

Open letter to MEPs on the approval of the EU-Morocco fisheries agreements.

Dear Sir. / Madam.

We contact you on behalf of more than 250 several Human Rights and environmental organizations. On the upcoming days, key decisions will be taken at the European Parliament that will directly affect the population of Western Sahara regarding the future and sustainability of their natural resources.

On 12th February in Strasbourg, the European Parliament is planning to vote the renewal of the Partnership Agreement with Morocco in the fisheries sector "Sustainable Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco", that includes Western Sahara waters.

The Court of Justice of the European Union (CJEU) mentioned several times that:

Western Sahara is not part of Morocco and, therefore, its resources can not be exploited by any other power. The agreements signed with Morocco are not extendable to Western Sahara.

Additionally, it is important to draw attention on **the obligatory prerequisite for prior consultation with the Sahrawi population**, which is considered indispensable by the CJEU (2) and has not been properly respected.

The opinion of the Polisario Front, recognized by the United Nations as the legitimate representative of the Sahrawis and interlocutor with the European institutions, against the above mentioned agreement has been deliberately ignored. As denounced by several Saharawi civil society organizations, companies and organizations suspected of connivance with the Moroccan regime and with the occupation of the Western Sahara have been consulted instead (3).

From the point of view of sustainability, **it is alarming that the text of the agreement refers to the Kingdom of Morocco as the only entity that could guarantee the sustainable exploitation of the resources, ignoring the role that the saharawis might/should play in this endeavour.**

The text of the agreement refers to "sustainability" several times, but does not establish any mechanisms of guarantee. Western Sahara waters are increasingly exposed to industrial fishing, since they are located far from European shores.

It is important to mention that there is currently no limits established in the agreement for those vessels fishing in this geographical area, therefore this agreement opens the door to the overexploitation of maritime resources.

This Agreement will contribute to destroy a thousand of jobs and represents a serious risk for the economic development in Western Africa, **contributing to expand and extractivist postcolonial model, against the social and economic rights of the local population. The European Union and the Member States want to implement the same policies in Western Sahara waters that contributed to the disappearance of the red tuna or the sardine, among other species?** For how many time, the European Union will continue to promote the industrial fishing? with so many negative effects in the long term.

In this context of alarming disrespect of EU's jurisprudence and in order to avoid catastrophic social and environment effects, we kindly ask your honorable to vote against the ratification of the Agreement of fishing between the EU and Morocco, until it explicitly excludes the exploitation of resources from Western Sahara's waters.

Signatory organizations (in alphabetical order):





* Lafede.cat is a federation of 117 organizations.

'La Federació de Associacions de Solidaritat con el Pueblo Saharaui del País Valencià' is a federation of 20 organizations

'CEAS' is a federation of 17 organizations.

La Plataforma Valenciana de Solidaridad con el Pueblo Saharaui - Valencian Platform of Solidarity with the Saharawi People- brings together about 40 individuals, including professors of international law from the University of Valencia, and among others Javier de Lucas, Director of the Human Rights Institute.

El Consejo Nacional de la Juventud de Cataluña (CNJC) - The National Council of Youth of Catalonia (CNJC) brings together almost one hundred youth organizations in Catalonia and local youth councils.

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(1) Judgment of the CJEU C-104/16 P of December 21, 2016 and ruling in the case C-266/16 of February 27, 2018 and Act in the case T -180/14, of July 19, 2018)

(2) According to the Western Sahara Resource Watch organization, the recently approved consultation process for the extension of the association agreement has only received the support of 18 people and companies, without being able to demonstrate how these entities consulted are relevant to the population of Western Sahara. As the organization explains, "The 18 are Moroccan state companies, Moroccan research institutes, pro-Moroccan parliamentarians elected in illegal elections in the occupied territories, Moroccan NGOs and groups of Moroccan companies."

(3) On the occasion of the signing of the Morocco-EU Association Agreement, Saharawi civil society organizations sent a communiqué to Commissioner Moscovici, dated 9 January 2019, expressing their total disagreement with the development of the consultation process. The communication is attached to this email.