

Brussels, 17 Oct 2014

His Excellency Ambassador Keiichi Katakami  
Ambassador of Japan to the European Union  
The Mission of Japan to the European Union  
5 – 6 Square de Meeus  
1000 Brussels  
Belgium



Dear Ambassador Katakami:

### **Illegal fishing by Japanese vessels in the coastal waters of occupied Western Sahara**

I have the honour to present the compliments of Western Sahara Resource Watch. It is a privilege to be able to write to you.

The purpose of this letter is to bring to your attention the current presence of Japanese registered commercial fishing vessels in the coastal waters of occupied Western Sahara, and to call upon your government to end the fishing in which they have been engaged.

Western Sahara Resource Watch (WSRW) is an independent, non-government organization based in Brussels, with an international board of directors, operating in more than 40 countries. Our purpose is to monitor and comment about the taking of natural resources from occupied Western Sahara, and to address related human rights and environmental protection issues. For several years, our organization has called attention to the significant problem of illegal fishing in the rich coastal waters of Western Sahara. The taking of natural resources from Western Sahara has proven to be an important dimension of Morocco's continuing annexation of the territory, enriching that country and allowing it to justify expanded infrastructure and the illegal immigration of settlers. We know that Japan comprehends such matters following its generous contribution to the reconstruction of East Timor (now Timor Leste) after that country was freed from Indonesian occupation in 1999. WSRW is also concerned with the environmental aspects of the lack of control of international fishing fleet operating in the waters outside of the territory.

Western Sahara is Africa's last colony. The Saharawi people of the territory, who were the exclusive inhabitants during the Spanish colonial era, have a well-defined right in international law to self-determination. Numerous United Nations resolutions, the advisory opinion of the International Court of Justice in 1975 (the *Western Sahara Advisory Opinion*), and annual resolutions of the UN Security Council have affirmed the right. An important part of the right is sovereignty over natural resources. We note the conclusion of the International Court of Justice that Morocco has no right or claim to territory in Western Sahara:

[T]he Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory. (Paragraph 162)

On October 16 and 17 of this year, three 500 tonne longliner vessels registered in Japan were detected actively fishing in the coastal waters of occupied Western Sahara approximately 50 nautical miles northwest of Cape Blanc, generally in the area of 21° North, 18° West:

- (1) m.v. *Koryo Maru* No. 51 – IMO number 8915990
- (2) m.v. *Shoei Maru* No. 7 – IMO number 9120023
- (3) m.v. *Taiwa Maru* No. 88 – IMO number 9053488

Various satellite and radio monitoring facilities will confirm the presence of the three vessels at the material time in Saharan waters.

The fishing by the three vessels is illegal for two reasons. First, Western Sahara remains under armed occupation by Morocco, and is therefore a place subject to international humanitarian law including international criminal law. Engaging in fishing where there is no benefit to the local Saharawi population (in the form of their immediate food requirements) is accordingly the war crime of pillage as defined in the *Fourth Geneva Convention* 1949. We cannot see that any authorization by Morocco, by another state, or operation of law would excuse such an act.

Second, Morocco as the occupying power in Western Sahara has not declared or established an exclusive economic zone for any fisheries jurisdiction as that is understood under the 1982 UN *Convention on the Law of the Sea*. However, the government of the Saharawi people, the Saharawi Arab Democratic Republic has, through legislation enacted in 2009. The present fishing violates that legislation.

It is also fishing which contravenes Resolution III of the Final Act of the UN *Convention on the Law of the Sea*, by which the ocean resources of non-self-governing people are to be respected until such time as those people may properly exercise their right to self-determination. We respectfully note here that Japan is a member state of the Convention.

I am grateful for your consideration of the foregoing request and look forward to your reply.

I have the honour to convey to you, Excellency, the assurances of my highest consideration.

/sign./

**Erik Hagen**  
Chair of the Board  
Western Sahara Resource Watch

c: His Excellency Ambassador Christopher Ross,  
Personal Envoy of the Secretary-General of the United Nations for Western Sahara

c: Dr. José Graziano da Silva  
Director General, UN FAO