

Trade deals with Occupied Western Sahara illegal, rules EU Court of Justice

Friday 9 March 2018, by [POPE-WEIDEMANN Marienna](#) (Date first published: 27 February 2018).

The Court of Justice of the European Union (CJEU) has ruled the EU-Morocco Fisheries Agreement illegal under international law, as it breaches the Saharawi people's right to self-determination by including produce from Western Sahara, currently under military occupation

The ruling coincides with the 42nd anniversary of the proclamation of the Saharawi Arab Democratic Republic (SADR) and follows a statement issued on 10 January by the CJEU Advocate General Melchior Wathelet, who found the EU-Morocco Fisheries Agreement invalid.

The Advocate General said EU exploitation of Western Sahara fisheries “does not respect the right of the people of Western Sahara to self-determination,” adding that no trade agreement between the EU and Morocco could legally apply to goods originating from the Western Sahara without the explicit consent of the Saharawi people. The ruling follows a campaign by the Western Sahara Campaign (UK) against the British government's decision to uphold the deal, forcing it to refer the matter to the CJEU.

Hamza Hamouchene, War on Want's Senior International Programmes Officer (North Africa & West Asia) said:

This judgement is very positive news for the Saharawi people and for anyone who stands in solidarity with people's struggle for self-determination. For more than forty years, the Moroccan monarchy has continued its illegal occupation of Western Sahara while pillaging its natural resources from phosphates to tomatoes and fish stock. This has been done of course with the complicity of Western governments and multinationals. This in fact is a big victory as it puts the Moroccan monarchy in a very difficult position and will hopefully exercise more pressure on them to return to the negotiation table with the Polisario Front in order to find a solution to the ongoing conflict.

Hamza Hamouchene is available for media interviews on request.

Jalihena Mohamed, coordinator of Saharawi Campaign Against Plunder (SCAP) said:

"We welcome this decision, which reaffirms our right to sovereignty over our land and resources. It represents a crucial victory for our people working to defend Western Sahara from economic exploitation and manipulation by EU governments and corporations. We call on them to comply with the ruling and immediately halt all economic activities in the occupied Western Sahara. These must not be conducted before Saharawi people win the right to self-determination and to decolonize our land through free and democratic referendum."

John Gurr, coordinator of Western Sahara Campaign (UK) said:

This judgement confirms the clear position that under international law, the occupation of Western Sahara by Morocco is illegal. The European Commission should cease all trade with Morocco until it can be guaranteed that no produce from Western Sahara will enter the European Union without the explicit consent of the Polisario Front, UN recognised representatives of the Saharawi.

For over 40 long years the international community has stood by and allowed the Moroccan authorities to profit from an illegal and brutal occupation of Western Sahara. They have plundered the fish and phosphates for huge profits whilst over 150,000 Saharawi people live in refugee camps. It is time for the international community to enforce international law and allow the Saharawi, the indigenous people of Western Sahara, to decide for themselves who profits from the natural resources of their territory.

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Notes to Editors

Western Sahara has been contested since the withdrawal of Spanish colonial powers in 1975. Morocco claimed the territory as its own and fought the 16-year war with the Polisario Front independence movement which established its self-declared Sahrawi Arab Democratic Republic. The United Nations says the region has a right to self-determination and campaigners have sought to challenge the EU trade deals which include Western Sahara produce.

Morocco has occupied three-quarters of Western Sahara, including the coastal strip, for over 4 decades (since 1975). More than 170,000 refugees live in camps in Tindouf, southern Algeria. In October 1975, the International Court of Justice rejected Morocco's territorial claims over Western Sahara and recognised the Saharawi people's right to self-determination. Since 1975 Morocco has supported the settlement of its citizens in Western Sahara, arguably in breach of Article 49 of the Geneva Conventions. The United Nations and NGOs such as Human Rights Watch and Amnesty International have found evidence of serious human rights abuses.

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P.S.

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<https://waronwant.org/media/breaking-trade-deals-occupied-western-sahara-illegal-rules-eu-court-justice>