notes* that the General Assembly has invited the Secretary-General to submit to it, at its fifty-ninth session, a report on the implementation of General Assembly resolution 58/109 of 9 December 2003.
