

H.E., Ambassador D. Santiago Salas Collantes
Embassy of Spain in Oslo
Halvdan Svartes gate 13
0268 Oslo
Norway

Oslo, 22 November 2010

Dear Ambassador D. Santiago Salas Collantes

Regarding Spanish pressure on the European Commission

We, the Association of Saharawis in Norway, are deeply concerned to learn of the Spanish pressure on the European Commission to sign a fisheries agreement in the waters of Western Sahara.

As you surely know, when Spain allowed Morocco to occupy our country, General Franco never consulted its Saharawi citizens.

Nor were we consulted when Spain consecutively entered into fisheries agreements with the Moroccan government as part of your 1975 agreement with Rabat.

The fact that Spain took its Saharan fisheries activities into the European Union upon the Spanish EU membership in 1986, made the violation of our rights even more blatant. Through this EU-Moroccan fisheries cooperation, the Government of Spain has probably become our most difficult obstacle to achieve our legitimate right to self-determination and independence.

We, who live as exiles, far away our families in our wealthy homeland, do not accept that Spain plunders our homeland in partnership with Morocco. And most importantly, we do not accept that Spain exerts pressure on the European Commission to uphold illegal practices. The EU is bound to abide by international law, and should not be pushed to ignore the principles of human rights and peace, upon which the EU cooperation is based. Spain should immediately halt this pressuring on the Commission, and on other EU states.

Even though we want the best for the Spanish fishermen, and despite the warm solidarity we feel from the Spanish people, we do not accept that Spanish fisheries industry should be prioritised before the human rights of the Saharawi people. We have right to decide over our own land, as declared by over 100 UN resolutions and the International Court of Justice. This right naturally also covers the natural resources in Western Sahara. Why can't the Spanish fishing boats just fish in their own waters? Why do they have to steal the fish of the Saharawis in cooperation with the regime that kill our people?

Dear Ambassador, if a foreign state one day occupied Spain, how would you feel if someone stole your natural resources, and said it was legal?

As the Spanish government surely knows, a Legal Opinion from the UN in 2002 about natural resources in Western Sahara concluded that “if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the principles of international law”.

The European Commission, however, always misrepresent the Legal Opinion, by ignoring all references to the Saharawi people, and by omitting the word “wishes” in the opinion’s conclusion. You find the opinion on this link: www.arso.org/Olaeng.pdf. We also add a picture of the Legal Opinion’s concluding paragraph to the right, to make sure you see where the conclusion is.

themselves illegal, if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the principles of international law applicable to mineral resource activities in Non-Self-Governing Territories.

(Signed) Hans Corell
Under-Secretary-General for Legal Affairs
The Legal Counsel

The EU’s misuse of the UN opinion has been highly criticised by the author of the text, former Under-Secretary General for legal Affairs, Mr. Hans Corell, who stated “as a European I feel embarrassed” and that it is “...obvious that an agreement...that does not make a distinction between the waters adjacent to Western Sahara and the waters adjacent to the territory of Morocco would violate international law”. The European Parliament’s Legal Service came to the same conclusion recently.

We are concerned that the EU’s misrepresentations of the UN document might be due to Spanish influence.

On this basis, we look forward to hear your answer to one very simple question:

Does the Spanish government agree that the word “wishes” is to be found in the conclusion of the UN Legal Opinion?

We would prefer if you can answer our association by a simple *yes* or a *no*, and look forward to hear from you as quickly as possible. A reply can be sent to the email address below.

Sincerely,

Sidahmed Salem Brahim,
Chair, Association of Saharawis in Norway
sidi23@hotmail.com