



Brussels, 17 January 2012

To the attention of Ms Mette Gjerskov
Minister for Food, Agriculture and Fisheries of Denmark

Dear Ms Gjerskov,

Western Sahara Resource Watch is writing you regarding the European Commission's proposal for a mandate to negotiate a new protocol to the Fisheries Partnership Agreement (FPA) between the European Union and the Kingdom of Morocco.

It is our understanding that the fishing zones covered by the envisioned new protocol will include the waters off occupied Western Sahara. The text of the sought mandate stresses that with regard to the implementation of the FPA, Morocco must adhere to international law and must report to a much higher extent on the social and economic gains stemming from the use of EU-funding, including the geographic distribution thereof. This is, no doubt, an improvement on the previous mandate of 2011. Furthermore, we consider it a positive development that the Commission now explicitly distinguishes between Morocco and the occupied Western Saharan territories.

However, we still feel that the proposed mandate does not go far enough in terms of incorporating the critique given by the European Parliament's rejection of the one-year extension in December 2011.

As long as the people of Western Sahara have not been consulted on and have consented to the sale of their resources to Moroccan or other national or supra-national entities, the FPA will continue to conflict with international law. The illegality of such economic activities has been documented by numerous legal opinions (one of which we have attached for your ease of reference).

Amongst other things, this has led the former Danish government, supported by the current government, to vote against granting the Commission a mandate for negotiations in February 2011. Denmark also voted against the extension of the protocol in the Council, in July 2011. We strongly encourage you to remain firm on this stance. In our opinion, excluding the waters adjacent to Western Sahara from the geographical scope of a protocol to the FPA with Morocco, is the only way of ensuring that the EU and its individual member states bear no direct responsibility for the exploitation and plunder of Western Sahara's resources, which, according to the internationally recognized representatives of the Saharawi people, the Frente Polisario, is happening against their wishes.

Since neither Denmark nor the EU recognizes Morocco's occupation and administration of Western Sahara, we do not see any problems in excluding the Western Sahara's waters from the new protocol.

Denmark has been one of the few member states that have played an admirable role in questioning and ultimately stopping the EU's duplicitous stance on this issue. We therefore hope you will continue to do so. We are convinced that this will send a strong signal that the current holder of the EU-presidency *truthfully* values human rights, democracy and freedom above other lesser concerns.

On behalf of all the members of Western Sahara Resource Watch,

Sincerely,

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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.