

DG MARE  
Wetstraat 200  
1000 Brussels

Brussels  
18 November 2020

To the attention of Mr Virginijus Sinkevičius,  
European Commissioner for Maritime Affairs and Fisheries

**Re.: Violation of EU-Morocco Sustainable Fisheries Partnership Agreement's human rights clause**

Dear Mr Sinkevičius,

We are writing regarding Morocco's violent dispersal of a Saharawi protest in Guerguerat, Western Sahara, in violation of the 1991 ceasefire agreement between Morocco and the Polisario Front, plunging the territory into war. We submit that this constitutes a violation of the Human Rights clause contained in the EU-Morocco Sustainable Fisheries Partnership Agreement and the EU-Morocco Association Agreement and call on the EU to act accordingly. In addition, we would be grateful for your response to our questions below.

Some background to the current situation. Throughout the 1975-1991 war with the Polisario Front, Morocco secured territory it had taken behind defensive earthworks or berms. By 1991, these had merged into a single structure – referred to as The Berm<sup>1</sup> – which stretches 2700km across the territory, effectively partitioning it into a Moroccan controlled zone to the west and north, and a Polisario controlled zone to the east and south. Please find a map, courtesy of MINURSO, attached to this letter, for your ease of reference.

Under the terms of the 1991 UN-brokered ceasefire, Western Sahara is divided into three areas:

- i) a Buffer Strip extending for 5km east and south of the Berm on the Polisario side, which is effectively an exclusion zone or no-man's land, in which no military personnel or equipment are permitted;
- ii) two Restricted Areas, extending for 30km either side of the Berm, in which military activities are prohibited; and
- iii) two Areas with Limited Restrictions, which include all the remaining territory of Western Sahara, in which normal military activities can be carried out with the exception of those that represent an escalation of the military situation.

In 2001, Morocco started the construction of the asphalted road across the Buffer Strip in Guerguerat. The UN condemned the undertaking, stating it "involved activities that could be in violation of the ceasefire agreement".<sup>2</sup> Morocco halted the works at the time at the request of the UN Secretary General, but continued paving the road in 2016. Ever since, Morocco has used the road for the

---

<sup>1</sup> [https://en.wikipedia.org/wiki/Moroccan\\_Western\\_Sahara\\_Wall](https://en.wikipedia.org/wiki/Moroccan_Western_Sahara_Wall)

<sup>2</sup> UN Security Council, Report of the Secretary-General on the situation concerning Western Sahara, <https://undocs.org/S/2001/398>

transport of goods, including fish from Western Sahara's waters, for transit through Mauritania. This route involves traffic passing through the Berm south of the settlement of Guerguerat, then traversing the buffer strip for 5km to the border with Mauritania.

In late October 2020, Saharawi civilian protesters started blockading the road between the Guerguerat Berm crossing and the Mauritanian border, within the Buffer Strip. They were protesting against the export of natural resources from occupied Western Sahara by Morocco. On 12th/13th November, Morocco sent troops to disperse the protestors and take control of the section of road traversing the Buffer Strip. By merely entering the Buffer Strip, Morocco breached the ceasefire. On 13th November, the Polisario declared that this breach marked the end of the ceasefire and the resumption of hostilities, and that they were now at war with Morocco. Fighting was reported to have taken place in the vicinity of Mahbes and Hauza in the north of Western Sahara, and Aouserd and Guergerat in the south. Moroccan media has confirmed that the Moroccan army is involved in those clashes, at the instruction of Rabat.<sup>3</sup> The Saharawi people living under Moroccan occupation, west of The Berm, report that Moroccan forces are arresting and raiding homes of Saharawi civilians known for their pro-self-determination stance. As stated by the UN, "failure to respect and ensure the right of peaceful assembly is typically a marker of repression."<sup>4</sup>

In the last few days, Morocco has breached the UN-brokered ceasefire agreement, an act that in itself is a denial of the right to self-determination for the people of Western Sahara. Morocco has engaged in military combat and has since 15 November been rounding up Saharawi civilians over their political views. We submit that this constitutes a violation of the so-called human rights clause of the EU-Morocco Sustainable Fisheries Partnership Agreement, contained in article 3, § 11, of said agreement in conjunction with article 2 of the EU-Morocco Association Agreement.

We would be grateful for your response to the following questions:

1. Will the EU Commission propose the suspension by the EU side of the SFP, given Morocco's failure to comply with article 3 of the SFP and article 2 of the EU-Morocco Association Agreement? If not, why?
2. How will the EU ensure that the sectoral support given to Morocco as part of the SFP is not used for the purpose of repression, armed conflict, furthering territorial claims or regional destabilization, in violation inter alia of the EU-Morocco Association Agreement and the EU Common Position on Arms Exports (criteria 2, 3 and 4)? Under the previous EU-Morocco FPA, Morocco bought all-terrain vehicles for surveillance purposes. What guarantees does the EU have that these will not be used in combat?
3. Has DG MARE issued an alert to Member States and EU fishermen licensed to fish under the SFP of the fundamental change on the ground?

Given the urgency demanded by this most concerning situation, we thank you in advance for your consideration and look forward to your swift response.

Sincerely,

Sara Eyckmans  
Coordinator  
Western Sahara Resource Watch

---

<sup>3</sup> See, e.g., [https://www.morocoworldnews.com/2020/11/326083/moroccos-armed-forces-respond-to-polisario-attacks-along-defense-line/?fbclid=IwAR23Fh5CcmQr0K1MLd1\\_xdBnWci1WM6Ms5Y2O0s-Ei-10I3RBxLjQPgOjaU](https://www.morocoworldnews.com/2020/11/326083/moroccos-armed-forces-respond-to-polisario-attacks-along-defense-line/?fbclid=IwAR23Fh5CcmQr0K1MLd1_xdBnWci1WM6Ms5Y2O0s-Ei-10I3RBxLjQPgOjaU)

<sup>4</sup> UN Human Rights Committee, General comment N°. 37 (2020) on the right of peaceful assembly (article 21), CCPR/C/GC/37, available via <http://docstore.ohchr.org>