

Brussels, 20 December 2011

To the attention of Mr. John Dalli
European Commissioner for Health and Consumer Policy

Dear Mr. Dalli,

We write to you to call your attention to an issue regarding labelling of produce and services from the Non-Self Governing Territory of Western Sahara which are entering EU markets.

Neither the EU nor the rest of the international community consider Western Sahara as part of Morocco. As you perhaps know, the Moroccan claims to the territory have been rejected by the International Court of Justice, and the territory is treated by the UN General Assembly as a Non-Self Governing Territory. The EU consistently reiterates its support to the UN peace process in Western Sahara, and stresses the Saharawi people's right to self-determination.

On these grounds, Western Sahara Research Watch (WSRW) finds it inappropriate and incorrect that produce from Western Sahara reaching the EU markets today is labelled as 'Moroccan'.

Some governments, such as the USA, have a different approach to business cooperation with Western Sahara. The USA government clarified that their 2004 Free Trade Agreement does not cover the territory of Western Sahara. The EFTA states strictly apply their EFTA-Morocco association agreement to Morocco only. In fact, the Norwegian government last year imposed a company a 1.2 million Euro customs duty for falsely trying to apply the EFTA-Morocco Free Trade Agreement to Western Sahara produce, and labelling Western Sahara produce as 'from Morocco'

<http://www.wsrw.org/index.php?cat=105&art=1706>

According to a UN legal opinion from 2002, exploitation of natural resources in Western Sahara that take place in the disregard of the wishes and interests of the people of the territory is in violation of international law. Both civil society in Western Sahara and the representatives of the people of the territory have on numerous occasions expressly stated that they do not wish to see Moroccan nor EU businesses involved in the territory. The UN legal opinion can be consulted here; www.arso.org/Olaeng.pdf. In a legal opinion of July 2009, the Legal Services of the European Parliament concluded on the same point of the illegality of EU fisheries activities in Western Sahara. In December 2011, the European Parliament rejected further fisheries in Western Sahara exactly due to these considerations.

Yet contrary to the USA and EFTA, the EU-Moroccan Association Agreement and additional EU-Moroccan agreements, by default fail to exclude Western Sahara from their application. Furthermore, no measures are taken to prevent the false labelling: there seem to be no provisions in these Agreements for distinguishing between natural resources and produce from Western Sahara on one side, and from Morocco proper on the other.

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Western Sahara Resource Watch is an international organisation working in solidarity with the Saharawi people. We advance their right to self-determination, protect their natural resources and promote their human rights.

WSRW believes that the Union's control of products from Palestine could serve as an excellent example of what measures should be in place under the EU-Moroccan trade cooperation. As obligatory under the EU-Israel Association Agreement, the EU requires and enforces the identification of origin of agricultural products from Palestine. We believe a similar condition should be included in trade agreements with Morocco.

In our work, WSRW is repeatedly receiving questions from consumers and importing firms who for ethical reasons, and in respect of international law, want to avoid products from firms participating in resource plundering, or products made in the occupied and Non-Self Governing Territory of Western Sahara produced in contravention of the UN Charter.

The Moroccan government is currently planning to establish three Free Trade Zones in Western Sahara. Through this development, we are concerned that the imports from Western Sahara to the EU will increase substantially, both in volume and in types of products. The need for rectifying the insufficiencies in the EU's current labelling practice of Western Saharan produce is therefore rather urgent.

We believe that trading products from Western Sahara, and labelling them as 'Moroccan' entail serious legal, ethical and political implications for the EU and for the consumer.

We would like to hear from you what your office will do to make sure that produce from Western Sahara is not labelled as being Moroccan.

We would also like to take the opportunity to respectfully request a meeting with you in Brussels in the nearest future.

Sincerely yours,

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