

22 July 2010

Effect of fisheries agreement on Western Sahara

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 Partnership Agreement, as detailed in Question (E-2633/10). In response to that question – regarding what documents or other evidence it has to demonstrate that the current fisheries agreement has been negotiated and implemented in a manner consistent with the wishes of the people of Western Sahara – the Commission stated its view ‘that it is Morocco’s responsibility to ensure that this is the case’, adding that ‘is not by any means possible for the Commission to substitute itself to Morocco in exercising its responsibilities’.

We do not share the Commission’s view that the EU has no responsibility whatsoever concerning the question of whether its agreements with other parties comply with international law. The Commission’s further assertion that the agreement ‘may have a positive effect on the Western Sahara economy’ is surprising, given that it has not taken sufficient steps to verify whether this is the case.

1. Is it the Commission’s legal opinion that the explicit and formal opposition expressed by the Polisario Front to the inclusion of the Western Sahara is of no consequence and can be completely ignored? How does the Commission justify such an opinion?
2. In what ways, and when, has the Commission requested information on how the exploration and exploitation activities have been carried out in accordance with the interests and wishes of the people of Western Sahara, according to their will and in consultation with their representatives?
3. What steps will the Commission take to investigate whether the fisheries agreement actually has a positive effect on the Western Sahara economy and to ensure that it will have such an effect?

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Answer by Maria Damanaki on behalf of the Commission

The Commission has used every possible official and unofficial occasion to solicit relevant information from the Moroccan authorities. If and when such information becomes available, it will be carefully scrutinised by the Commission to determine whether entering into negotiations for a new protocol to the Fisheries Partnership Agreement (FPA) is justified. For the time being, the Commission is not taking any steps which might pre-empt a decision on the future of this Agreement.