



WORKING FOR JUSTICE FOR THE SAHARAWI PEOPLE

March 2015

SAHARA ANALYSIS

No: 85

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WSC Has Date In Court

On 23rd April the Court will hear our application for
- a Judicial Review of HMRC's treatment of products originating in Western Sahara being imported into the United Kingdom as Moroccan for the purposes of the EU – Morocco Association Agreement.
- a Judicial Review of DEFRA's granting licences to fish in the territories of Western Sahara under the Fisheries Partnership Agreement between the European Union and Morocco.

To Attend and Support the Application.

The court number and hearing time can be found on the Administrative Court Daily List at http://www.hmcourts-service.gov.uk/cms/list_admin.htm after 2.30 on the 22nd April. Case reference numbers CO/1032/2015 & CO/1034/2015.

WSC's Witness Statement

The FPA and the EU Morocco Association Agreement undermine the efforts of the United Nations and the African Union to find a peaceful and lasting solution to the conflict between Morocco and the Saharawi people, based on the exercise of the inalienable right of the Saharawi people to self-determination over their land and natural resources. They recognise as lawful a situation which is unlawful, because they imply that Morocco has a right to enter into international treaties on behalf of Saharawi people. The latter is in an attempt to assert sovereignty over Western Sahara and its natural resources and recognising this act as lawful is in itself, a violation of customary international law. Further, such agreements incentivise and may be seen to legitimise Moroccan settlement of Western Sahara: . . . Polisario Front, which is recognised as the representative of the Saharawi people by the UN, has repeatedly stated its opposition to exploitation of the natural resources of Western Sahara and the EU's involvement in this process. . Any support for this exploitation, whether through trade or trade agreements, impedes the peaceful and just resolution to the conflict.

[To read the Witness Statements](#)



[TAKE ACTION: Protect Rights and Resources in Western Sahara](#)

Kosmos Finds Oil

Kosmos Energy announced that it had "encountered hydrocarbons" offshore occupied Western Sahara, though non-commercial. The find appears to be sufficient to proceed with a second drilling later on.

[To read more](#)

On 19 December 2014, the American oil company Kosmos Energy became the first company ever to drill for oil in Western Sahara, even though the Saharawi people have on multiple occasions spoken out against the drilling - either through their civil society organisations in occupied Western Sahara, or by voice of their internationally recognised political representation, the Frente Polisario.

"I have seen that they [Kosmos executives] think their actions are in conformity with my legal opinion, and my determined opinion is that they are not", says Ambassador Hans Corell, author of the UN Legal Opinion on oil exploration and exploitation in Western Sahara.

"Morocco is breaking international law ... signing an agreement of this nature is in violation of international law," Hans Corell told MEED on 8 January. "I am looking to the Security Council and the responsibility that the council has under the UN Charter."

[To read more](#)

The WSC works in solidarity with the Saharawi people to generate political support in order to advance their right to self-determination and promote their human rights

EU Continues to Wash Its Hands

Scottish MEP Alyn Smith asked:

1. What is the position of the Vice-President/High Representative regarding the self-determination claim of the Sahrawi people?
2. Knowing that Morocco will not move without significant external pressure, will the Vice-President/High Representative take any action towards the recognition of Western Sahara as she is doing with the recognition of Palestine?

2 March 2015

The High Representative/Vice-President Mogherini answered on behalf of the Commission:

1. The EU is closely following developments in the Western Sahara and has expressed its concern about the long duration of the conflict and the implications for the security, respect of human rights and cooperation in the region. The EU has also expressed support to the UN Security Council Resolution 2152 (2014), in which the Security Council 'decides to remain seized of the matter.

2. The EU supports the UN Secretary-General's efforts to achieve a just, lasting and mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the UN. The EU encourages the parties to seek a negotiated solution to the conflict and welcomes the efforts of the United Nations Secretary-General's Personal Envoy Christopher Ross and Minurso.

[The official reply](#)

Norway Champions Ethical Behaviour

The Norwegian government pension fund Council on Ethics recommended blacklisting the US/Mexican fertilizer producer Innophos due to phosphate imports from Western Sahara. "Particular serious violation of fundamental ethical norms", the council concluded.

[To read more](#)

Human Rights Watch World Report 2015 - backsliding in human rights

Human Rights Watch have issued their report on 29 January on Morocco and Western Sahara in 2014, saying that backsliding in human rights outpaces reforms and that "There were few tangible improvements in human rights in Morocco and Western Sahara during 2014, either in law or in practice."

Morocco Obstructs the UN Morocco Obstructs the UN

Information on Morocco's systematic efforts to obstruct the UN political process on Western Sahara comes from leaked Moroccan diplomatic cables, made public by an anonymous source using the @chris_coleman24 Twitter handle.

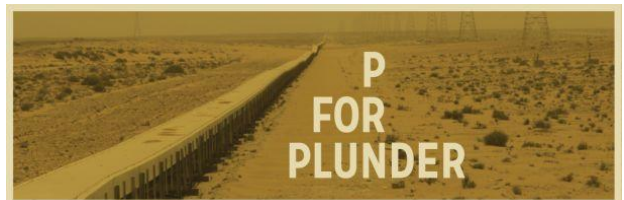
[\[April 2014 memo\]](#): "Elements of a strategy: management of the year April 2014-April 2015 concerning the question of Moroccan Sahara": The memo describes Morocco's systematic effort to block the political process through methods ranging from discrediting senior UN officials to hindering MINURSO by, for example, "suspending UN license plates" and "limiting deliverance of visas to civil and military personnel."

The memo describes Morocco's strategy for discrediting and obstructing Personal Envoy of the Secretary-General for Western Sahara Christopher Ross: "The objective would be to have [PESG Ross] renounce his mission without being openly against his demarche through limiting his visits to Morocco to a minimum, and only receive him at a working level, and spread among unofficial relays skeptical messages on him."

[\[22 August 2014 cable\]](#) to Rabat from Permanent Mission of Morocco to the UN makes clear that Morocco is intercepting material from various UN agencies, referring to "the writings of the Secretariat that have been intercepted."

[\[26 January 2012 bank transfer\]](#) The leaks also include records of cash payments made by an intermediary (Ahmed Charai, a Moroccan media entrepreneur with close ties to the King) to [Richard Minitier](#) and other prominent journalists to write pro-Moroccan, anti-POLISARIO articles ([click](#) for example).

[To see a comprehensive catalogue](#)



New WSRW report reveals importers of Western Sahara phosphate in 2014

The report gives details of quantity, value and shipments of Morocco's exports from the occupied territory during 2014.

[To read more and download the report](#)

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Saharawi refugees protest against Swiss firm Glencore Plc, looking for oil in their occupied Western Sahara.

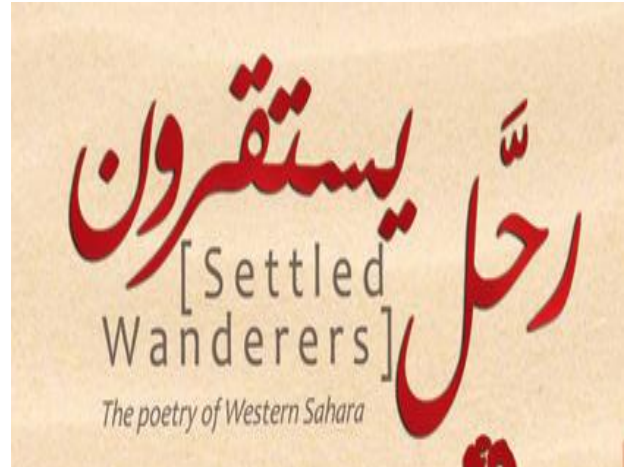


Glencore Plc, the Swiss based multinational commodity trading and mining company, holds [two exploration licences](#) from the Moroccan government for oil blocks located outside of Morocco's internationally recognised borders: in the part of Western Sahara that Morocco invaded and annexed in 1975.

[To read more and see videos](#)

A Twitter account

has been launched (@40yearsoccupied) that will detail 40 shameful facts about the occupation of Western Sahara over the 40 days leading up to the MINURSO vote. If you use Twitter, please follow the account and join in the conversation using the hashtag **#40yearsoccupied**.



A collection of interpreted (Hassaniya to English) poems from the greatest living poets of the Western Sahara, such as Badi, Beyibouh and Al Khadra. They have been interpreted into English by acclaimed UK poet Sam Berkson and local translator Mohamed Labat Sulaiman.

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