

FRONT POLISARIO



الجبهة الشعبية لتحرير الساقية الحمراء
وادي الذهب

17 July 2018

His Excellency Heiko Maas
Federal Minister for Foreign Affairs
Federal Republic of Germany
Werderscher Markt 1
10117 Berlin
GERMANY

Your Excellency,

Acting in my capacity as representative for the Foreign Relations of the POLISARIO Front, I have the honour to write to you on behalf of the people of Western Sahara to express our concern about the imminent delivery in Germany of a cargo of fisheries products recently exported from the occupied part of Western Sahara.

Indeed, on 19 July 2018, the Dutch registered vessel *Bente* is due to arrive in Bremen with a cargo of fishmeal exported from El Aauin ("Laayoune") on the coast of the occupied Western Sahara. A reported 3000 tonnes of the commodity is aboard.

As the UN-recognized Representative of the people of Western Sahara, the POLISARIO Front condemns the illegal export of natural resource exports from the occupied Western Sahara against the will of the Sahrawi people.

In 2016 and 2018, the Court of Justice of the European Union (CJEU) ruled twice that, according to the principle of self-determination, the Territory of Western Sahara has a separate and distinct status in relation to the Kingdom of Morocco, and that the people of the Territory, as represented by the POLISARIO Front, is a third party to EU-Morocco relations who must consent to any agreement, either beneficial or not, applicable to Western Sahara.

In 2017 and in 2018, after ordering the detention of an illegal cargo of phosphates shipped to New Zealand by the OCP, the High Court of South Africa ruled eventually that the people of Western Sahara were the only legitimate owner of that cargo under international law and South African law.

Accordingly, the POLISARIO Front considers that trade in natural resources from the occupied Western Sahara contradicts international humanitarian law since the Moroccan occupying forces have no right to exploit Sahrawi natural resources. Moreover, such exploitation and subsequent commercialization also infringes the permanent sovereignty of the people of Western Sahara over their natural resources and their corresponding property rights under EU law and domestic law.

Since the ruling of the European Court of Justice, the applicable law is very clear: exports of resources from the occupied area of Western Sahara are prohibited without the prior consent of the people of Western Sahara. In this regard, there is no instance in which the POLISARIO Front, acting on their behalf, has ever consented to the export of resources from the Sahrawi occupied territories. That is because the export trade in various commodities enriches the state that occupies Western Sahara, and serves as a pretext for its annexation project, including the pursuit of economic development projects to secure political and financial control over the Territory, and as a means to bring in more settlers in order to change the demographic composition of the Territory.

We are confident that your government, in its abiding commitment to the rule of law, shares our view about the serious nature of the matter.

In the present case of the motor vessel *Bente*, we respectfully ask that the cargo aboard not be permitted to be unloaded in Bremen or anywhere else in Germany. The POLISARIO Front considers that there are ample legal and regulatory grounds to reject the import of the cargo.

First, originating in the occupied Western Sahara, the cargo cannot claim Moroccan origin under the 2000 EU-Morocco Association Agreement. Second, it comes from a Territory located outside of the internationally recognized borders of Morocco where Moroccan domestic law does not apply. Therefore, the cargo does not comply with the EU phytosanitary regulations or specifically with Germany's food products safety regime. Third, the cargo consists of stolen resource whose sole legitimate owner, under international law, EU law and domestic law, is the people of Western Sahara.

For many than 42 years, the people of Western Sahara have been deprived of their right to self-determination. A wall amongst the longest in the world, heavily mined, divides their territory. Whereas one part of the people of Western Sahara suffers gross human rights violations in the occupied Sahrawi territories, the other part of the people lives as permanent refugees outside of their homeland. Under such circumstances, it must be clear to everyone that the people of Western Sahara have nothing to gain from the export of their natural resources to Europe against their will.

What is to be done with the cargo following its rejection? Our policy is clear that illegal exports from the occupied part of Western Sahara are to be returned to the Territory. After the cases mentioned above, the global shipping community in particular understands the policy. Purchasers and shippers of resources from Western Sahara now comprehend that such cargos may be seized or otherwise dealt with under law on a worldwide basis.

This is a consequential time for the people of Western Sahara. In April of this year, the United Nations Security Council expressed concern that the "question" of Western Sahara was not being resolved quickly enough. That is a fair concern. One reason that the self-determination of the people of Western Sahara has been delayed for so long is the appearance of normality given to what is an illegal occupation through the development, trade and export of resources from the Territory. Bringing such a trade to an end wherever possible ensures a more just and lasting resolution of the "question" of Western Sahara.

In this respect, the POLISARIO Front takes note with regret of the Council decision, adopted on 16 July 2018, to sign the amendment to the 2000 EU-Morocco Association Agreement. By extending the scope of application of that agreement to the occupied Sahrawi territories, against the will of the people of Western Sahara, the EU seems to favour short-term economic interests over justice and peace.

Besides, with this illegal act, the EU decision will unfortunately hamper the peace efforts of the UN Secretary-General's Personal Envoy for Western Sahara Mr. Horst Köhler and delay the resolution of the conflict thus causing more suffering to our people and further increasing insatiability in our region, which is not in the interest of the EU.

Please accept, your Excellency, the assurances of my highest consideration.

Sincerely,

Emhamed Khadad

Chair of the Foreign Affairs Committee of the POLISARIO Front



c: **Wolfgang Schäuble**
President of the Bundestag
Michael Müller,
President of the Bundesrat