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WSC Newsletter January 2020



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A message from the Chair

Writing this introduction to the WSC newsletter has been on my to-do list for some time. But I decided to wait until today, Friday 13 December, to write it. The Western Sahara Campaign exists to persuade the UK government to adopt a position of support for a free and fair referendum for the Saharawi as it is duty-bound to do under international law.

Saharawi means people of the desert in their language of Hassāniya. Under international law the Saharawi, as a people who lived in the colony of Spanish Sahara, have an inalienable right to self-determination.

The United Nations founding Charter makes it clear that its purpose is to help oversee the process of decolonisation. Western Sahara is not only the last colony in Africa on the official UN list of territories awaiting decolonisation, but it is also the largest in size of territory on that list.

The UN has passed numerous resolutions and made some attempt to organise a referendum of self-determination but the UN Security Council has failed to deliver that. This year the departure of Horst Kohler and John Bolton meant that it was looking that the stalemate and inaction at the UN will continue for at least another year.

In the meantime at least 173,600 Saharawi live in camps in Southern Algeria. They have waited patiently for over forty years for the international community to do its job.

The UK government is duty bound to work to implement UN resolutions and uphold international law but of late it has been trimming its stated policies as it prepares to do trade deals with Morocco in the context of a post-Brexit trade policy.

In spite of us taking the UK government to court to stop illegal trade in goods from Western Sahara there are increasing signs of contact between the two governments. Military liaison, secret agreements, bilateral agreements and ministerial visits are now the order of the day. Last Friday that could have changed. This was on page 97 of the Labour Party Manifesto: "Internationalism is at the core of the Labour movement. We recognise our responsibility to confront injustices we see today and to correct the injustices of the past. We will uphold the human rights of the people of West Papua and recognise the rights of the people of Western Sahara.

The WSC has worked in parliament for many years to secure support for the Saharawi people. For many years Jeremy Corbyn was the Saharawi's stalwart of support in parliament. This year he met up with his friend Aminatou Haidar in parliament when the campaign organised a visit from this most prominent advocate for human rights in Western Sahara. Jeremy Corbyn renewed his personal commitment to securing a referendum of self-determination if he became Prime Minister. And it was in the Labour Party manifesto. Many of us worked hard for that for many years and I am proud that the campaign played our part in that achievement.

If Labour had won the election I would be writing this in a very different mood about the future of the Saharawi. I would write a very different message of hope and a call for action to get a UK government to implement its manifesto pledge.

Instead I need to tell you that one of Boris Johnson's last acts as Foreign Secretary was to enter into a secret agreement with Morocco. Ironically he stated in his resignation letter that the UK was headed "for the status of a colony" but a few days before he appeared to have no concerns about supporting a country in colonial occupation of Western Sahara.

In October the UK ambassador in Rabat announced that a bilateral agreement between Morocco and the UK had been signed to guarantee the continuity of relations between the

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WESTERN SAHARA CAMPAIGN UK
The Western Sahara Campaign works in solidarity with the Saharawi people to generate political support in order to advance their right to self-determination and to promote their human rights. Our role is to lobby the UK Government and the EU. You can help us to ensure the UK does not ignore the voice of the Saharawi people.



Follow the news about EU's illegal fisheries in Western Sahara



The EU pays Morocco to fish in occupied Western Sahara.

two countries after Brexit.

Trade between Morocco and the UK reached £1.5 billion in 2018, making the North African country the 7th destination for UK exports.

We are now very worried that in a post-Brexit world the new government will seek a trade deal with Morocco that will ignore the illegality of trade in goods from Western Sahara.

Our job will be to hold the new government to account and to fight to make sure it respects international law and fulfils its duty as a permanent member of the United Nations Security Council.

We will be knocking on the door of our government (sadly not Number 10) to make it clear that it must not break international law so that we can eat tomatoes, and Morocco can continue to profit from its illegal occupation of Western Sahara.

I trust you will help us to make that knocking louder.

In solidarity
Mark Luetchford

Hans Corell Criticises EU Fisheries

Former Under-Secretary-General for Legal Affairs and the Legal Counsel of the United Nations, Mr. Hans Corell from Sweden, has again commented on EU's approach to fisheries practices in Western Sahara. The statements came in a speech delivered at the annual conference of The Belgian Society of international Law, in Brussels, 14-15 November 2019, titled The well-being of the inhabitants of occupied territories: Limiting or gutting the duty of non-recognition. Mr. Corell's key-note speech is available on his [website](#).

In 2002, while working as the UN Legal Counsel, Mr. Corell rendered **a legal opinion** to the UN Security Council on the matter of natural resources in Western Sahara. That opinion was later used by the EU in an attempt to legitimise its operations in the territory. Corell has on several occasions criticised the EU's misuse of his text and the EU's fisheries practices.

The EU has entered into several consecutive fisheries agreements with Morocco covering Western Sahara. No effort has been made by the EU to obtain the consent of the people of the territory.

In February 2018, the Court of Justice of the European Union invalidated the application of the EU-Morocco Fisheries Partnership Agreement to the waters of Western Sahara, citing violation of the right to self-determination.

However, in spite of the ruling, the EU has entered into a new Sustainable Fisheries Partnership Agreement with Morocco, expressly applying to the last colony in Africa. While the bulk of EU fishing takes place in Western Sahara's waters, the EU did not ask the Saharawi people for their consent. Instead, it reverted to a consultation of Moroccan institutions. No pro-self-determination Saharawi group has been heard on the agreements. Nor do they benefit, as the EU's financial contribution ends up in the Moroccan treasury.

This is Corell's main critique:

"It is also important that the European Union acts in accordance with international law in this matter. I was quite taken aback when I saw the formulations in the first agreements between the EU and Morocco. It is wholly unacceptable that a clear distinction is not made between the territory of Morocco and the territory of Western Sahara, including the maritime areas.

I refer again to what I have said about the fisheries agreements in the past. To be legal, such an agreement would have to contain an explicit reference to the fishing zone off the coast of Western Sahara, defined by coordinates. The regime for issuing fishing licences within this zone would have to be completely separate from the regime that applies in the Moroccan fishing zone. Furthermore, the revenues generated by the licences in the zone of Western Sahara would have to be delivered not to Morocco's public treasury or equivalent but to a separate account that can be audited independently by representatives of the people of Western Sahara so that they can ascertain that the revenues are used solely in accordance with the needs and interests of their people. This system must apply also to other natural resources in Western Sahara, such as phosphates, oil or gas, or other resources, be they renewable or non-renewable."

When discussing conflict-resolution, Mr. Corell again pointed to the EU: "It is obvious that the parties must act with responsibility. But the Security Council and the European Union should not forget that also their behaviour is of fundamental importance here."

Read more [here](#)

Aminatou Haidar's visit to London: when the desert hits the Brexit storm

In the current Brexit turmoil, the holding of early parliamentary elections and the possible arrival of a Labor Prime Minister in power, last June London hosted the human rights activist, Aminatou Haidar.

The five days spent in the capital were punctuated by meetings with political, union, humanitarian and government representatives. Ms. Haidar, president of the Collective of Saharawi Human Rights Defenders (CODESA), is one of the 4 winners of the Right Livelihood Award 2019 (or "Alternative Nobel Prize"), which she will receive in December from the Foundation in Sweden of the same name. She has also received several awards for her peaceful and non-violent work in resolving the conflict in Western Sahara, including the Robert F. Kennedy Prize for Human Rights in 2008, and was nominated for the Nobel Prize for Peace in 2009 following her hunger strike, which started after being denied returning to Western Sahara.

During her visit, she was able to share her experience as a political detainee in the prisons located in the territory of Western Sahara under Moroccan control. Guest of honour of the British organization Western Sahara Campaign, whose main mission is to draw attention of the general public and the authorities on the Saharawi issue, she was able to meet with Mr Jeremy Corbyn, current leader of the opposition in the UK. Mr Corbyn had already travelled to Laayoune, capital of Western Sahara, before taking the leadership of the Labour Party in

September 2015. At a public meeting held in Parliament by the All Party Group for Western Sahara, he reiterated his support as well as that of his party to the inalienable right of the Saharawi people to self-determination.

The week was punctuated by numerous interviews with the press, interested to gather new information on the current situation 12 years after her last visit to London in 2007. In a tormented political context across the Channel, to address the issue of Western Sahara has significant importance. If the United Kingdom were to leave the European Union without a negotiated deal, relations with Morocco will have to be redefined clearly. The presence of Mrs Haidar in the English capital thus served as a strong signal for Downing Street to give this question all the importance it deserves at all levels. Only time will tell if her voice has been heard.

After returning to Western Sahara, Aminatou Haidar thanked the people who organised her visit and all those who came to hear her testimony:

"It was a pleasure to meet so many new friends in the UK. I am heartened by the excellent work done by WSCUK on behalf of our just cause. Thank you very much for everything. I'm really happy with how it went. It was a difficult but successful week. "

Meriem Naili

Aminatou Receives 2019 Rights Livelihood Award

In December 2019, Aminatou Haidar was presented with the 2019 Rights Livelihood Award for 'her steadfast nonviolent action, despite imprisonment and torture, in pursuit of justice and self-determination for the people of Western Sahara'. The Award, known as the 'Alternative Nobel Prize' was also presented to Guo Jianmei (China), Greta Thunberg (Sweden) and Davi Kopenawa / Hutukara Yanomani Association (Brazil) in a ceremony in Sweden on 4 December 2019.

During the ceremony, Aminatou's speech called for respect for international law and human rights in Western Sahara: "My experience resembles that of many of my compatriots, full of injustice, human rights violations, humiliation, enforced disappearance, torture and deprivation, but also full of resistance, sacrifice, refusal to submit and determination to defend human and people's rights...In Western Sahara, we want a world of democracy, respect for human rights, respect of the sovereignty of peoples over their wealth and respect of the values and principles of international law that govern relations between peoples and nations...Please stand by our side and save many of us from the Moroccan occupation's oppression. Please save peaceful and innocent women and children, and I call on you also to join the humanitarian struggle aimed at liberating dozens of Saharawi political prisoners serving heavy and unfair sentences".

Read her full speech [here](#).

MINURSO Renewal

The UN Security Council voted at the end of October to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 October 2020 with 13 votes in favour and two abstentions. The United Kingdom voted alongside the majority, as it has for several decades. Jonathan Guy Allen of the UK Mission called upon the involved parties to "recommit themselves (to) progress toward a mutually acceptable solution that will provide for the self-determination of the people of Western Sahara." The Security Council called upon the parties to resume negotiations "without preconditions and in good faith." This is more of the same failed approach.

When the MINURSO mandate was extended in 2018, the Security Council emphasized a "renewed commitment" and called upon the parties to, familiarly, resume negotiations "without preconditions and in good faith." The word-for-word comments made following both the 2018 and 2019 resolutions make clear that these renewals are nothing more than delays. Justice for Western Sahara will never come into being without a concerted effort.

Some Security Council members try to pass off the extensions as "an important step in advancing the process," such as the representative from Poland who claimed that the 12-month period is necessary for the negotiations to proceed effectively. Of course, this is untrue if these 12-month extensions were helpful, then decades of them would have surely turned Western Sahara into a paradise by now.

These incessant extensions do nothing more than delay the talks and force the Saharawi to continue living without self-determination. After decades of waiting, they still have nothing to demonstrate any progress in the political process. Each day they must wait constitutes another Saharawi beaten, tortured, or illegally imprisoned; another shipment of plundered resources taken away from its rightful owners; another child born in a refugee camp without memories of its homeland.

Action on Western Sahara must no longer be delayed. The United Nations must stop kicking the can down the road and swiftly relaunch the negotiations that began under former envoy Horst Köhler in late 2018. While international officials hesitate to act, the Saharawi people suffers we must make them act.

USA supports a peaceful solution to Western Sahara conflict within the UN framework

The Spokesperson for the United States Department of State, Morgan Ortagus, affirmed on Thursday 5 December, that the US supports a peaceful solution to the conflict of Western Sahara within the framework of the UN.

Commenting on US Secretary of State, Michael R. Pompeo's visit to Morocco on the 5th December, the Spokesperson stressed that "the Secretary expressed his interest in advancing United Nations-led efforts to find a peaceful, sustainable, and mutually acceptable political solution to the long-standing dispute over the Western Sahara," the text reads.

The statement asserts that the meeting discussed mainly bilateral relations, trade, the question of Western Sahara and the shared fight against terrorism in the region, while large number of international Media confirmed that the US main goal behind the meeting was to get a clear position of support from Morocco to its policies towards Iran.

With regards to Trade with Morocco, the US continues "building on the Free Trade

Agreement," between the two countries, knowing that on that same agreement, the US explicitly excludes the territory of Western Sahara in application of its position of non-recognition of Moroccan sovereignty over this last colony in Africa. [Our emphasis]

The visit, which was planned long ago, was supposed to initially take place from December 4 to 6, and included a meeting with Moroccan King, Mohammed VI.

Instead, the US Secretary of State Mike Pompeo, delayed and cut in half his trip to one day, Thursday, December 5, meeting only Moroccan Prime Minister, Minister of Foreign Affairs and the Moroccan head of secret services.

Due to this drastic change, international and Moroccan Medias, estimated that Morocco failed to get what it was planning from this visit, since the American official never mentioned support to the Moroccan position on Western Sahara.
(Sahara Press Service)

Read the article [here](#).

WSRW calls on UN Members to question Spain on Western Sahara at UPR

In January, Spain's human rights track record will be reviewed by the UN Human Rights Council in Geneva. WSRW asks UN Member States to raise the rights of the people of Western Sahara, for whom Spain continues to bear responsibility.

Every four, or five years, all UN Member States are to report on their human rights progress to the UN Human Rights Council under the so-called Universal Periodic Review (UPR).

Spain is scheduled to be assessed in the UPR mechanism on 22 January 2020. WSRW stresses that Spain should be held accountable for its human rights track-record inside of the territory it has never lawfully and responsibly decolonised Western Sahara.

Spain has a duty to decolonise the non-self-governing territory of Western Sahara and continues to bear responsibility for the indigenous Saharawi people. This was confirmed in two decisions by Spain's own National Court in 2014 and 2015 which state that Spain remains the administering power over Western Sahara, echoing the UN Charter and the 2002 UN Legal Opinion on Western Sahara's mineral resources.

Yet, throughout Spain's UPR reviews of the past decade, no progress has been made to advance the right to self-determination in Western Sahara, nor has Spain reported on its obligations to decolonise and to ensure the well-being of the people of the territory.

Earlier this year, Western Sahara Resource Watch (WSRW) in collaboration with the Spanish organisation NOVACT submitted a shadow-report, recommending that Spain respects, protects and fulfills their human rights obligations vis-à-vis the people of Western Sahara, in particular the right to self-determination and the right to their natural resources.

"It is Spain that is uniquely obligated to ensure self-determination of the Saharawi people", the report reads, referencing the Spain's own courts and international law.

But instead of working for the exercise of self-determination, Spain manifestly fails its duties under the UN Charter in order to satisfy its own hard-nosed economic interests, rather than the interests of the Saharawi people. While blatantly ignoring the Saharawis, Spain works with Morocco to have access to Western Sahara's resources, or engages in projects that cement Morocco's occupation.

"We call on all UN Member States to address Spain's responsibilities for the rights of the Saharawi people", WSRW coordinator Sara Eyckmans stated.

Download the report [here](#).

Conflict Beach in Canary Islands

On 2 December 2019, the maintenance work on the Mogán beach began. Mogán is a town and municipality in the southern tip of the Gran Canary Island, Spain.

Controversially, the municipality had ordered tonnes of sand from occupied Western Sahara to renovate the tourist spot. The purchase contributes to finance the illegal Moroccan occupation of the former Spanish colony.

The Canary delegation of Western Sahara's national liberation movement Polisario wrote in a statement on **25 November**, that it "condemns" the project, stating that it "contributes to the occupation and to the Moroccan regime's repression of the civilian Saharawis" in the territory.

Labelling Ruling Lets Consumers Decide

By its decision the Court of Justice of the European Union has affirmed categorically, that products originating from a territory occupied by Israel should be correctly labelled in order to allow European consumers to make a free and informed choice when buying goods from the region.

In practical terms, this decision means that henceforth, all products, such as wine, avocado, dates, grapes and citrus fruits are required to be labelled in all European stores and on-line retail, as explicitly coming from Israeli settlements in the West Bank or the Golan Heights, if that is the case and not "Made in Israel".

The court has reminded us that EU consumers have indeed a most fundamental right to be provided with correct and objective, but also clear and understandable information on their purchases.

While this decision is to be warmly welcomed, it is regrettable that it took many years of mobilisation by civil society groups and finally, a referral by a French national judge to the court in Luxembourg, in order to state the obvious and reaffirm a very clear obligation under EU consumer protection law as regards the labelling of Israeli settlement goods. In effect, the ruling highlights **the high degree of inconsistency in member states' practice** in this regard.

Indeed, only six out of the 28 EU member states have taken an active stance in including in their legislation the UN Security Council-required policy of differentiation between Israeli settlements and Israel. These include Belgium, Denmark, France, Germany, Ireland and the Netherlands.

Beyond the Israel-specific dimension of this decision, the EU Court places ethics back at the heart of European consumer choices and reminds us that our daily, mundane purchases may have considerable and unforeseen geopolitical implications, particularly as regards occupied territories and tragic conflicts around the globe.

In this regard, the ruling of the EU Court highlights the very contrasting if not contradictory approaches the EU has adopted towards trade involving occupied territories.

It has, for example, imposed sanctions and restrictive measures on Russia in relation to the situation in Crimea from where no products may currently be imported since the illegal occupation and annexation of the Ukrainian peninsula in 2014.

In contrast, the EU has openly included the territory of Western Sahara, illegally occupied by Morocco since 1975, in bilateral agreements on agricultural and fishery products with Rabat, allowing these goods to enter the EU market as assimilated to Moroccan products and labelled as such.

It is high time to draw the necessary conclusions from the ruling and ensure, at long last, consistency and legality in our trade policies towards such situations on the doorsteps of the European Union.

In addition to carrying out a deep and comparative review by the commission of the EU's approach to trade with territories under occupation/annexation - from Northern Cyprus, to Nagorno-Karabakh, from Western Sahara to Crimea, we call for an EU-wide initiative to regulate trade in products from all occupied territories.

The EU has an active role to play in ensuring it does not become an accomplice of a state of occupation that it frequently denounces at a foreign policy level but instead contributes to improving the situation on the ground by promoting fair and rule-based trade policies with its trading partners.

The decision by the court today constitutes a major step in this direction.

From an article in EU Observer by Petra de Sutra, Jill Evans, Alyn Smith and other MEPs

Download the report [here](#).

The Background

In a judgement of 12 November (C-363/18) the Court of Justice of the European Union ruled that foodstuffs originating in the territories occupied by the State of Israel must bear the indication of their territory of origin, accompanied, where those foodstuffs come from an Israeli settlement within that territory, by the indication of that provenance.

This judgement emphasises the need for civil society groups to challenge their governments over trade agreements that are applied in breach of international law. Without the civil society case in France business as usual' would continue.

Bike 4 Western Sahara

Activists on a 2 year bike journey to raise awareness about the occupation and human rights violations taking place in Western Sahara. On route beginning in Japan (2020) and ending in Western Sahara (2022). The distance cycled is equivalent to the circumference of the globe.

Bike 4 Western Sahara is a journey to increase awareness about the occupation and human rights centring the people of Western Sahara and our solidarity with their struggle. Through efforts to raise global awareness of the plight of the Sahrawi people, we aim to build on the movement advocating their fundamental and inalienable rights to self-determination.

Our Actions:

We believe that solidarity requires action and awareness-raising needs in person connection. We will bike 40,000 km through 30 countries for two years, a distance equivalent to the circumference of the earth. In every country we will organize lectures, demonstrations, community engagements and media outreach on both social and public outlets about the Sahrawi cause. Our commitment to distance and time is necessary to make a greater impact on bringing attention to the last colony in Africa. Along the way, we will be carrying out different fundraising efforts for needs of people in occupied Western Sahara as well as the refugee camps in Tindouf.

Our Demands:

1. Give the UN Mission in occupied Western Sahara a human rights mandate and allow human rights organisations and observers in the territory
2. Break the media blockade allow journalists, local and international, to work freely in occupied Western Sahara.
3. Hold a fair referendum for the Saharawi people as stipulated by the UN

Call to ACTION: how you can help

1. Join the biking. The more bikers, the more powerful the project will be. Join the journey at any point for any distance / time / country that suits you! Everyone is welcome. Write us on Solidarityrising@gmail.com for more info & route details.
2. Fund the biking. Donate here to help support our efforts. Funds will be spent on sustaining the bikers with food, shelter and necessary resources.
3. Follow the biking. Follow us on social media.
4. Facilitate contacts. If you have friends and contacts in the countries we are biking through that could help us then contact us on Solidarityrising@gmail.com

Stave House in the Sahara takes off!

2019 has been a pivotal, action-packed year for Sandblast and its main project Stave House in the Sahara, now entering its 4th year. We can truly say that our early-learning Music and English education project has catapulted into a new and exciting phase. As the festive season fast approaches and this year comes to an end, we would like to share with you

some of the most important developments and also share our plans and dreams for the next few years.

To give you a brief idea of what's transpired in 2019, over the past 12 months we've:

- organised our first two special international music workshops with professional musicians
- sent out 3 English language teaching/training volunteers for 1 to 2 month periods,
- increased the number of children participating in our programme from 50 to over 70 students,
- expanded the local staff from 2 to 4 women,
- began training the local staff to teach 3 levels in English and Music
- had 4 traditional instruments locally made for the children: 2 tidinits and 2 typical tbal drums
- incorporated a local Saharawi musician to teach traditional instruments and music...

MINURSO and the Western Sahara a forthcoming study

The UN peacekeeping force Minurso has been on the Western Saharan scene since 1991 when it was established to oversee a ceasefire that would usher in a six-month transition period leading to a referendum determining the future of the territory.

The military, police and civilian force's initial six-month mandate is approaching its fourth decade, due to the sabotaging of the peace process by Morocco. With each scheduled UN Security Council meeting on the Western Sahara, the mandate is extended, the period of extension sometimes reflecting diplomatic postures in the Council. So John Bolton, former National Security Advisor to Trump, argued for short extensions and the threat of non-renewal as a means to break the deadlock. The end-October 2019 extension for one year is, in part, a result of the resignation of the Secretary General's personal envoy, but also because Bolton's demise took the pressure off the Security Council.

The mission's contingent in the occupied territory has been used as pawn in Moroccan manoeuvring. In 2016, Rabat temporarily expelled civilian staff from Layoune, ostensibly in protest at UN Secretary General's Ban Ki-Moon's use of the term 'occupied'.

For its part, Polisario has long railed at the restricted nature of the mandate unchanged since 1991, despite the different demands posed by a long-term operation as opposed to a brief implementation task. No other mission with requirements comparable to MINURSO's de facto role lacks a human rights mandate.

To date, MINURSO has not been the subject of detailed study. But a forthcoming book will rectify this. Janos Besenyo, a long-serving Hungarian army officer formerly attached to MINURSO and now an academic at Obuda University, has commissioned a book to be published by Indiana University in the near future.

In some 20 chapters, the book for which the working title is MINURSO: Success or failure? The United Nations peace operation in Western Sahara looks at the relationship between MINURSO and a number of relevant international players, including Russia, China, the EU, the Arab world and the African Union. It examines legal aspects of the mission's work and also at the reasons behind the continuing lack of a human rights mandate.

The commissioning editor says there will also be contributions detailing the work of the different contingents of MINURSO with reference to issues such as the role of women in the mission.

Anchoring occupation: Morocco to construct \$1bn port in Western Sahara

The new Dakhla port is part of Morocco's 2030 National Ports Strategy, **announced in 2010**, envisaging the increased performance of ports in six regions. Dakhla is lumped into the "southern region" - Morocco's terminology for the parts of Western Sahara that it has held under military occupation since 1975.

"These new ports will be used to entrench the occupation and intensify the plunder of the territory. We urge all international companies not to undertake any projects in Western Sahara without the express consent of the people of the territory", stated Sara Eyckmans, coordinator of Western Sahara Resource Watch.

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