



# 46. EUCOCO

Europäische Konferenz zur Unterstützung und Solidarität mit dem saharauischen Volk

Conferencia Europea de Apoyo y Solidaridad con el Pueblo Saharaui

European Conference for Support and Solidarity with the Saharawi People

Conférence Européenne de Soutien et Solidarité avec le peuple sahraoui

دعاة الشعب الصحراوي و الندوة الأوروبية للتضامن

Berlin-Deutschland 2. und 3. Dezember 2022

## NATURAL RESOURCES WORKSHOP

### Context of the workshop

The "Natural Resources" workshop of the 46th EUCOCO focuses its work on a new dynamic with the aim of creating adequate spaces for communication, reflection and debate to reach consensus regarding the way the group works as well as to coordinate the actions that will be carried out throughout the year 2023 regarding this matter.

For this purpose, different campaigns, platforms and projects that work on the issue of natural resources in Western Sahara from different angles will be exposed. Both individuals and collective projects will be given space to present their ideas, lines of work, concerns and challenges when developing their work. All this, with the intention of sharing reflections as well as establishing partnership networks and joint actions to be developed in 2023.

### Data

The data regarding the illegal plundering of the natural resources of Western Sahara that serve as the main basis for the workshop are those offered by the organization *Western Sahara Resource Watch* and by the group of Natural Resources formed by the *Associations of Friendship and Solidarity with the Saharawi people of the Canary Islands*. In addition, in the research work prior to the preparation of the workshop, sources such as the *Report to the United Nations Human Rights Council on the Universal Periodic Review of Morocco 2022* prepared by AREN, ACAPS, Novact and ODHE have been used.

As has been seen over the years, the monitoring of spoliation is an arduous task, taking into account the techniques carried out by Morocco in order to conceal its illegal practice, as well as the variety of illegally traded products including, among others, fishmeal, phosphates, fisheries, fuels and other derivatives, agricultural products, wind and solar resources...

In spite of everything, and thanks to the methodical and committed work of entities and organizations, there are reliable data on the processes of spoliation in Western Sahara. In general terms, for the year 2022 they have remained in figures similar to those presented in the workshop for the year 2021.



# 46. EUCOCO

Europäische Konferenz zur Unterstützung und Solidarität mit dem saharauischen Volk

Conferencia Europea de Apoyo y Solidaridad con el Pueblo Saharaui

European Conference for Support and Solidarity with the Saharawi People

Conférence Européenne de Soutien et Solidarité avec le peuple sahraoui

دعاة الشعب الصحراوي و الندوة الأوروبية للتضامن

Berlin-Deutschland 2. und 3. Dezember 2022

## Current situation

Since the beginning of the military occupation by Morocco of part of the territory of Western Sahara has been carried out the plundering of Sahrawi natural resources, in recent years, however, there has been an increase in Moroccan action in this area.

This is closely linked to the deplorable human rights situation in the occupied territories and the systematic policy of the Moroccan occupation authorities of flagrant violation of the right to self-determination and other political rights, economic and social development of the sahrawi people. In addition to being closely linked to the existence of judicial proceedings before the European instances initiated by the Frente POLISARIO on behalf of and representing the sahrawi people. This situation has presented us with blatant scenarios of greenwashing, attempts at the marroquinization of Sahrawi products, extractivist policies disrespectful of the environment, use of the power over resources as a political instrument, the further development of vessels, illegal agreements with countries and companies outside the EU environment and possible dangerous and very worrying agreements on the delimitation of waters between Morocco and Spain, as well as the subsequent exploitation of Mount Trópic in deep Canary-Saharan waters, etc.

Given this scenario, it is necessary to reach agreements and coordinate actions that serve to denounce this situation and try to reverse it or at least prevent it to the maximum extent possible.

## Proceedings before the Court of Justice of the European Union

On 29 September 2021 at 11:00 the public hearing to read the verdicts of the General Court of the European Union on the T-cases took place 279/19, T-344/19 and T-356/19 as a result of the agreements entered into by the Frente POLISARIO in April and June 2019.

After the public hearings that took place in March 2021, the last step before the first instance of the European jurisdictions was the reading of the judgment.

The main conclusions reached by the Court in very long judgments are: the recognition of the Frente POLISARIO procedural capacity to act before the courts of the Union; otherwise, the right to effective judicial protection would be violated. The Court



# 46. EUCOCO

Europäische Konferenz zur Unterstützung und Solidarität mit dem saharauischen Volk

Conferencia Europea de Apoyo y Solidaridad con el Pueblo Saharaui

European Conference for Support and Solidarity with the Saharawi People

Conférence Européenne de Soutien et Solidarité avec le peuple sahraoui

دعاة الشعب الصحراوي و الندوة الأوروبية للتضامن

Berlin-Deutschland 2. und 3. Dezember 2022

concludes that the role and representativeness of the Frente POLISARIO confer on it procedural capacity before the judges of the Union, taking into account, inter alia, the international recognition of the Frente POLISARIO as a representative of the people of Western Sahara. The right to effective judicial protection is therefore a right that forms part of the defense of the right to self-determination.

This leads the Court to one of the most important and is the recognition of the Frente POLISARIO as a legal entity.

He stressed that the consent of the Sahrawi people had not been granted and that the implementation of the agreements did not leave any discretion to the addressees, so that the agreements were directly affected. It also recognizes individual involvement.

Stresses the Court that the institutions of the European Union would have had to respect the separate and distinct status of Western Sahara and Morocco on the one hand and ensure the consent of the Sahrawi people to the implementation of the agreements on the other; in the sense of the principle of relative effect of the Treaties.

Consent should be given according to the Court, taking into account that the agreements did not grant rights only, but imposed obligations on the sahrawi people. The actions carried out by the European institutions were therefore not regarded as supplanting the consent of the sahrawi people. This consent must be valid and effective in order to serve as a generator of obligations.

The "consultations" with the "affected populations" could in no way imply the consent of the sahrawi people.

In mid-December 2021 both the Commission and the Council appealed the decisions of the General Court of the European Union, with the involvement of some European countries in the process. This led to the opening of the written procedure before the Court of Justice of the European Union, a higher court than the General Court of the European Union.

This has now been completed and it is therefore expected that the hearings before the Grand Chamber will take place in the first half of 2023, and following a report from the Advocate General, judgments will be delivered in the second half of 2023.



# 46. EUCOCO

Europäische Konferenz zur Unterstützung und Solidarität mit dem saharauischen Volk

Conferencia Europea de Apoyo y Solidaridad con el Pueblo Saharaui

European Conference for Support and Solidarity with the Saharawi People

Conférence Européenne de Soutien et Solidarité avec le peuple sahraoui

دعماً لشعب الصحراء و الندوة الأوروبية للتضامن

Berlin-Deutschland 2. und 3. Dezember 2022

The Court must also give a preliminary ruling on the action brought by the *Confédération Paysanne*, initially requiring the French Council of State to prohibit imports of Sahrawi agricultural products.

## Proposals for 2023

- Actions to publicize the situation of the plunder of natural resources in the occupied territories of Western Sahara.
- Actions at the academic level both conferences, debates and activities in Universities and Faculties as the impetus for the writing of articles and research
- Systematic monitoring of the plunder of natural resources.
- Coordination of actions in other parts of Europe.
- Campaign against Siemens Gamesa for its economic activities in Western Sahara.
- Join efforts to carry out legal procedures, emphasizing primary coordination with the Frente POLISARIO authorities, which determine priorities based on a sound and effective legal process.

**\*TO TAKE INTO ACCOUNT:** This is a reduced version of the "natural resources" workshop working document of the 46th EUCOCO, the expanded version will be available to all participants who wish through the following QR code:

