

Frente POLISARIO

Representación para Europa

Brussels, 16 November 2010



H.E. Ms. Maria Damanaki
European Commissioner for
Fisheries and Maritime Affairs

Your Excellency,

As you are aware, the United Nations Security Council will today consider the tragic events of 8 November, in which attacks by Moroccan security forces on peaceful camps of Saharawi civilians near El Aaiún left at least 36 Saharawi dead, more than 700 injured and 163 in detention. The camps were established in peaceful protest against the socio-economic marginalisation of the Saharawi people, in part due to the theft by Morocco and complicit foreign interests of Western Sahara's natural resources, including its fisheries.

Given these events, I write to urge the European Commission to end immediately any process of consultation with Morocco with a view to extending the current Protocol to the EU-Morocco Fisheries Partnership Agreement (FPA) beyond its expiry on 27 February 2011. In particular, I seek a definitive end to the operation of European fishing vessels in the waters adjacent to Western Sahara.

Your Excellency will recall my letter of 1 March 2010, in which I drew Your Excellency's attention to a Legal Opinion provided by the European Parliament's Legal Service (SJ-0269/09), including the finding that 'compliance with international law requires that economic activities related to the natural resources of a Non-Self-Governing Territory are carried out **for the benefits of the people of such Territory, and in accordance with their wishes**' (emphasis added). In its Opinion, the Parliament's Legal Service added that in the specific case of the implementation of the EU-Morocco FPA, 'it has not been demonstrated that the EC financial contribution is used for the benefit of the people of Western Sahara.'

While I have yet to receive a formal response to that letter or any previous letters to your predecessor on this matter, my colleagues Mhamed Khadad (Coordinator for MINURSO) and Mohamed Beissat (Deputy Chairman of the Frente POLISARIO Foreign Affairs Committee) had the opportunity to discuss its contents with members of your cabinet during a constructive meeting in Brussels on 15 September. During that meeting, my colleagues were assured that no decision had been taken about whether to pursue a continuation of the FPA pending the provision of information by Morocco regarding the flow of benefits under the agreement to the Saharawi people. Since then, we have seen media reports indicating meetings between Your Excellency and your Moroccan counterpart to discuss these matters further.

In light of recent developments, it is incumbent upon the Frente POLISARIO, on behalf of the Saharawi people, to repeat our previous communications to the Commission that **fishing by European vessels in Western Sahara's waters pursuant to an arrangement with the Kingdom of Morocco is contrary to the interests and wishes of the people of Western Sahara, and is therefore contrary to international law.** The waters adjacent to the coast of Western Sahara are NOT Morocco's, as confirmed by the declaration by the Saharawi Arab

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Democratic Republic (SADR) of an Exclusive Economic Zone on 21 January 2009. This was an expression and exercise by the Saharawi people of their permanent sovereignty over the natural resources of Western Sahara, including their *exclusive* sovereign rights with respect to the resources offshore. Exploitation by EU vessels of Western Sahara's fisheries resources, without the prior consultation and consent of the representatives of the Saharawi people, is in direct conflict with the non-derogable right of the Saharawi people to exercise sovereignty over their natural resources, and is therefore in violation of international law, including international human rights law and the relevant principles of the Charter of the United Nations.

As I confirmed for you in my letter to Your Excellency on 1 March 2010, and in many previous letters to your predecessor, the people of Western Sahara and their political representatives have never been consulted in relation to the activities of EU-flagged fishing vessels in the waters adjacent to Western Sahara. Nor have the Saharawi people or their representatives received any benefits flowing from EU fishing activities licensed under the FPA. If such consent had been granted, and had the benefits been flowing to the Saharawi people, would there have been a need for the peaceful and ultimately tragic protests by more than 20,000 Saharawi people in the area in and around El Aaiún, angered by the long-standing political repression and desperate socio-economic conditions prevalent in the Territory?

In these circumstances, any efforts by the EU to pursue an extension of the FPA without excluding Western Sahara's waters from its geographical scope would risk further destabilising an already volatile situation in Western Sahara, thereby undermining efforts by the UN to find a peaceful solution to the dispute which will provide for the self-determination of the people of Western Sahara, a process the EU purports to support. It would also necessitate further consideration of legal avenues to ensure the protection of the Saharawi peoples' permanent sovereignty and sovereign rights with respect to the territorial and offshore resources of Western Sahara, and to seek redress for the illegal exploitation which has occurred thus far.

I look forward to your urgent response on the Commission's intended course of action, and would of course welcome the opportunity to meet with you in person to discuss these matters further.

Please accept, your Excellency, the assurances of my highest consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Mohamed Sidati', written over a horizontal line.

Mohamed Sidati
Minister Counsellor for Europe
National Secretariat of the Frente POLISARIO
and Presidency of the Saharawi Arab Democratic Republic (SADR)

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