

**Security Council**

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Letter dated 27 October 2021 from the Permanent Representative of Kenya to the United Nations addressed to the President of the Security Council

The Permanent Mission of Kenya has the honour to transmit a communiqué that was adopted by the Peace and Security Council of the African Union at its 984th meeting, held on 9 March 2021, on the follow-up on the implementation of paragraph 15 of the decision on Silencing the Guns of the Fourteenth Extraordinary Summit (see annex).

We should be grateful if the present letter and its annex could be distributed as a document of the Security Council.

(Signed) Martin **Kimani**
Ambassador
Permanent Representative



Annex to the letter dated 27 October 2021 from the Permanent Representative of Kenya to the United Nations addressed to the President of the Security Council

Communiqué

Adopted by the Peace and Security Council of the African Union (AU), at its 984th meeting held on 9 March 2021, on the follow up on the implementation of paragraph 15 of the decision on Silencing the Guns of the 14th Extraordinary Summit:

The Peace and Security Council,

Taking note of the opening remarks made by H.E. President Uhuru Kenyatta of the Republic of Kenya as the Chairperson of the PSC for the month of March 2021; and by the Chairperson of the AU; H.E. President Felix Tshisekedi of the Democratic Republic of Congo (DRC); H.E. President Brahim Ghali of the Saharawi Republic; the Chairperson of the AU Commission, H.E. Moussa Faki Mahamat; as well as the presentations made by the AU Special Envoy on Western Sahara, H.E. former President Joaquim Alberto Chissano, the AU Commissioner for Peace and Security H.E. Ambassador Smail Chergui and the representative of the Secretary General of the United Nations, H.E. Hanna Tetteh;

Recalling the Assembly Decision [Assembly/AU/Dec.693(XXXI)] and paragraph 15 of the Decision of the 14th Extraordinary Summit of the Heads of State and Government, held on 6 December 2020, on “Silencing the Guns: creating conducive conditions for the development of Africa”,

Also recalling its earlier decisions on the situation in Western Sahara, in particular Communiqué PSC/AHG/COMM.4(DXLVII) adopted at its 547th meeting held on 26 September 2015, in New York, at the level of Heads of State and Government, in which the 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; as well as communiqué [PSC/PR/COMM(DCLVIII)] adopted at its 668th meeting held on 20 March 2017;

Guided by the principles enshrined in the Constitutive Act, the Charter of the United Nations and the Universal Declaration of Human Rights, as well as the provisions of the Protocol Relating to the Establishment of the Peace and Security Council;

Mindful of the of the historical role of the OAU/AU as guarantor of the Settlement Plan of the conflict in Western Sahara signed by the two Parties in 1991, which led to the deployment of Mission of the United Nations for the Organization of Referendum in Western Sahara (MINURSO) to oversee the ceasefire and to organize a referendum for self-determination of the people of Western Sahara;

Recalling the provisions of the Chapter VIII of the UN Charter on the role of regional arrangements in the maintenance of international peace and security, and *emphasizing* the need to forge closer cooperation and partnership between the African Union and the United Nations for the promotion and maintenance of peace, security and stability in Africa;

Emphasizing the need for the African Union to play its role in bringing about a just and durable solution to the conflict in Western Sahara, working in support of the United Nations-led efforts; and

Acting under Article 7 of its Protocol, the Peace and Security Council and in conformity with Assembly decision 693 and 15 of the Decision of the 14th Extraordinary Summit,

1. *Notes with deep concern* the resumption of military confrontation between the Kingdom of Morocco and the Sahrawi Republic, in violation of the ceasefire agreements, notably the Military Agreement number 1; and *also notes with concern* the worrying repercussions of this conflict on the stability of the regional stability and the Continent;

2. *Expresses concern* at the persistent stalemate in the political process under the auspices of the United Nations with the aim of reaching a mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara;

3. *Stresses* the urgent need to reinvigorate efforts to facilitate a definitive resolution of the conflict; in conformity with the relevant provisions of the AU Constitutive Act, in particular Article 4 (e) on the peaceful settlement of conflicts among Member States and Article 4 (f) on the prohibition of the use of force or threat to use force among Member States of the Union;

4. *Decides:*

- (I) That the AU Troika should urgently revitalize its engagement with Morocco and the Sahrawi Arab Democratic Republic with a view to peacefully finding a permanent resolution to the crisis;
- (II) That the Peace and Security Council shall discharge its mandate on the conflict in Western Sahara, in accordance with the relevant provisions of the Protocol and the relevant Assembly Decisions, by reviewing the situation in Western Sahara as necessary as possible, at Heads of State and Government level, including receiving briefings from the AU Troika;
- (III) To request the Kingdom of Morocco and the Sahrawi Arab Democratic Republic to immediately cease hostilities and engage in dialogue, create conducive environment for direct and candid talks, without any preconditions and in line with Article 4 of the AU Constitutive Act and the relevant Provisions of the PSC Protocol;
- (IV) To also request the AU Commission to urgently take necessary steps for the re-opening of the AU Office in Laayoune, Western Sahara, in order to enable the AU to reactivate its role in the search for a political solution to this longstanding conflict;
- (V) PSC to undertake a field visit to the region, as soon as possible to obtain firsthand information on the situation;

5. *Recognizes* the critical role of the UN in assuming its responsibility to find a durable solution to the crisis; *urges* the UN Secretary General to expedite the appointment of a new Personal Envoy and *invites* the incoming Personal Envoy to work closely with the AU in accordance with the provisions of the UN Charter and the AU-UN Framework for Enhanced Partnership in Peace and Security; *further calls on* the UN Secretary General to request the United Nations Legal Counsel to provide a legal opinion on the opening of consulates in the non-self-governing territory of Western Sahara;

6. *Encourages* the AU Special Envoy on Western Sahara to urgently resume his engagement with the parties to the conflict, in support to the UN-led efforts with a view to finding a durable solution in Western Sahara and *requests* all parties concerned to cooperate fully in this regard; *also requests* the Chairperson of the AU

Commission to provide the necessary support to the AU Special Envoy on Western Sahara;

7. *Requests* the AU Commission to transmit this communiqué to the two Member States, namely the Kingdom of Morocco and the Sahrawi Arab Democratic Republic, for their immediate actions; *also requests* the AU Commission to transmit this communiqué to the UN Secretary-General and the Coordinator of the African Members of the UN Security Council (A3) for further circulation as an official UN Security Council working document; *further requests* the A3, namely Kenya, Niger and Tunisia, to facilitate coordination between the AU PSC and the UN Security Council on this matter; and

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