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The European Parliament Intergroup for Western Sahara calls on the EU Member States to vote against any negotiation mandate for an EU-Morocco fisheries agreement that violates international law by explicitly including Western Sahara

We the undersigned Members of the European Parliament Intergroup for Western Sahara call on the EU Member States to vote against any proposed mandate for negotiating a fisheries agreement between EU and Kingdom of Morocco that breaches European and international law by explicitly including the separate and distinct territory of Western Sahara and its adjacent waters.

On 21 March 2018, the European Commission sent to the Member States a draft Council Decision for a Negotiation Directive that authorises the Commission to negotiate an amendment to the Fisheries Partnership Agreement (FPA) between the EU and Morocco and to conclude a Protocol implementing this agreement. The Council is due to vote on the draft negotiation mandate on 16 April 2018.

The proposal to amend the fisheries agreement follows the ruling of the Court of Justice of the European Union (ECJ) of 27 February 2018, which stated that the current agreement between the EU and Morocco cannot apply to Western Sahara and its adjacent waters. This ECJ ruling clearly stated that including Western Sahara within the scope of the fisheries agreement with Morocco would violate international law, and in particular, violate the right to self-determination of the Saharawi people.

The Commission's draft negotiation mandate for amending the fisheries agreement seeks to, under certain conditions, extend the agreement to waters adjacent to Western Sahara, this in spite of the ECJ ruling of February 2018. Since the EU and Morocco cannot conclude international agreements applicable to Western Sahara, they have no authority to negotiate such agreements.

We are therefore extremely concerned about the Commission's intention to go ahead with a proposal for a negotiating mandate that clearly cannot be legal, and we call on the Member States to vote against any proposal that breaches international law and the rule of law, which lie at the very foundation of the European project.

Furthermore, we call for the immediate withdrawal of all European fishing vessels remaining in Saharawi waters under the outgoing EU-Morocco fisheries agreement as well as the suspension of the ongoing EU negotiations with Morocco of a new protocol on agricultural and fisheries products in relation to Western Sahara, which equally violates ECJ jurisprudence.

Instead of proceeding with illegal solutions that will be inevitably challenged in court, the Commission should engage with the Saharawi people and their UN-recognised representative, the POLISARIO Front, in a direction that serves rather than undermines their future and their right to self-determination. We also urge the Commission to put forward an ambitious strategy for enhanced EU action in support of the UN efforts to reach a just and sustainable solution to the Western Sahara conflict.

It is high time that the EU puts its relations with Morocco and Western Sahara in conformity with European and international law, and in terms of credibility for the EU, it is crucial that the Member States do not agree to any EU-Morocco fisheries agreement that is not legally sound. The European fisheries sector, and Europe as a whole, cannot be once again dragged into illegality by rogue scheming by the Commission for the interests of a foreign occupying power and its few European accomplices.

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