



DECLARATION ON THE SADC SOLIDARITY CONFERENCE WITH WESTERN SAHARA

We,

The Heads of State and Government or representatives of the following SADC Member States:

1. Republic of Angola,
2. Republic of Botswana,
3. Democratic Republic of Congo,
4. Kingdom of Eswatini,
5. Kingdom of Lesotho,
6. Republic of Malawi,
7. Republic of Mauritius,
8. Republic of Mozambique,
9. Republic of Namibia,
10. Republic of Seychelles,
11. Republic of South Africa,
12. United Republic of Tanzania,
13. Republic of Zambia, and
14. Republic of Zimbabwe,

The Heads of State and Government or representatives of the following like-minded countries:

15. People's Republic of Algeria,
16. Republic of Cuba,
17. Democratic Republic of Timor Leste,
18. Federal Republic of Germany,

19. Republic of Nicaragua,
20. Federal Republic of Nigeria,
21. Republic of Kenya,
22. Sahrawi Arab Democratic Republic,
23. Republic of Sao Tome and Principe,
24. Republic of Uganda, and
25. Bolivarian Republic of Venezuela,

The leaders of the following African Liberation Movements and Political parties:

26. African National Congress (ANC) of South Africa,
27. South African Communist Party (SACP) of South Africa,
28. Movement for Liberation of Angola (MPLA) of Angola,
29. Mozambique Liberation Front (FRELIMO) of Mozambique,
30. South West People's Organisation (SWAPO) of Namibia,
31. Zimbabwe African National Union Patriotic Front (ZANU-PF),
32. Democratic Progressive Party (DPP) of Malawi, and
33. Polisario Front of the Sahrawi Arab Democratic Republic,

The following Civil Society Organisations, and other institutions:

34. Saharawi Solidarity Forum (South Africa Chapter),
35. Friends of Civil Society,
36. SADC Lawyers Association,
37. Sharpeville Development Forum,
38. Human Rights Defenders,
39. Friends of Western Sahara- South Africa Chapter,
40. Independent Diplomat,
41. Committee of intelligence and Security Services of Africa,
42. African Centre for Constructive Resolution Disputes (ACCORD),
43. PACON,
44. Congress of South African Trade Unions (COSATU),
45. National Youth Council of Namibia.

RECALLING the decision of the Southern African Development Community (SADC) Summit of August 2017 to hold a Solidarity Conference as a means of expressing SADC Member States' support for decolonisation and self-determination for Western Sahara on the basis of the values and principles that have guided the quest for independence throughout Africa;

RECALLING the adoption of United Nations General Assembly (UNGA) Resolution 1514(XV) of 1960 on the Granting of Independence to Colonial Countries and Peoples and UNGA Resolution 2072 on Spanish Sahara (Western Sahara), which recalled Resolution 1514 (XV) and requested Spain to take all necessary measures to liberate "Spanish Sahara from colonial domination";

NOTING that Western Sahara remains the only territory in Africa under colonial rule, inscribed on the United Nations and Decolonisation list of "Non-Self Governing Territories";

RECALLING the UNGA Resolution 2229 – XXI of 1966 which reaffirmed the inalienable right of the peoples of Western Sahara to self-determination in accordance with UNGA Resolution 1514;

ALSO RECALLING the Advisory Opinion of the International Court of Justice (ICJ) of 16 October 1975 which found no legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory of Western Sahara as might affect the application of Resolution 1514(XV) on the decolonisation of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory;

FURTHER RECALLING the UN Security Council (UNSC) Resolution 690 of 1991 which established the UN Mission for the Referendum in Western Sahara (MINURSO) whose purpose is to implement the Settlement Plan for a referendum on self-determination for the people of Western Sahara;

RECALLING the UN Security Council Resolution (UNSCR) 1541 of 2004 which reiterated the commitment of the UNSC to achieve a just, lasting and mutually acceptable political solution, which will provide for self-determination of the people of

Western Sahara;

WELCOMING the efforts by the UN in particular, those of the Personal Envoy of the UN Secretary General for Western Sahara H.E. Mr Horst Köhler former President of Germany, that led to the convening of talks between the Kingdom of Morocco and the Polisario Front in Geneva, Switzerland from 5 to 6 December 2018 and from 21 to 22 March 2019 in Bursins, Switzerland;

RECOGNISING that most African countries have achieved their independence;

ALSO RECOGNISING the invaluable role that the Organisation of African Unity (OAU) played in finding a mutually acceptable solution to the conflict from 1976 and the admission of the Sahrawi Arab Democratic Republic (SADR) as a member of the OAU in 1982;

ACKNOWLEDGING the 1988 OAU and United Nations (UN) Settlement Plan which played a significant part in establishing the UN Mission for the Referendum in Western Sahara (MINURSO) in April 1991 with goals, which included the organising of and ensuring a free and fair referendum;

REAFFIRMING the role that the African Union (AU) has played since its founding in 2002 to advance the cause for Western Sahara's right to self-determination;

RECALLING the decision of the AU Peace and Security Council 668th Meeting of 2017 underlining the imperative for the Kingdom of Morocco and the SADR, in their capacities as members of the AU to immediately engage in direct and serious talks without preconditions and in compliance with Article 4 of the Constitutive Act of the AU;

COMMENDING the critical role which the AU High Representative for Western Sahara and former President of Mozambique, H.E Mr. Joaquim Chissano, has played and will continue to play in interacting with all stakeholders, including the UN Security Council, in order to achieve the right to self-determination of the people of Western Sahara;

ENCOURAGING closer collaboration and stronger cooperation between the AU High Representative for Western Sahara and the Personal Envoy of the UN Secretary General for Western Sahara in establishing a mutually acceptable and sustainable solution to the question of Western Sahara within the Framework of AU-UN cooperation;

RECOGNISING that SADC is an integral part of AU efforts to promote continental unity, development, peace, and stability in terms of the Constitutive Act of the AU adopted in 2002;

REAFFIRMING SADC solidarity with the Government and people of Western Sahara in their struggle for self-determination;

WELCOMING the European Union Court of Justice rulings of 21 December 2016 and 27 January 2018 in which Western Sahara and Morocco were clearly identified as two distinct countries and therefore any trade deals between Morocco and the European Union (EU) cannot be applied to the territory of Western Sahara;

FURTHER WELCOMING the European Union Court of Justice ruling of February 2018 which held that a long-standing fisheries agreement between Morocco and the EU does not apply to the waters off the coast of Western Sahara;

CALLING FOR the urgent implementation of all UN General Assembly, UN Security Council resolutions and AU decisions, with the aim of holding a free and fair referendum in Western Sahara;

CONCERNED about the prolonged non-resolution of the question of Western Sahara;

ALSO CONCERNED about the continued illegal occupation and exploitation of natural resources of Western Sahara;

FURTHER CONCERNED about the deteriorating human rights and humanitarian situation in the occupied territories, as noted by the African Commission on Human and Peoples' Rights Resolution, ACHPR/Res. 340 (LVIII) of 2016;

THROUGH THIS SOLIDARITY CONFERENCE, we, SADC Member States and all countries and organisations present reaffirm our unwavering support for the realization of the inalienable right of the people of Western Sahara to self-determination, consistent with the Charter of the UN as well as the AU Constitutive Act:

- A. REITERATE** the role of the AU in particular the AU Peace and Security Council and the Troika in remaining seized with the question of Western Sahara and maintaining momentum on the international community and in particular, the UN Security Council to treat the issue of Western Sahara with a greater sense of urgency and resolve;
- B. AFFIRM** our solidarity with the people of Western Sahara towards their right to self-determination;
- C. SUPPORT** the UN efforts led by the UN Secretary-General's Personal Envoy for Western Sahara, and AU efforts as per the AU Assembly Decision AU/Dec.693 (XXXI) of July 2018;
- D. DECLARE** that we remain unequivocally committed to the cause of the people of Western Sahara, and therefore:
 - I. Call for the unconditional implementation of all UN resolutions and AU decisions on Western Sahara, which will lead to a positive, peaceful and permanent solution that meets the aspirations and will of the people of Western Sahara;
 - II. Call on the Kingdom of Morocco and the POLISARIO Front to engage faithfully in direct negotiations without preconditions;
 - III. Support the regional, continental and international efforts to advance the cause of solidarity with Western Sahara among its Member-States, African civil society, and the international community;

- IV. Call on the UN Security Council to expand the mandate of MINURSO to include monitoring the human rights situation in Western Sahara;
- V. Urge the international community to continue to provide humanitarian relief in Western Sahara and the refugee camps in Algeria;
- VI. Call on all concerned parties to refrain from any further exploitation of Western Sahara's natural resources by taking into account the UN Legal Counsel's opinion of February 2002 that such activity violated international law unless there was expressed consent by the Sahrawi people. Furthermore, we observe that such exploitation undermines the future reconstruction and development of Western Sahara and its potential to become a viable state;
- VII. Urge the Kingdom of Morocco to fully adhere to the principles and goals enshrined in the African Union Constitutive Act, especially the need to respect colonial borders as they existed at the time of independence;
- VIII. Emphasize on the centrality of the AU to the resolution of the conflict over the Western Sahara;
- IX. Call on the AU Summit, in accordance with its responsibilities enshrined in the Constitutive Act to ensure that the Western Sahara conflict be made a standing item on the agenda of the AU Summit at which regular reports should be presented;
- X. Call on the UN and the AU to immediately put in place a monitoring mechanism aimed at stopping the exploitation of Western Sahara's resources. The mechanism should have penalties and other remedial measures to address any breaches of the moratorium on the exploitation of the Western Sahara resources;
- XI. Recommend that the Regional Economic Communities and Regional Mechanisms under the AU use their institutional relations with the European Union to raise the issue of Western Sahara when engaging with the EU;

- XII. Urge the international community to offer material and moral support, including educational scholarships to the people of Western Sahara;
- XIII. Call upon the international community and the AU to assess the immediate humanitarian needs, especially of Western Saharan women and children living in refugee camps and mobilise material resources to assist in this regard;
- XIV. Urge political parties and civil society organisations in the SADC Region to highlight the matter of Western Sahara in their constituencies and countries;
- XV. Call upon the international community to avail health practitioners to assist the people in Western Sahara;
- XVI. Call for the full respect for international human rights law in the occupied territories of Western Sahara, and urge the United Nations Security Council to include a human rights monitoring mechanism within the MINURSO mandate, with the aim of ending impunity for such violations and abuse that are currently not reported;
- XVII. Call for the respect of international humanitarian law and support for the provision of humanitarian assistance to the Saharawi refugees in a way that is predictable, sustainable and timely, and without any hindrance;
- XVIII. Reaffirm the right of all AU Member States to participate in all AU partnerships, meetings and activities; and
- XIX. Pledge our continued solidarity with the people of Western Sahara in their struggle for self-determination, and undertake to raise the question of Western Sahara at all multilateral fora as well bilateral engagements with international partners.

THANK SADC for facilitating the organisation of the Conference, the Heads of State and Government, invited guests, and all other organisations for participating in the Conference, and the government and people of the Republic of South Africa for hosting the SADC Solidarity Conference with Western Sahara.

Done on 26th March 2019, Pretoria, Republic of South Africa