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EU court annuls Morocco trade deals over Western Sahara

Morocco did not have the consent of Western Sahara people needed for the trade treaties, a European Union court has ruled.



The European Union's General Court determined on Wednesday that the Polisario Front was 'recognised internationally as a representative of the people of Western Sahara', and that the bloc did not have the consent of the Saharawi people before securing the deals with Morocco [File: Yves Herman/Reuters]

By Radmilla Suleymanova

29 Sep 2021



A European Union court on Wednesday annulled EU-Morocco agriculture and fishing trade deals, saying that they were agreed to without the consent of the people of Western Sahara.

The EU and Morocco issued a joint statement reiterating that they would act to ensure continuity of the bilateral trade.

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Morocco's Foreign Minister Nasser Bourita and the EU's top diplomat Josep Borrell said in the communique that they would "take necessary measures to ensure the legal framework guaranteeing the continuation and stability of trade between the EU and Morocco".

The EU is the North African kingdom's largest trade partner and leading foreign investor, according to the 27-member bloc.

Morocco and Spain are the countries most affected by the EU court's decision.

Morocco is set to lose 52 million euros (\$60m) annually, for four years, from the annulled fishing agreement alone. The initial pact would have allowed 128 vessels from 11 EU nations to fish in the waters off the western African coast. Ninety-two of those vessels are Spanish.

Western Sahara, a mineral-rich region, is a major point of contention for the North African nation. Rabat sees Western Sahara as its own territory, but neighbouring Algeria has backed a Western Sahara independence movement known as the Polisario Front.

Polisario has sought the region's independence since the end of Spain's colonial rule in 1975.

“EU states and the UK have been complicit by the inclusion of Western Sahara in trade deals with Morocco, legitimising and providing material support for Moroccan occupation – in contravention of international law,” War on Want, a non-profit organisation focused on social justice, said in a statement following the EU court’s decision.

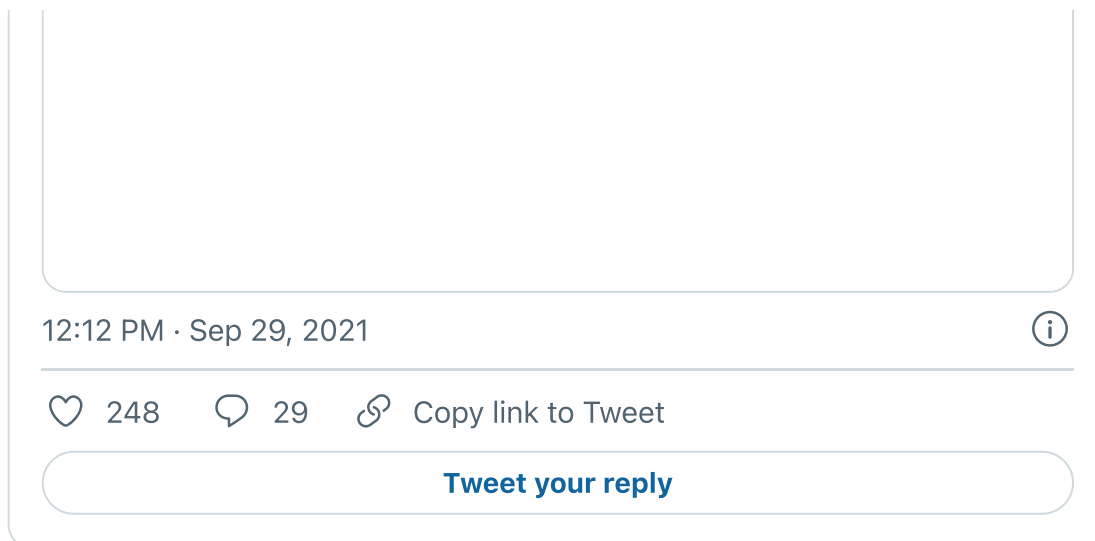
EU states have a legal duty to stop normalising, entrenching and profiting from occupation, War on Want added.

In 1991, Morocco and the Polisario Front agreed to a United Nations-brokered ceasefire that also invited a mission to monitor the peace.

Pro-Polisario campaigners have still sought to challenge the EU’s trade deals with Morocco in courts because they include the desert region.

The EU’s General Court, the bloc’s second-highest chamber, determined on Wednesday that the Polisario Front was “recognised internationally as a representative of the people of Western Sahara,” and that the bloc did not consent of the Saharawi people before securing the deals with Morocco.





Oubi Bachir, the Polisario representative to the EU, celebrated “a great victory for the desert cause” in a message on Twitter.

The court said the annulment of the deals would not take effect immediately, but only after the two-month period for lodging an appeal or after an eventual ruling if an appeal was filed.

Morocco has offered autonomy to Western Sahara, but Algeria and the Polisario Front have rejected it. They insist on a referendum that promises independence.

The United States last year recognised Rabat’s sovereignty over Western Sahara, and more than 20 mostly African and Arab nations have opened consulates in the territory.

The European Court of Justice ruled in February 2018 that a fisheries agreement between the EU and Morocco could not include the waters off Western Sahara.

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