

The extension of trade preferences to Western Sahara

16 Jan 2019



Today we will vote on EU-Morocco trade relations, and whether trade preferences should also be extended to Western Sahara. Below is a short background, and an explanation of my position.

Background

On the 10th of December my ALDE colleague, Patricia Lalonde resigned from her position as the European Parliament's rapporteur on this file. As the INTA coordinator on behalf of the ALDE group, it was automatically attributed to me as coordinator for the ALDE Group, as it normally would in cases in which a colleague would need to be substituted last minute. As a result, the text of the report we are scheduled to vote on Wednesday is not one I drafted or negotiated myself. In the INTA Committee, the amended Lalonde report was adopted with a large majority. (<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2018-0471+0+DOC+XML+Vo//EN&language=EN>).

The inclusion of Western Sahara in the liberalisation agreement concluded between the EU and Morocco in 2012 was challenged by the Front Polisario. In December 2016, the European Court of Justice (ECJ) ruled that “it cannot be held that the term ‘territory of the Kingdom of Morocco’, [...] encompasses Western Sahara and, therefore, that those agreements are applicable to that territory” and that in “the present case, it is not apparent that that people consented to the agreement being applied to Western Sahara”.

Trade and foreign policy based on rules and values

Those who have followed my work will know that I have never been outspoken specifically about Western Sahara. Yet a credible, values-based EU foreign policy, strongly grounded in respect for international law and with the promotion and defence of human rights at its core has always been one of the main priorities in my work in the European Parliament. So has rules-based trade.

I look at the votes on whether or not trade preferences should be extended to the Western Sahara through exactly the same lens. The countless messages I have received - from both sides- since stepping in, emphasize that people are very emotionally involved. We in the European Parliament want to contribute to the economic development of both Moroccan, and the Western Sahara and its people. Yet those economic benefits need to be extended to everyone, without discrimination and without prejudice to the right of self-determination of the Saharawi people. That is why I, on behalf of my group tabled an amendment (<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+AMD+A8-2018-0478+001+DOC+PDF+Vo//EN&language=EN>), asking the European Commission to work towards also extending trade preferences to that part of the Western Sahara not administered by Morocco.

Consent

While the requirement to see economic benefits for the Saharawi people was added by the European Council, the ECJ judgment of December 2016 is clear on the need for the people of the Western Sahara to give their consent if the EU-Moroccan agreement is to be extended to the Western Sahara. It is on this matter that we hear diametrically opposed claims. On the one hand the Commission believes it has done everything in its power to get the 'consent of the local population', amongst others by consulting a large number of stakeholders, including elected representatives from parts of the Western Sahara. On the other, various representatives of the Saharawi people assert they have not been consulted and that thus no consent was given.

By approving the extension of trade preferences to the Western Sahara, the European Parliament is essentially asked to decide whether or not the consent requirement established by the ECJ is fulfilled. This is primarily a legal question, and there is no doubt the agreement will be brought before the ECJ again. In order to be certain that the agreement meets ECJ criteria, and is not struck down again, I will be voting in favour of the resolution tabled by a cross-party group of MEP's to ask the ECJ for an opinion. This does not mean we ask the ECJ to decide for us, it means we will be able to take a vote with more legal certainty later.

Asking for a legal opinion does not mean we implicitly reject the Council decision or do not wish to cherish and maintain the close ties we have with our partner Morocco. Instead, it reaffirms the value the European Parliament attaches to core principles of international law.

Peace process

The past month has not been easy. I have been relentlessly targeted, on social media, with emails, many unannounced visits to my office and even people in my wide network have been contacted about my position in this file. It is safe to say I have heard from many stakeholders, voices and opinions.

While we do not yet know the result of the vote today, one thing is certain: the European Parliament will continue its unwavering support for the ongoing peace process led by the personal envoy of the UN Secretary General. A resolution needs to be found, in the interest of the peoples of Morocco and the Western Sahara. I hope all concerned with our vote on the trade preferences will devote the same energy to finding a solution to the conflict.