

Brussels, 9 January 2019

Dear Commissioner Moscovici,

As you are fully aware, we, the representatives of the Saharawi civil society, from the occupied Western Sahara, the refugee camps in Tindouf and the Saharawi diaspora, have continuously voiced our rejection of the proposed extension of the tariff preferences of the 2000 EU-Morocco Association Agreement to occupied Western Sahara and of the consultations conducted in that context by the European External Action Service and your services.

In this regard, on 3 February 2018, when we learnt that the Commission and the EEAS were holding these consultations, we issued a first public statement expressing our serious concerns about these consultations.<sup>1</sup> On 7 June 2018, we gathered hundreds of Saharawis representing the undersigned NGOs in a protest on front of the EU Commission and the EU Council in Brussels where we issued a second statement to declare our opposition “to any agreement with Morocco that includes Western Sahara”.<sup>2</sup> Each time, these statements were sent on the day of release to your services but they remained unanswered in violation of the Commission’s “Code of good administrative behaviour”.<sup>3</sup>

On 11 June 2018, when the European Commission released its so-called “report on benefits for the people of Western Sahara”,<sup>4</sup> we discovered that, despite our refusal to participate in the consultation process, the Commission listed our organizations as “stakeholders consulted on the amendment to Protocols 1 and 4 of the Association Agreement”. However, in the content of the Report, the Commission totally failed to describe our rejection of the extension of the Association Agreement to occupied Western Sahara.<sup>5</sup>

Instead, in the joint explanatory memorandum of its proposals for Council decisions, the Commission stated that the “consultation revealed a majority view in favour of amending the liberalisation agreement to extend its tariff preferences to products from Western Sahara”,<sup>6</sup> blatantly ignoring our constant rejection of that agreement.

Thus, the Commission falsely misrepresented our organizations as consulted stakeholders and supporters of its proposals, whereas in fact statistics shows that “83% of the groups that the EU Commission claims have participated in a ‘consultation’ regarding Western Sahara trade, have either never been asked to take part – or have not taken part – in any consultation process”.<sup>7</sup>

As a consequence, when reading in detail the Commission’s documentation, one may think in good faith that we took part in the consultation and supported the renegotiation of the 2000 EU- Morocco Association Agreement, which is far from the truth.

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<sup>1</sup> WSRW, 3 February 2018, “Unison condemnation of the EU Commission from Western Sahara groups”, <https://wsrw.org/a249x4072>.

<sup>2</sup> <https://wsrw.org/files/dated/2018-07-03/02072018-sahrcivilsocietyappeal.pdf>. See annex 3.

<sup>3</sup> [https://ec.europa.eu/info/sites/info/files/code-of-good-administrative-behaviour\\_en.pdf](https://ec.europa.eu/info/sites/info/files/code-of-good-administrative-behaviour_en.pdf), p. 5-6. See also the “Better Regulation guidelines”, SWD (2017) 350, p. 68-71.

<sup>4</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018SC0346&from=FR>.

<sup>5</sup> By contrast, the DG MARE published online our previous letter opposing to the 2006 EU-Morocco Fisheries Partnership Agreement on the website of the European Commission. See: [https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/saharawi\\_en.pdf](https://ec.europa.eu/fisheries/sites/fisheries/files/docs/body/saharawi_en.pdf).

<sup>6</sup> COM(2018) 479 final, p. 6.

<sup>7</sup> See WSRW, 14 June 2018, “Here, the EU Commission is lying about WSRW - and 93 other groups”: <https://wsrw.org/a105x4180>.

In reaction, on 3 July 2018, we condemned the misuse and the abuse of our organizations' names in a third statement,<sup>8</sup> also sent to the Commission and the EEAS. However, despite our efforts, the Council endorsed the misleading claims made by your services, and stated that "wide-ranging consultations were conducted and the majority of the social, economic and political stakeholders who participated in the consultations stated that they were in favour of extending the tariff preferences in the Association Agreement to Western Sahara".<sup>9</sup>

For us, as Saharawis, it is not acceptable to see our organizations' names associated, against our will, to an illegal consultation process that is only designated to drag the Member states and Members of the European Parliament into further violations of the right to self-determination of our people and to legitimize in the eye of the general public the illegal occupation of their homeland by Morocco that we suffer on a daily-basis.

Whereas EU institutions have a clear obligation to implement in good faith the judgment of the EU Court of Justice on Western Sahara, the Commission's behavior is very harmful and detrimental, especially for those amongst us who operate in very difficult conditions, notably in the occupied part of Western Sahara.

Therefore, ahead of the vote of the agreement by the European Parliament, on 19 January 2019, we solemnly urge you to clear our name and our reputation and to publish on the Commission's website a written declaration clarifying:

- 1) that, contrary to what is alleged in the so-called "Report on benefits", our organizations were never invited to the consultation process and did not take part in it;
- 2) that our organizations firmly reject the extension of the tariff preferences in the Association Agreement to occupied Western Sahara, and therefore that the overwhelming majority of the Saharawi civil society is opposed to the amendment of Protocols 1 and 4;
- 3) that our organizations reaffirm that, according to the case-law of the EU Court of Justice, the POLISARIO Front, as the UN-recognized Representative of the Saharawi people, is the only body entitled to express their consent to be bound by an international agreement with the European Union.

We consider that the consultation process, in its very principle and in its way it was conducted, entails several infringements of EU law, in particular violations of the principles of proportionality and sound administration, since these consultations were neither appropriate nor necessary to implement the ruling of the Court of Justice in Case C-104/16 P.

For the sake of transparency, we wish to inform you that this letter has been transferred to Mr. TAJANI, the President of the European Parliament, to Mr. LANGE, Mr. ARTHUIS, Mr. CADEC and, Mr. McALLISTER, respectively Chairs of the INTA, BUDG and AFET Committees, to Madam SCHAAKE as the Rapporteur for the INTA Committee on the amendment and to all the Presidents of the political groups in the European Parliament.

Yours faithfully,

The undersigned

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<sup>8</sup> WSRW, 3 July 2018, "Saharawi groups object to EU's Western Sahara trade plans" (<https://www.wsrw.org/a249x4202>).

<sup>9</sup> Recital 10 of the Council Decision (EU) 2018/1893 of 16 July 2018.

Signed by the Saharawi civil society NGOs:

Occupied territory of Western Sahara:

1. The collective of Saharawi Human Rights Defenders (CODESA)
2. Association for Monitoring of Resources and for Protection of the Environment in Western Sahara (AMRPENWS)
3. Saharawi Committee for the Defense of the Self-Determination of the People of Western Sahara (CODAPSO)
4. The Saharawi Association for Victims of Grave Violations Committed by the Moroccan State (ASVDH)
5. The Saharawi Association for the Protection and Dissemination of the Saharawi Culture and Heritage
6. Saharawi Media Team
7. National Television Team
8. Media team Maizirat
9. The Saharawi Center for Media and Communication
10. The Association for the Protection of Saharawi Prisoners in Moroccan Prisons
11. Western Sahara Times
12. Bentili Media Center
13. Committee for Support the Peace Plan and Protection of Natural Resources in Western Sahara
14. Committee of the Mothers of the 15 Abductees
15. Association for Justice and Human Rights
16. The Saharawi Center for Save Memory
17. The Saharawi Observatory for the Child and Women
18. Forum for the Future of Women
19. Renunciation Moroccan Nationality Group
20. The field coordination of the unemployed Saharawi graduates
21. Bentili Media Center
22. Gdim Izic Coordinating for Peaceful Movement
23. Committee of Victims of the Agdaz and Magouna
24. Independent Media Commission
25. The Saharawi Association for Persons with Disabilities in Western Sahara
26. Committee of the Families of the Saharawiss Missing
27. The Saharawis Association for the Defense of Human Rights and the Protection of Resources in Bujdour
28. Freedom Sun Organization in Smara
29. Saharawis Committee for the Defense of Human Rights in Samara
30. Organization Against Torture in Dakhla, western Sahara
31. The Saharawi committee for the defence of human rights in Zag
32. The Saharawi committee for human rights monitoring in Assa
33. The Saharawi committee for the defence of human rights in Glaimim
34. The Saharawi organization for the defence of freedoms and dignity
35. El Ghad for human rights

Saharawi refugee camps:

36. Comisión Nacional Saharaui de Derechos Humanos (CONASADH)
37. Unión Nacional de Mujeres Saharaui (UNMS)
38. Unión Nacional de Trabajadores de Saguia El Hamra y Rio de Oro (UGTSARIO)
39. Unión Nacional de la Juventud de Saguia El Hamra y Rio de Oro (UJSARIO)
40. Unión Nacional de Estudiantes de Saguia El Hamra y Rio de Oro (UESARIO)
41. Unión de Juristas Saharaui (UJS)
42. Unión de Periodistas y Escritores Saharaui (UPES)
43. Observatorio Saharaui de Recursos Naturales
44. Asociación de Familiares de Presos y Desaparecidos Saharaui (AFAPREDESA)
45. Grupo Non-Violence Active (NOVA SAHARA OCCIDENTAL)
46. Asociación de Víctimas de Minas (ASAVIM)
47. Asociación de Abogados Saharaui (UAS)
48. Campaña Saharaui para la sensibilización sobre el peligro de Minas (SCBL)
49. The Saharawi campaign against the plunder SCAP
50. The Union of Saharawi Engineers (UISAH)
51. The Union of Saharawi farmers

Saharawi Diaspora :

52. Saharawi association in the USA (SAUSA)
53. VZW de vereniging van de Saharawi gemeenschap in Belgie – Belgium
54. Association culture Sahara – centre de France
55. Association des femmes Saharawi en France
56. La league des jeunes et des etudiants Saharawi en France
57. Association de la communauté Saharaoui en France
58. Association culturelle franco-Saharaouie
59. Association des Sahraouis en France
60. Association des Sahraouis de Bordeaux
61. L'union des ingénieurs Sahraoui
62. Asociación de abogados saharauis en España
63. Asociación de médicos saharauis en España
64. La liga de deportistas saharauis en España
65. La liga de periodistas saharauis en España
66. Comunidad Saharaui en las palmas
67. Asociación de saharauis en Tenerife
68. Asociación de saharauis en Fuerteventura
69. Colectivo saharauí en Lanzarote
70. Asociación de saharauis en bal
71. Asociación ARDI HURRA en Sevilla
72. Asociación de saharauis en lebrija
73. Colectivo de saharauis en Jaén
74. Asociación de saharauis en jerez de la frontera
75. Colectivo sah en estepona
76. Comunidad Saharaui en Granada
77. Asociación amal centro Andalucía

78. Comunidad Saharaui en Murcia
79. Asociación de saharauis en alicante
80. Asociación de zamur Valencia
81. Comunidad Saharaui en Catalunya
82. Comunidad Saharaui en Aragón
83. Asociación de saharauis en valdepeñas
84. Comunidad Saharaui en Castilla la Mancha
85. Asociación de saharauis en Ávila
86. Comunidad Saharaui en Castilla y León
87. Asociación de saharauis en Navarra
88. DISABI Bizkaia
89. Sahara Euskadi Vitoria
90. Sahara Gasteiz Vitoria
91. Amal nanclares
92. Tawasol Iludio
93. Tayuch Amurio
94. Colectivo saharauí en GIPUZKOA
95. La liga de estudiantes en España
96. Green Western Sahara Association
97. Sahara not for Sale – Saharawi Association in Brussels