

9 April 2010

Wishes of the Saharawi people

In 2002, the UN Under-Secretary-General for Legal Affairs, Hans Corell, wrote an important opinion on the legality of mineral exploration and exploitation in the occupied territories of the Western Sahara. Its conclusions apply equally to the exploitation of fisheries resources. The concluding sentence of the opinion states that ‘... if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the principles of international law applicable to mineral resource activities in Non-Self-Governing Territories.’

In short, international law requires that the wishes of the people of the Western Sahara must be taken into account before resource exploitation can proceed.

On several occasions, the people of the Western Sahara, through their internationally recognised representative, the Polisario Front, have expressed their very explicit opposition to the inclusion of the waters off Western Sahara in the EU-Morocco fisheries agreement, through:

- a letter from Polisario to Commissioner Borg of May 2005;
- a letter from Polisario to Tony Blair, President of the Council, of September 2005;
- a letter from 25 Saharawi civil society organisations to Commissioner Borg of 30 December 2009;
- a letter from Polisario to Commissioner Damanaki of 1 March 2010.

The Commission is on record as accepting the Corell opinion.

1. Could the Commission please state what documents or other evidence it has to demonstrate that the current fisheries agreement has been negotiated and implemented in a manner that is consistent with the wishes of the people of Western Sahara?
2. Who has the Commission consulted and what other attempts has the Commission made to obtain the agreement of the people of the Western Sahara?
3. Has the Commission ever consulted Polisario on the EU-Morocco fisheries agreement and, if so, what were the conclusions?

21 June 2010

Answer by Maria Damanaki on behalf of the Commission

In response to the question of the Honourable Members on the Fisheries Partnership Agreement (FPA) between Morocco and the EU, the Commission would like to provide the following clarifications:

As referred to by the Honourable Members, the UN Corell opinion confirms that in a non-self governing territory, as is the case of the Western Sahara, exploitation activities should be carried out 'for the benefit of the peoples of those Territories, on their behalf or in consultation with their representatives'. The Commission is of the view that it is Morocco's responsibility to ensure that this is the case.

While the Commission may choose to have contacts with other parties, it is not by any means possible for the Commission to substitute itself to Morocco in exercising its responsibilities. During the last meeting of the Joint Committee with Morocco, the Commission requested additional information about the socioeconomic effects of the fishing activities and the sector support foreseen by the FPA.

The Commission has not received such information yet. This information or lack thereof will feed into its decision-making process regarding its future decisions and the possibility of a renewal of the expiring protocol. In the meantime, the Commission remains of the view that the activities implemented in the framework of the Agreement in the Western Sahara may have a positive effect on the Western Sahara economy, for example through landing of catches, embarkation of local seamen, and use of local ports.