

it witnessed in the Territory, especially the mass demonstrations of support for one movement, the Frente POLISARIO ..., that its visit served as a catalyst to bring into the open political forces and pressures which had previously been largely submerged. It was all the more significant to the Mission that this came as a surprise to the

viewed by the Mission 84/ and that, on the eve of its arrival, two separate patrols of "Tropas Nómadas" 85/ mutinied and joined the Frente POLISARIO with their weapons and equipment. 86/

In its conclusions the Mission stated that "within the Territory the population, or at least almost all those persons encountered, are ideologically for independence and against

V. The Advisory Opinion of the International Court of Justice

The International Court of Justice rendered its advisory opi-
[REDACTED]

nion 93/ on 16 October 1975, a few days after the publication of the
Visiting Mission's report. The Court first dismissed objections
[REDACTED]

The two questions put to the Court had to be considered in the whole context of the decolonization process and the answers furnished by the Court might assist the General Assembly in future decisions "for

and the procedures and guarantees required for ensuring a free and genuine expression of the will of the people". 98/

The Court then proceeded to answer the two questions put to it by the General Assembly. Regarding the first question the Court stated that the information furnished to the Court showed that at the

The Court proceeded to examine the evidence submitted to it relating to alleged acts of internal display of Moroccan authority over the Western Sahara at the time of its colonization by Spain and immediately preceding that time 101/, and concluded that even taking into account the specific structure of the Sherifian State the material presented to the Court concerning the internal display of authority by Morocco "did not establish any tie of territorial
State. It does not

Turning to the question of the legal ties between Western Sahara and the Mauritanian entity, the Court found that the latter

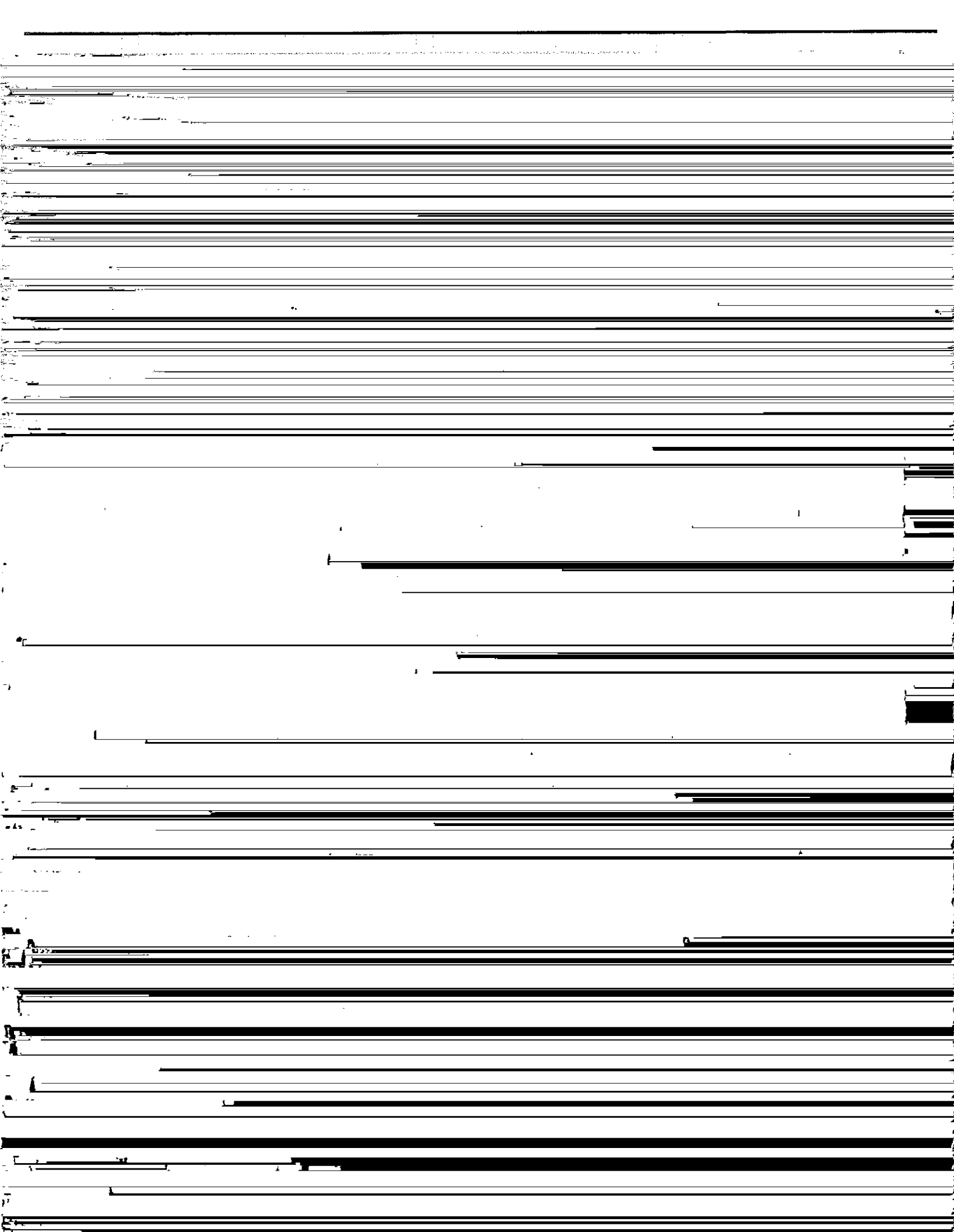
did not possess at the relevant time a corporate personality distinct from the several emirates and tribes which composed it. 104/ It therefore concluded that "at the time of colonization by Spain there did not exist between the Territory of Western Sahara and the Mauritanian entity any tie of sovereignty, or of allegiance of tribes, or of "simple inclusion" in the same legal entity, although it recognized that the nomadism of the great majority of the people of the Western Sahara had given rise to certain ties of a legal character between the tribes of the Territory and those living in the territories of the Bilad Shinguitti which are now comprised within the Islamic Republic of Mauritania. 105/

In conclusion the International Court in answer to Question

VI. The Security Council's reaction to the "Green March"

First Meeting of the Security Council

King Hassan II's call for a march by "unarmed civilians" from
[redacted] following the publication of the
[redacted]



Spain had established direct contacts with the governments of Morocco and Mauritania "because of the urgency of the situation" but had not committed itself to seeking a bilateral or trilateral ~~agreement~~ ~~to the decolonization~~ of Western Sahara. Spain strongly

The representative of Spain stated his country's determination, should Morocco not halt the march, to repel it by every means at its disposal,

after thanking the Council for its "kindness" to state that this "change

of attitude" by Spain towards the "Green March" should have prompted the Council to adopt a resolution "addressing the Council's

of the Council that the march into "our Sahara" had already begun and renewing the assurance that "the march will at no time deviate from the peaceful character which underlies this action". 120/

The Security Council met again on the evening of 6 November at the request of Spain which informed the Council that the frontier of Western Sahara had been violated "by large contingents of Moroccan armed forces" 121/

Before hearing any public statements, the Council on the basis of

the Yema'a and the traditional chiefs. 124/ It was through this course that the spirit and the letter of resolution 1514 (XV) would be carried out, thus preventing "the perversion and mystification of the law of decolonization". The Court's opinion and resolution 3292 (XXIX) by which the General Assembly had reserved to itself the right to indicate the procedure to be followed to speed up the decolonization of the Territory called for "the choice of the technique of transfer of power by nego-

... .. and the States concerned"

King that the Secretary-General's suggestions had "been over-

for the views of the Saharan population to be expressed through the Yema'a, "that did not mean that other possibilities for the expression of their will were excluded".

In his interventions 133/ the representative of Morocco referred to the decision by King Hassan II, "drawing the obvious conclusions from the latest General Assembly resolution [3292 (XXIX)] and from the Advisory Opinion of the International Court of Justice" to call upon

... not ... with the ...

[The remainder of the page is almost entirely obscured by heavy black redaction bars.]

The representatives of various Saharan political movements, including the Frente POLISARIO, appeared as petitioners before the Fourth Committee. Those appearing on behalf of movements based in Morocco and Mauritania, as well as of PUNS and the President of the Yema'a, who stated that he was speaking on behalf of that body, declared their support for [redacted] agreement. 136/ On the other hand the representative of the [redacted] " [redacted] " between "the colo-

it was stressed, did not recognize the precedence of territorial claims

by the International Court in its advisory opinion. Most of the dele-

gates opposing the tripartite agreement were critical of Spain for its failure to comply with its obligations under Chapter XI of the Charter, for its procrastination during the years prior to 1974, and for renegeing on its solemn pledges to the people of the Sahara regarding their right to determine their own future. Some countries also condemned what they called the expansionist aims of Morocco and Mauritania. It was further stressed by the representatives of two countries members of the Security Council that

The other draft resolution, which was introduced by Senegal and Tunisia, 143/ and was sponsored by eight Member States, 144/ took note of the tripartite agreement, reaffirmed the inalienable right to self-determination, in accordance with resolution 1514 (XV), of "all the Saharan populations originating in the Territory", and requested the interim administration to take all necessary measures to ensure that "all the Saharan populations originating in the Territory"

right to self-determination "through full consultations organized with the assistance of a representative of the United Nations appointed by the Secretary-General". The draft reaffirmed resolution 1514 (XV)

At the proposal of the representative of Ghana, the Committee
with 18 abstentions to vote first on the

148/ The result of the procedural vote on the proposal by
Ghana was as follows:

adopt the 27-power draft resolution by 84 votes to 3 with 42 ab-

... ..