

## Summary

# How Saharawi natural resources are pillaged **Saharawis: Poor People in a Rich Country**

*Part 1: Fishing resources – SNRW Report – 2013*

## *Western Sahara between two reports:*

The World Bank's report of 1974 expected Western Sahara to be one of the richest countries in the world because of its huge natural resources reserves and its small population. 40 years later, the Saharawi Natural Resource Watch (SNRW) presents the following report on the activities of the Moroccan authorities of occupation and their plunder of the Saharawi fishing resources in collaboration with a number of companies from third countries that do not recognise the Moroccan sovereignty over Western Sahara. The aim is to provide the readers with information on the scale of the serious violations of the Saharawi people's right to enjoy and profit from their resources, which can only be qualified as a blatant violation of the international law relative to Non-Self-Governing territories still pending a decolonisation process. The reader would deduce through this report that though the territory is extremely rich in resources, its people, the Saharawis, remain amongst the most poor on earth because of this very illegal exploitation of their resources openly and publicly in a territory that remains under the legal authority of the UN, which is in charge of its decolonisation and must pay all necessary efforts to enable its people to fully and freely exercise their right to self-determination.





The “Sahrawi Natural Resources Watch” (SNRW) was created in the Saharawi refugee camps last April, 9, 2013. It has members, experts and activists, from the refugee camps and from the occupied territories of Western Sahara.

SNRW aims to monitor, observe, report and act against the illegal plunder and exploitation by the Moroccan Kingdom and other countries and companies, of natural resources of Western Sahara, in addition to monitoring its effects on the ecological stability in the region.

SNRW also works for the establishment of a database that would serve students, researchers and interested people, in addition to the organization of national and international campaigns to raise awareness about the dangers of such plundering.


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## *The Saharawi fisheries: Abundance and Diversity*

With a length of 1 400 kilometres and an area of 55 100 square kilometres, the Saharawi coastline is considered one of the richest fishery grounds in the world. The rise of deep ocean waters through the cold Canary current, which aligns the Saharawi coast, allows for the surfacing of mineral elements and planktons for different sea creatures to feed on. This, in turns, provides ideal biological breeding grounds for diverse species such as different fishes, molluscs, crustaceans, shellfish and algae. For this, as a result of the hydrological, geographical and ecological properties that characterize the region, the coast has an annual production capacity of two million tons of fish. Pelagic fish constitutes the largest percentage of the fisheries in Western Sahara, which is also characterized by its diversity and richness. The Saharawi fisheries have several varieties including: pelagic fish, white fish, molluscs, shellfish, crustaceans and marine algae, in addition to some rare species such as Monk Seal, of which Western Sahara has one of the largest colonies with an estimated 120 Seal. This is approximately half the global number of these endangered sea specie. Studies suggest that the Saharawi territorial waters contain over 200 different species of fish, 71 species of molluscs, 14 species of cephalopods, as well as crustaceans and shellfish, marine algae and others.



## *The Moroccan exploitation of the Saharawi fisheries: When numbers do not reveal full truth*

**It is very difficult to obtain accurate statistics on the extent of the Moroccan exploitation of the Saharawi fisheries. This is due to the blockade that Morocco imposes on the occupied Saharawi cities on the one hand, and on the other, is a result of the large inconsistencies and corruption in the sector of fisheries in Morocco, in general, and in the occupied territories of Western Sahara, in particular. Furthermore, the statistics provided by the Moroccan Bureau of Fisheries should be taken with caution since this bureau never provides the complete reality of plunder in the waters of Western Sahara. This is further reinforced by the following reasons:**



**1. The figures provided by the Moroccan Bureau of Fisheries cover only the coastal and traditional fishing. While, there are no accurate figures and statistics about fishing in high waters, which contains the largest investments in**

**fisheries.**

**2. The large foreign fishing vessels operating in the Saharawi territorial waters do not discharge their catch in the Saharawi ports. This means that the quantities of their loads are even not**



known to the Moroccan administration.

3. The majority of the Moroccan fishing vessels that are active in the Saharawi territorial waters discharge their loads in Agadir and Tantan's ports, where the headquarters of their companies are located (so their catch are always attributed to Moroccan waters).

4. The intentional shrinkage of the statistics of fishing activities in the Saharawi territorial waters. For instance, the 2001 report by the Moroccan Bureau of Fisheries (page 13), which shows the coastal catch estimates according to regions, pretends that the Rio de Oro- Laguiria region contributed only with 3.7% in the fishing production. This estimation is twice less than that of Sous-Massa-Daraa region and eight times less than Guleimim-Smara region (two non-coastal towns). However, for anyone who is familiar with the fisheries' map on the region, it is well known that Rio de Oro contains at least 60% of the fishing potential in Western Sahara and

Morocco combined. As an example of the fisheries' potential in that region, Dajla port, which is the main port for Rio de Oro region, received 101 vessels on the period between 19th of April and 19th of May 2013.

5. The numbers provided by the Moroccan Bureau of Fisheries contradict both those reported by the Food and Agriculture Organization of the United Nations (FAO) and those registered in the Saharawi ports and points of captures' discharging. For example, the Moroccan Bureau of Fisheries estimates Octopus captures for the year 2012 to be 25,127 tons, whereas on the ground the registered numbers amount to 55,642 tons (according to the Moroccan specialised website "Blue Morocco"). And this is clearly the double of the official statistic.

6. Been considered military zones, the occupied territories of Western Sahara are under the surveillance and inspection of the Moroccan army. This also means



that an important proportion of fishing activities are undertaken by the high generals and security officials who are above any inspection or control.

7. Due to the widespread corruption and bribery in the Moroccan fishery industry, it is easy to manipulate the system of licences' distribution, and the process of fish captures' inspection, unloading and weighing. This leads to inaccurate and unreliable statistics.

8. The widespread of clandestine or "illegal" Moroccan fishermen who do not have any licences at all, nor do their activities get inspected by the governmental institutions in charge of such process. This is especially true in the case of molluscs fishing, which generates larger revenues compared to the fishing of other species.

9. The big and ambiguous role of the monopolistic Holding of the royal palace, Omnium Nord-Africain (ONA Group) and its affiliated or related companies that operate in the occupied territories of Western Sahara both directly in the fishing and fishing-related industries such as companies of fish processing. The company "la Monégasque Maroc" for fish processing used to be part of "ONA" and has made its owner, Said El Aldj (the son of the personal Clown of the former

king, Hassan II) the worldwide number one in the industry of anchovy fish canning, knowing that ONA, as said before, has the monopole of different other economic sectors in Morocco like agricultural products, spirits, sugar, milk, mining industry, energy, real estate, advertising and large shopping chains. All of these activities and more were detailed in the book entitled "The Predator King."

Despite the poor official Moroccan reporting of fisheries' statistics in the occupied territories of Western Sahara, the growth in fisheries is still visible, and fishing revenues reveal a huge development in favor of the Moroccan government.

The report shows for example that Morocco's revenues from coastal fishing in Western Sahara have doubled by 38 folds between 1992 and 2008. In the same period, the fishery revenues from Rio de Oro alone have doubled by 366 folds. Numbers of this nature do not need any comments.

# *Morocco's Exploitation of Fisheries in Western Sahara*

**Obtaining information related to statistics from the excessive exploitation of resource by the Moroccan government in the coasts of Western Sahara is not an easy tasks especially when it comes to the number of vessels, their owners or the amount of catch. This is due to the fact that there are investors in the sector who are more powerful than the Moroccan Ministry of Fisheries itself. According to Moroccan experts in the field, the ministry monitors only 40% of the crucial department. For this, the information presented in SNRW's report is a result from testimonies on the ground, research centres, official website or Moroccan media sources. This makes of the report only a small window opened on the hidden reality of a huge illegal exploitation, protected by a regime known for its lack of transparency and its great military grip on the occupied territories of Western Sahara.**

Morocco officially divides the fishing areas in Morocco and the occupied territories of Western Sahara into four different fishing regions: The middle region, which accounts for 3% of total fisheries resource in Morocco and Western Sahara combined; Atlas "A", which is running from the south of Eljadid to Sidi Ifni accounting for 9%; Atlas "B" extending from Sidi Efni south of Morocco to Bojador in the middle of Western Sahara, which contributes with 17% of fisheries with 60% of it a Saharawi territory; and finally Atlas "C" and it accounts for 71% of the fish resources. It is worth pointing out that region "C" is located between Bojador and Laguira; and thus it is all in Western Sahara.

Since the Moroccan invasion of Western Sahara, the occupying authorities have employed a policy of over-exploitation of the Saharawi natural resources especially fisheries without consideration to the infrastructure of the region and the

living conditions of Saharawis who live in poverty, unemployed and suffering an institutionalized marginalization. For instance, the Moroccan National Bureau for Fisheries considers the market in El Aaiun city, which has an area of 8600 m<sup>2</sup>, the best market for selling fish through when it comes to providing all the equipment and technical requirements. The cost for building this market was only 40 million Dirhams, whereas Moroccan markets that are smaller such as the one in Agadir port that has an area of 7000 m<sup>2</sup> was built with steel and aluminium at a cost of 70 million Dirhams. Further, the Moroccan authorities destroyed an important part of El Aaiun port, namely the half of the landing bridge, which was one of the first of its kind built by the Spanish colonial power.

The systematic exploitation, which is a danger for the present and the future of the Saharawis, is part of the regime's policy to change the demographic nature



and societal makeup of Western Sahara. The fisheries are attached to not only technological machinery, but also a huge uncontrolled deployment of Moroccan fishermen who populated the Saharawi coast in the form of random and illegal settlements and villages in complete violation of the Geneva Conventions that forbid to occupying forces to change the demographic realities of their colonies. These areas are breeding grounds for crime, poverty, drugs, smuggling and illegal activities and they are 15 officially recognised villages, and more than 26 “non-official” ones.



# ***Fishing Methods in the Occupied Territories of Western Sahara***



## ***Traditional Fishing:***

This method of fishing relies on traditional methods and equipment, most of the boats used are small to medium size with a length of 5–6 meters with engines of 6 to 25 hp. In other cases, this method of fishing uses trolleys with a length of 20 meters.

In 2007, the number of Moroccan boats conducting traditional fishing by the Saharawi coasts was estimated to be around 9352. However, this department was reformed in 2008 and the Moroccan Ministry of Fishery distributed 3082 licenses for traditional fishing. The Moroccan settlers in the territory benefited from 94% of these licenses, whereas the Saharawis benefited from only 6%. Furthermore, to limit these

licenses given to the Saharawis, the occupying authorities gave one licence to each 4, 5 or 6 Saharawi to prevent them from economically profit from it and forcing them to either sell or rent them to Moroccan investors.

The traditional fishing profits from 26% of the investments in the fishing industry, however, it used to profit from 33% previously for 6088 boats. For any given season, traditional fishing employs directly 12300 workers and indirectly about 15415 persons. The reports details more this issues and numbers.

## ***Coastal Fishing***

The number of vessels working in coastal fishing is estimated to be 2609 modern vessel and among them 378 net

fishing boats, which use high navigation technology and determining fish locations. The report also details the types, capacity and working forces in these boats.

According to a report published by the Moroccan media about the chaotic situation of fisheries in Rio de Oro, the majority of vessels working in trawler fishing do not have GPS tracking systems, which makes them hard to monitor. Moreover, these vessels use fishing nets that are prohibited internationally, and the nets are left in the sea for extended periods of times. The vessels also use dragging nets with narrow openings of 40 to 50 millimetres, which allow for catching small fish destroying the ecological system. The Saharawis are prohibited from working on board these vessels for several reasons and some are:

- The administration of these vessels does not allow them since it uses illegal fishing methods like nets prohibited internationally.
- The workers on board these vessels lobby for fellow settlers according to their region of origin and they do not allow any others to work with them.
- The majority of the vessels use advanced technologies, which allow them to catch other fish not included in their fishing licence, and thus they usually destroy the unwanted catch and cause serious damages.
- Some of the vessels use pipes concealed with special cover to transfer their catch from sea to large tanks in Dajla port making it impossible to monitor or observe what has been caught. These trawlers, which are known with the acronym RSW or “Carriers for Frozen Sea Water” are divided into Moroccan,

rented or owned by foreign companies like the Swedish vessels “Nordic,” the vessel “Moon San” and others. Each vessel is capable of catching between 400 and 500 tons per hour. Since most of these vessels are owned by Moroccan or European investors, or foreign owners, they try to disguise their involvement to escape their legal responsibility. Of all vessels this type working along the coast of the occupied territories of Western Sahara, only one is owned by Saharawis.

## ***High Sea Fishing***

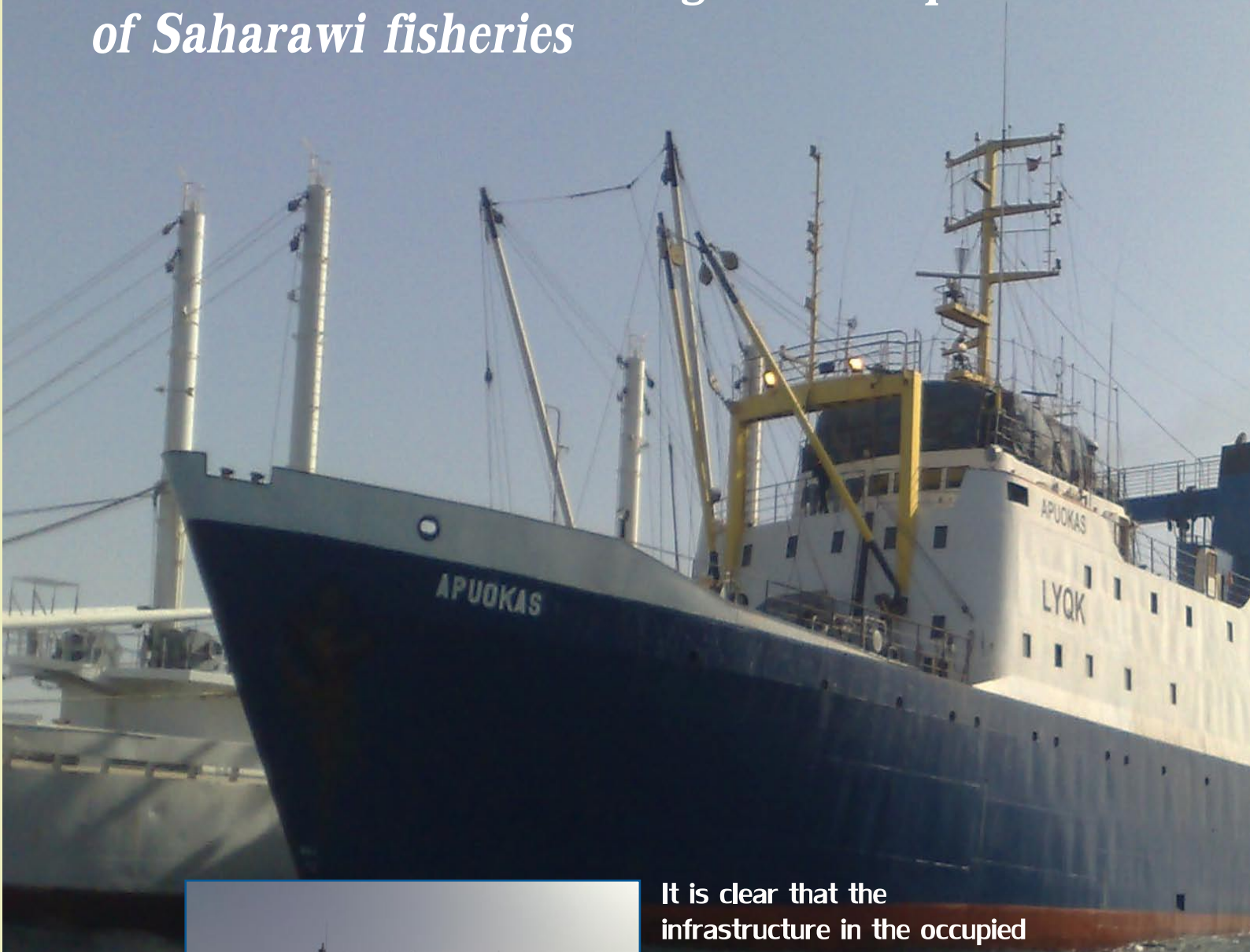
About 87% of commercial fishing in Morocco is directed to fishing molluscs and white fish in the Saharawi territorial waters. According to the expert Mohamed Badir, the number of Moroccan boats conducting commercial fishing has increased drastically from 4 boats in 1973 to 454 boats in the year 1998, the report extends in this subject. This surge is a result of the increased exploitation of the Saharawi fisheries since the Moroccan occupation of Western Sahara.

In addition, there are commercial vessels equipped with netting systems and freezing facilities, which allow them to carry out trips lasting up to two and a half months. The engines for these vessels have a power of 750–2000 hp. and carry up between 200 and 900 tons.

It is worth pointing out that the exact number of vessels conducting high sea fishing is unknown, however, it may be over 600 vessels, of them 280 specializing in molluscs fishing.



# *Infrastructure contributing to the exploitation of Saharawi fisheries*



It is clear that the infrastructure in the occupied cities of Western Sahara are only there to allow the occupying authorities to speed up the plundering of the Saharawi natural resources, and the expansion of the exploitation of the fisheries in the territory. Some of

these infrastructures come as an extension from those done during the Spanish colonization and others have been newly built during the Moroccan occupation. These projects have consumed most of the Moroccan government's expenditure in the territory. The report gives more information about some of the most important infrastructures in the occupied cities of Western Sahara.



# *The environmental consequence of exploiting Saharawi fisheries*

**The unreasonable exploitation and plundering of the Saharawi fishery resources by Moroccan and foreign fleets are contributing to the disturbance of fishery ecosystems in Western Sahara. These disturbances are due to the excessive fishing and the use of unsustainable fishing methods that lead to eliminating species creating ecological imbalance in the region.**



It is after the depletion of traditional fishing in Morocco, in Russia, Japan and Europe and during the beginning of Moroccan occupation of Western Sahara that thousands of foreign vessels, boats and trawlers invaded the Saharawi territorial waters. These rapid change took place in complete absence of any policies or plans for the fishery resources, and with disregard to sustainable development requirements. Furthermore, the interest in the region reached its peak in the first and second

decade of the current century, and continues to increase to this day. The size of Moroccan fisheries, especially coastal and traditional fishing, have increased from 4,100 tons during the 1960s to 1 086 249 tons today, which is the equivalent to a 265 folds increase.

According to a 2003 report by the Moroccan National Institute for Fisheries Research, the exploitative fishing in the region has led to a catastrophic ecological imbalance, which led to a



decrease in the fisheries by the following percentages: octopus by 60%, squid by 78%, fishing with large nets (deep-sea fishing) by 66%, and fish freezing by 53% due to a worsening of the environmental state for Cephalopods. Similar conclusions were documented in September 1997 by the scientific research team COPACE, which is part of FAO.

In addition to excessive exploitation of the fisheries, there are other factors that led to exhausting the fisheries' reserve in Western Sahara, which include the following:

1. The lack of respect for the ecological breaks needed for the different marine species to naturally reproduce and complete their life cycles. It is also the lack of uniformity in implementing the breaks in Western Sahara and in Morocco, which allows fishermen to fish in an area that does not have ecological break and sell in the other without any obstacles.

2. The disregard for the quota of the amount of fish and type allowed to be fished in the license by attempting to find precious species even if they are endangered. This issue is further exacerbated by the poor monitoring and the access to special privileges through corruptive means.

3. The use of fishing nets that are prohibited internationally since they allow for catching small fish, which in turns affect the life cycle of other species.

4. The use of traps, plastic and metal sheets during octopus fishing. These sheets release mineral and chemical products, which are harmful to the environment.

5. The environmental damages caused by trawlers that use long fishing nets,

which is dangerous for the breeding grounds for the different fish species.

6. The easy access for foreign vessels and boats to fish in the Saharawi coasts after having been prohibited from fishing elsewhere due to their disregard for environmental safety.

7. Allowing boats belonging to influential Moroccan persons such as security officers and military personnel to fish in protected and reserved area.

8. Poor monitoring and control of foreign vessels' misconduct. The reason for such behavior is that the monitors consider these misconducts as committed outside of their home country and thus not affecting the future of their fisheries.



# ***The Legal Aspect of the Exploitation of Fisheries in Western Sahara***

**The Moroccan exploitation of the Saharawi natural resources is a serious abuse of the Saharawi people's right to control and use their natural resources. This represents evident violation to the UN's resolutions related to the Saharawi people's sovereignty over their natural resources, especially the UN General Assembly's resolution 1314 (XIII) of 12 December 1958. This resolution called for the establishment of a commission on the permanent sovereignty over natural resources, which would conduct a survey on the status of permanent sovereignty over natural resources as a cornerstone of the right to self-determination.**

In addition, the General Assembly's resolution 1803 (XVII) adopted on 14 December 1962 under the title "Permanent Sovereignty over Natural Resources." It states in the seventh article "violation of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the Charter of the United Nations and hinders the development of international cooperation and the maintenance of peace." Similarly, the General Assembly's resolution 2711 on Western Sahara adopted on 14 December 1970 called on the occupying power in paragraph C of chapter six "to comply with the resolutions of the General Assembly on the activities of foreign economic, financial and other interests operating in colonial countries and territories and to refrain from any action likely to delay the process of decolonization of the Territory." Moreover, chapter seven of the resolution invites "all States to refrain from making investments in the Territory in order to speed the achievement of self-determination by the people of the Sahara."

Similarly, when the Moroccan occupation began giving licenses to foreign companies for oil and gas exploration in the occupied territories of Western Sahara, the UN Security Council required an investigation on the legitimacy of Morocco's exploitation of the natural resources in the territory. This was after mounting international pressure condemning the involvement of petroleum companies in oil and gas exploration in occupied Western Sahara in 2000.

For this, on 29 January 2002, the Security Council asked the UN Office for Legal Affairs under the leadership of the Swedish Jurist, Hans Corell, to investigate the situation. The main question of the investigation was «the legality in the context of international law, including relevant resolutions of the Security Council and the General Assembly of the United Nations, and agreements concerning Western Sahara of actions allegedly undertaken by the Moroccan authorities consisting in the offering and signing of contracts with foreign companies for the exploration of mineral resources in Western Sahara.»



The legal opinion was detailed and clear, standing on the fact that Western Sahara is a non-self-governing territory and part of the UN decolonization list since 1963, and thus remains under the authority of the article 73 of the UN Charter, which clearly states that colonizing powers do not have the right to change the demographic, societal or political status of their colonies. They also do not have the right to exploit the natural resources of the territory in ways that would not benefit the people's present and future.

The colonizing power, furthermore, needs to secure the consent of the people of the Non-Self-governing territory before engaging any economic activities of a sort to affect them or their territory.

The legal opinion, moreover, concluded that Morocco has a special and ambiguous legal Status since it is not the administering power of Western Sahara (as it is not stated as such

on the list of 16 non-self-governing territories pending decolonization), nor did his occupation of the territory after the withdrawal of Spain confer to him any such status. Therefore, Morocco is de facto occupying the territory, and the only legal qualification of his presence is an "occupation" as was described in the UN resolution 34/37 of 1979. The resolution condemned "the continued Moroccan occupation of Western Sahara."

The legal opinion by the UN Office of Legal Affairs concluded "while the specific contracts which are the subject of the Security Council's request are not in themselves illegal, 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 international law principles applicable to mineral resource activities in Non-Self-Governing Territories."

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This clear stance was further supported in 2004 by the United States of America through its Trade Representative at the time, Robert Zoellick. In an official letter responding to a question by a US Congressman, he stated that "the agreement will cover trade and investment in the territory of Morocco as recognized internationally, and will not include Western

Sahara."

The letter further clarified "the United States and many other countries do not recognize Moroccan sovereignty over Western Sahara and have consistently urged the parties to work with the United Nations to resolve the conflict by peaceful means."

Many European Union countries, on the contrary, have attempted to ignore the legal realities for many years through signing fishery agreements

with Morocco without the exclusion of Western Sahara from them. Even worse, EU countries together with Morocco were responsible for false labeling of exported fishery products since most of it was caught in Saharawi territorial waters while bearing the name of Morocco as country of origin. However, on 2009 the Legal Counsel of European Parliament issued a clear legal opinion supporting the position of Hans Corell. Since this legal opinion was issued, in 2011 the European Parliament rejected the renewal of the fishery agreement with Morocco, on the bases that the

Moroccan authorities failed to prove that the people of Western Sahara were benefiting from exploiting the fisheries in their territory. Not a single EU country recognizes Morocco's sovereignty over this territory, yet when it comes to the economy, most of them tend to close their eyes

to the legal, moral and human rights' realities of Western Sahara that should normally lead them to put pressure on Morocco to respect and honor its international engagement by enabling the exercise by the people of this last African colony to self-determination and independence.





## ***Saharawi People: Poor in a Rich Country***

Despite the considerable revenues that the Moroccan occupation gains from the Saharawi fisheries, the majority of Saharawi citizens live in poverty, marginalization and suffer from oppression. The occupying power, as is always the case with any military occupation, has acquired

the large revenues gained from exporting the Saharawi fisheries and other resources without taking into account the situation of the people of their colony, who have been deprived from employment opportunities and from benefiting of the wealth of their occupied country.

The report gives here also revealing numbers that show the amount of unemployment, poverty and the almost absence of Saharawi workers, and employees in the sector.



## ***Conclusions and Recommendations:***

**1** Western Sahara is classified as one of the regions in which decolonization process has not been completed, and remained as the most important issue on the agenda of the United Nations fourth committee since the sixties of the last century. Meanwhile, Morocco is a colonizing power according to the General Assembly of the United Nations resolution 34/37 dated 21 November 1979. Also the advisory opinion of the legal counsel of the United Nations, Hans Corel issued on 29 January 2002 made it clear that no exploitation of natural resources can be legal without the consent of the people of the colonized territory. Therefore all economic activities carried out by the colonizing power or foreign companies authorized by it, are contrary to the international law and can only be qualified as flagrant violation of the United Nations Charter.

**2** The Moroccan plunder of the Saharan natural resources is a violation to the right of the Sahrawi people to control and benefit from their natural resources. And this is another violation of the United Nations resolutions especially those concerning the sovereignty of people on their natural resources.

**3** The revenues of Morocco from the exportation of Sahrawi natural resources contribute to the prolongation of the conflict and feeding it through enabling Morocco to purchase arms and strengthen its military and security apparatus directed to wage war against the Sahrawi people.

**4** It is necessary to note that the illegal exploitation of the Sahrawi natural resources is not benefiting the Sahrawi population rather, the number of unemployed is multiplied and poverty indicators are sharply increasing among the people of the territory. The percentage of unemployment among the Saharawi population living in the occupied territories reaches alarming rates, estimated by some sources to be around 60%.

**5** It is necessary for the United Nations to assume its legal responsibilities towards the protection of the Saharawi resources as it did in similar cases in East Timor and Namibia.

**6** The issue of monitoring the plunder of the Sahrawi natural resources should be included in the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO), until the political solution of the conflict.

**7** We call upon all States and foreign companies to refrain from importing the Sahrawi products or investing in the occupied Western Sahara as these activities are in violation of the international law and only encourage and feed the colonization.

**8** We call on the members of the European parliament never to vote in favor of the EU-Morocco fishing agreement, as the same grounds that resulted in the cancellation of the previous agreement are still there.