

Frente POLISARIO

Representación para Europa



Brussels, 18 May 2005

Dear Mr Borg,

I would like to express, as the European Representative for Europe of the Frente POLISARIO, our great concern for greater transparency and respect for International Law of the European Commission in its current negotiations with the Kingdom of Morocco in the field of Fisheries Policy.

As you know, following the United Nations doctrine in the case, the Western Sahara is a Non-Self Governing territory, pending on a decolonisation process under the monitoring of the United Nations through its Mission on the field MINURSO (French acronym for “*Mission des Nations Unies pour le Referendum au Sahara Occidental*”).

The European Commission has launched recently a new negotiations process with the Kingdom of Morocco in the Fisheries sector. As you know, Morocco's key tactic to illegally maintain its occupation in Western Sahara is to include the Western Sahara waters within its “fishing areas under Moroccan control” in order to involve European interests in its military illegal occupation and the permanent violation of International Law. As you also know, following the International paramount treaty in this matter, the United Nations Convention for the Law of the Sea (UNCLOS, of which Morocco is Part), and the January 2002 Legal opinion of the United Nations Under-secretary for Legal Issues, on the status of Western Sahara natural resources, Morocco could not extend or claim since February 1976 any jurisdiction over the entire waters of the Western Sahara.

Taking account the illegal or “technical” precedents that marked the European Commission Fisheries agreements with Morocco in the 80s and 90s, we would strongly urge the European Commission to fully respect the internationally recognised border between the Kingdom of Morocco and the Western Sahara, that it's the 27° 40' parallel -as clearly mentioned in the United Nations doctrine and practice- and use all the European political leverage to preserve the Western

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Sahara waters and its 1000 coastline from any kind of agreement involving European fleets that would further deplete its critical fisheries biomass.

In this line, the European Commission should, at least be coherent with the international legality and finally take an example from the crystal clear position of the United States government (statement annexed) where its Representative for Trade, Mr Robert ZOELLICK stated on July 2004 that the United States clearly recognised the international borders of *Morocco and Western Sahara* in the framework of its Free-trade Agreement with the Kingdom of Morocco.

I note in your speech to the EC Maritime Law Course of the IMO International Maritime Law Institute (IMLI, Malta, 4 April 2005) that you state: *"The United Nations Convention on the Law of the Sea, (...) is considered today to be a universal instrument of international law. It is the main framework for the management of ocean affairs around the globe, built on the principle that: "all the problems of ocean space are closely inter-related and need to be considered as a whole"*.

I would urge you to make sure that this great and constructive will of the European Commission comes soon with clear and enforceable rules regarding the current Western Sahara International Law status as a Non-Self Governing Territory.

Yours sincerely,

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Member of the National Secretariat of the POLISARIO Front

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