

Att: Mr Ahmed Ouayach
President of COMADER (*Confédération Marocaine de l'Agriculture et du Développement Rural*)

Brussels, 23 June 2016

Dear Mr Ouayach,

We are privileged to write to you. We have taken note that the Moroccan Confederation for Agriculture and Rural Development (COMADER) will intervene in the legal proceedings at the Court of Justice of the European Union in case C-104/16 P.

In the abovementioned case, the General Court on 10 December 2015 ordered the partial annulment of EU-Morocco Trade Protocol covering agricultural and fisheries products in as far as it was applied in Western Sahara. Or, to quote the judgment's concluding paragraph;

“Declares that Council Decision 2012/497/EU of 8 March 2012 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Union and the Kingdom of Morocco concerning reciprocal liberalisation measures on agricultural products, processed agricultural products, fish and fishery products, the replacement of Protocols 1, 2 and 3 and their Annexes and amendments to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part is annulled in so far as it approves the application of that agreement to Western Sahara.”

On 28 April 2016, *La Nouvelle Tribune* published an interview with you (“*Ahmed Ouayach, Président de la COMADER: Pérenniser le Plan Maroc Vert*”). It is accessible via; <http://Int.ma/blog/fahd-yata/ahmed-ouayach-president-de-la-comader-perenniser-le-plan-maroc-vert/>

In that interview, you make a couple of statements that spark several questions, and which we find slightly confusing, particularly in the light of your participation in the upcoming court hearing. We would be grateful if you could provide clarifications to the following matters;

1. In its appeal to the Court, the Council of the European Union did not ask for the judgment to be suspended pending the appeal. However, in reference to the often-called EU-Morocco agriculture agreement, which the Court thus partially annulled in December 2015, you state: “This agreement is not suspended and I am convinced that it will never be suspended. Our relations with the founding members of Europe are very strong. We share a part of our history, our culture, our identity, and – it should be understood – our interests. These members are our foremost clients and our foremost providers”.
 - a. How does COMADER come to the conclusion that there was no suspension?
 - b. Why is COMADER intervening in an appeal asking to reverse the partial annulment, when it does not consider that annulment to have been ruled in the first place?
 - c. In view of the partial annulment, decided on the 10 December 2015, what steps has COMADER taken from that date until today to ensure that its members do not export

goods originating in the part of Western Sahara that is under Moroccan occupation, as part of the EU-Morocco trade protocol?

2. You are also quoted saying that “Reason will take over, but the Moroccan people consider that endangering our national integrity is a red line that should not be crossed.”
 - a. Would you agree that the International Court of Justice concluded that there are no ties of sovereignty between the kingdom of Morocco and the territory of Western Sahara?
 - b. Do you agree that the people of Western Sahara have a right to self-determination as defined by international law and the 1990-91 referendum agreement of the UN, Morocco and the Frente Polisario?
3. How is COMADER represented in Western Sahara? Is it in line with your Statutes to be active in a territory that is outside of the internationally recognized national borders of Morocco? How are you coordinating that presumed presence and activities with the political representative of the people of Western Sahara, the Frente Polisario?

We thank you in anticipation of your reply. It goes without saying that we remain at your disposal should you have any questions about Western Sahara, and that we look forward to hearing from you.

In the meantime, awaiting your answer, we have allowed ourselves to post this correspondence on our website, www.wsrw.org.

Sincerely,

Joanna Allan
Chair
Western Sahara Resource Watch