



Collective of Sahrawi Human Rights Defenders

(CODESA) — Western Sahara

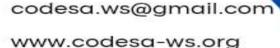
Invitation to an Online Seminar
The Collective of Sahrawi Human Rights
Defenders (CODESA), in cooperation with the
European Association of Lawyers for Democracy
and Human Rights (ELDH), cordially invites you
to a seminar entitled:

"50 Years of the Occupation of Western Sahara" with the participation of European lawyers and Sahrawi activists.

6 November 2025 3:00 PM (Central European Time) Zoom Registration via the link below Registration deadline: 5 November 2025



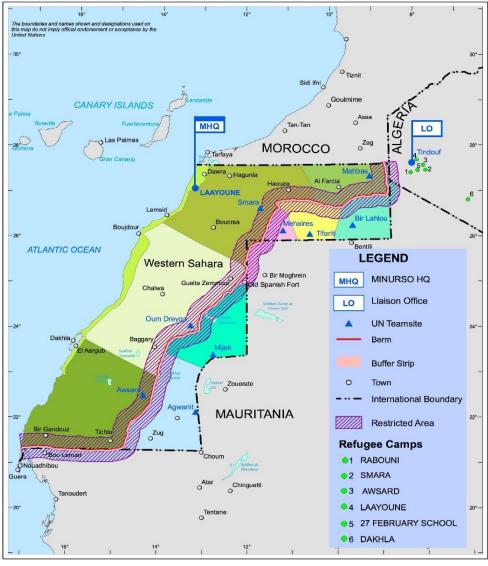




Content:

- 1. Legal background
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 - b) EUCJ
 - c) ACHPR
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 - a) Mining
 - b) The Green washing
 - c) Agriculture
 - d) Dakhla Atlantic Port DAP
 - e) Oil & Gas
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- 5. Tourism as marketing tool
- 6. Land grabbing
- 7. Who controls the businesses
- 8. Exclusion and discrimination





p No: A4-010

04 May 2007

Legal Background - ICJ



In 13 December 1974, referring to its previous resolutions, the UNGA asked the ICJ to provide an advisory opinion on two major questions:

- 1. whether Western Sahara was a territory belonging to no one during Spanish colonialism. If the answer is NO
- 2. What are the legal links between this territory and the Kingdom of Morocco?

In 16 October 1975 the ICJ issued its advisory opinion that can be summarised as follows:

- 1. Respect for the right of the people of Western Sahara to determine their political future by their own free will as a fundamental pillar of the principle of self-determination.
- 2. Western Sahara was not empty before the Spanish occupation in 1984, but was inhabited by a people with their own system and representatives (who concluded an agreement with Spain).
- 3. There are no links of territorial sovereignty with the Kingdom of Morocco.

the other hand, the Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.

Legal Background

Confirming the application of resolution 1514 on Western Sahara

Recognising the right of the Saharawi people to selfdetermination

Including Western Sahara in the list of territories treated under the UNGA 4th committee for decolonisation

The Madrid Agreement did not transfer sovereignty over the Territory of Western Sahara, nor did it confer upon any of the signatories the status of an administering Power, a status which Spain alone could not have unilaterally transferred. The transfer of administrative authority over the Territory to Morocco and Mauritania in 1975 did not affect the international status of Western Sahara as a Non-Self-Governing Territory.."

Morocco is an:

OCCUPYING Power NOT ADMINISTERING Power









Legal Background - EUCJ

<u>In 2012</u>, the Polisario Front, as the representative of the Sahrawi people recognized by the United Nations, decided to initiate legal proceedings before the courts of the European Union to put an end to this practice, which violates the Sahrawi people's right to self-determination and independence. The results of the litigation can be summarized as follows:

- 1. Rejection of the effective application of the agreements concluded between the European Union and Morocco on the occupied Western Sahara by the Court of Justice of the European Union in a historic ruling on December 21, 2016.
- 2. Confirmation of the separate and distinct status of Western Sahara from the Kingdom of Morocco.
- 3. The requirement for the consent of the Sahrawi people, regardless of the alleged benefits, was confirmed.
- There is no Moroccan sovereignty or jurisdiction over the Sahrawi maritime zone and therefore
 over the fishing zones under the Law of the Sea Decision of February 27, <u>2018 on the Fisheries</u>
 <u>Agreement.</u>
- 5. No Moroccan sovereignty or jurisdiction over the airspace of Western Sahara Decision of November 30, 2018 on the Civil Aviation Agreement.

Following the European Union Council's decision to conclude new agreements with Morocco that explicitly include Western Sahara, the Polisario Front decided to bring new cases against the Union, which had the following results:

- 1. Recognition of the Polisario Front's standing before the courts of the European Union to defend the interests of the Sahrawi people Decision of 29 September 2021
- 2. Confirmation that consultation with Moroccan settlers and institutions cannot be a substitute for the free and genuine consent of the Sahrawi people
- 3. Cancellation of the new agreements between the European Union and Morocco

The EU commission appealed and lost the case. And recently extended the agreement without the EU Parliament's consent





PRESS RELEASE No 170/24

Luxembourg, 4 October 2024

Judgments of the Court in Joined Cases C-778/21 P and C-798/21 P | Commission and Council v Front Polisario and in Joined Cases C-779/21 P and C-799/21 P | Commission and Council v Front Polisario

Western Sahara: the 2019 EU-Morocco trade agreements regarding fisheries and agricultural products, to which the people of Western Sahara did not consent, were concluded in breach of the principles of self-determination and the relative effect of treaties

However, the expression of the consent of that people to an agreement which is to apply to the territory of Western Sahara need not necessarily be explicit but may, under certain conditions, be presumed

The consent of the people of Western Sahara to the implementation, in that non-self-governing territory, of the 2019 EU-Morocco trade agreements regarding fisheries and agricultural products is a condition for the validity of the decisions by which the Council approved those agreements on behalf of the European Union. It is true that a consultation process was carried out by the Commission and by the European External Action Service (EEAS) prior to the adoption of those decisions. However, that consultation process did not concern the people of Western Sahara but the inhabitants who are currently present in that territory, irrespective of whether or not they belong to the people of Western Sahara. As a significant proportion of that people now lives outside that territory, that consultation process was not such as to establish such consent on the part of that people.

However, that consent need not always be explicit. It may be presumed where the agreement does not create obligations for the people who is a third party to that agreement, and where the agreement confers on that people a specific, tangible, substantial and verifiable benefit which derives from the exploitation of that territory's natural resources and is proportional to the degree of that exploitation.

As the agreements at issue manifestly do not provide for such a benefit, the Court of Justice confirms the General Court's annulment of the Council's decisions. The decision concerning the fisheries agreement expired in July 2023 and has thus ceased to produce effects. As regards the agreement concerning liberalisation measures on agricultural products, the Court maintains, for a period of 12 months from today, the effects of the Council's decision, in view of the serious negative consequences which its immediate annulment would entail for the external action of the European Union and for reasons of legal certainty.

Western Sahara is a territory situated in north-west Africa: bordering the Atlantic Ocean, it has land borders with Morocco (to the north), Algeria (to the north-east), and Mauritania (to the east and to the south). Since the 1970s, there has been a conflict between Morocco and Front Polisario, a movement campaigning for the exercise by the people of Western Sahara of its right to self-determination and for the creation of a sovereign Sahrawi State, as regards the status of that territory. In addition to that territorial dispute, the conflict has, over the years, concerned the legality of economic agreements concluded by, in particular, Morocco and relating to the exploitation of the natural resources of, and the waters adjacent to, Western Sahara.

Communications Directorate Press and Information Unit

curia.europa.eu

Legal Background – The African court for Human and Peoples' rights



On September 22, 2022, the African Court on Human and Peoples' Rights issued a historic ruling in favour of the Sahrawi people and the African continent in general. Its findings can be summarized as follows:

- 1. After emphasizing "the unique status and importance of the right to self-determination on the African continent and in African society," the African Court considers that the right to self-determination has attained the status of a peremptory norm or rule, and therefore gives rise to an obligation on all states to oppose any violation of this rule.
- 2. With regard to the nature of Morocco's presence in Western Sahara, the Court "notes that both the United Nations and the African Union recognize that the situation of the Sahrawi Republic is one of occupation and consider it to be one of the territories whose decolonization process has not yet been completed."
- 3. The Court emphasized that Morocco's continued occupation of the Sahrawi Republic is contrary to the right of self-determination of the Sahrawi people as enshrined in Article 20 of the Charter.
- 4. In light of the grave violations of international law committed by the Kingdom of Morocco against the Sahrawi people, the Court concludes that "all States parties to the Convention and the Protocol, as well as all member states of the African Union, have a responsibility under international law to find a lasting solution to the occupation and to ensure the Sahrawi people of their inalienable right to self-determination and to refrain from doing anything that would legitimize this occupation or impede the enjoyment of this right by the Sahrawi people (similar to the opinions of the International Court of Justice on Namibia in 1971, Palestine in 2005, and Mauritania in 2019).

AFRICAN UNION

الاتحاد الأفريقي

UNION AFRICAINE

UNIÃO AFRICANA

AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

THE MATTER OF
BERNARD ANBATAAYELA MORNAH

APPLICANT

٧.

REPUBLIC OF BENIN,
BURKINA FASO,
REPUBLIC OF CÔTE D'IVOIRE,
REPUBLIC OF GHANA,
REPUBLIC OF MALI,
REPUBLIC OF MALAWI,

UNITED REPUBLIC OF TANZANIA.

RESPONDENT STATES

AND

SAHRAWI ARAB DEMOCRATIC REPUBLIC REPUBLIC OF MAURITIUS INTERVENERS

APPLICATION N° 028/2018

JUDGMENT 22 SEPTEMBER 2022



Natural Resources in

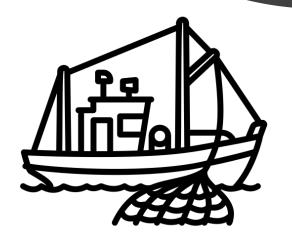
Occupied Western Sahara

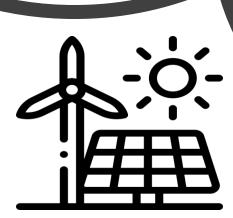














General Introduction:



Natural resources under ccupation

Military funding

Tool for allegiance

Rewarding Cooperators

Implicating
Intl. actors

Gaining support

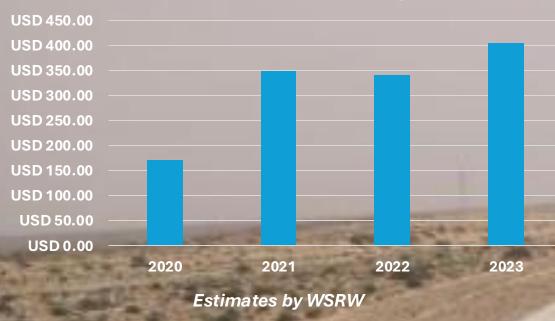
Demographic Transfer

the other hand, the Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.

Mining



Estimated incomes from stolen Phosphate in M\$



The Importers, 2024

Rank	Corporation	Home country of (parent) company	Import destination	Number of shipments	Amount of phos- phate purchased (tonnes)	Value of phos- phate purchased (USD)	Percent
1	Paradeep Phosphates Ltd.	India/ Morocco	Paradip, India	12	698,100	\$ 153.6 million	48.1
2	Innophos Holdings Inc	USA	Coatzacoalcos, Mexico	11	622,200	\$ 136.9 million	42.9
3	Ballance Agri- Nutrients Ltd.	New Zealand	Tauranga/Bluff, New Zealand	2	110,500	\$ 24.3 million	7.6
4	Onoda Chemical Industry Co Ltd	Japan	Moji, Japan	1	20,000	\$ 4.9 million	1.4





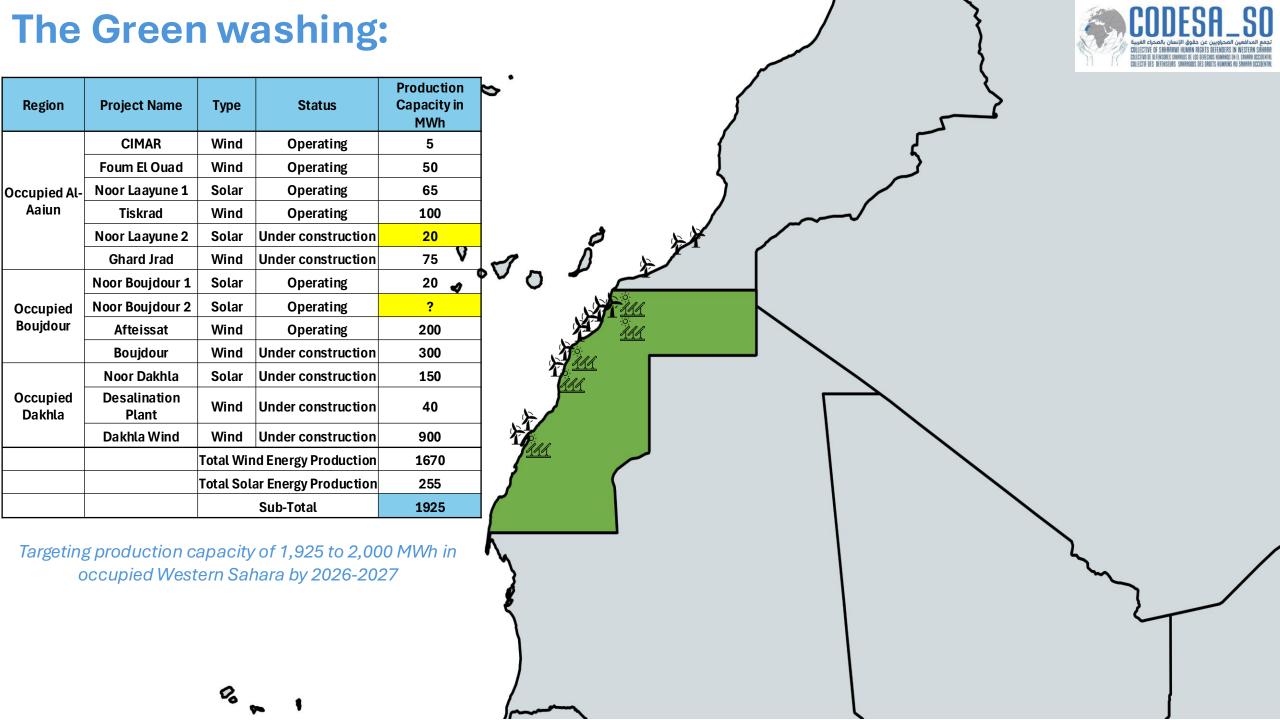




Salt

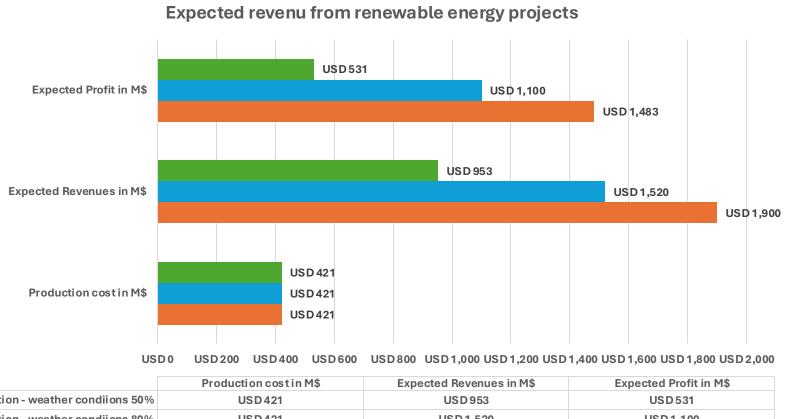
Sand

No Data ??



The Green washing:

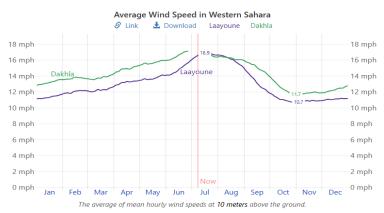




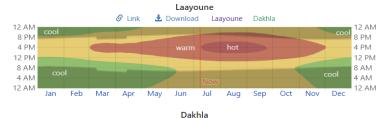
	Production cost in M\$	Expected Revenues in M\$	Expected Profit in M\$
■ Ration - weather condiions 50%	USD 421	USD 953	USD 531
Ration - weather conditions 80%	USD 421	USD1,520	USD1,100
■ full Year production	USD 421	USD1,900	USD 1,483

■ Ration - weather condiions 50%	Ration - weather condiions 80%	full Year production
----------------------------------	--------------------------------	----------------------

Capacity in MWh Production cost/MWH		Sales price/MWH	Yearly revenu/Mwy	
1925	USD 25,00	USD 113,00	USD 217.525,00	



Avg. Wind speed for high production is 13 mph The Avg. Win speed in WS is 13.8 mph





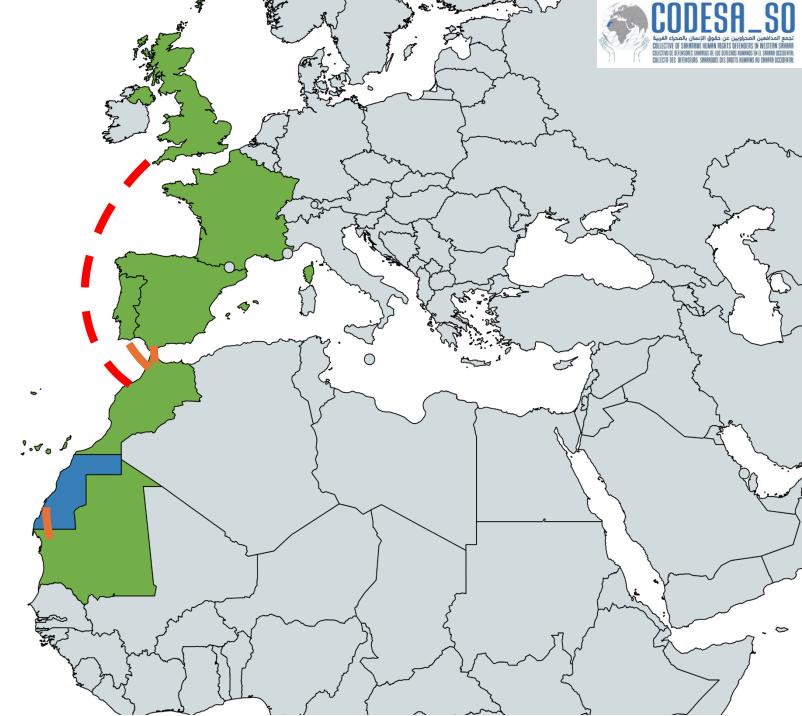
The minimum temperature required is 21 C* While clarity in WS varies between 61 and 98%

Electricity prices per kWh	Date	MAD	USD
<u>Households</u>	01.12.2023	1.172	0.118
<u>Business</u>	01.12.2023	1.072	0.108

Avg. Price per KWh is 0.113 considering both industrial and private use are equal



- Employs Moroccans and foreign manpower
- No jobs for Saharawis except security guards and some drivers.
- No training or education centres

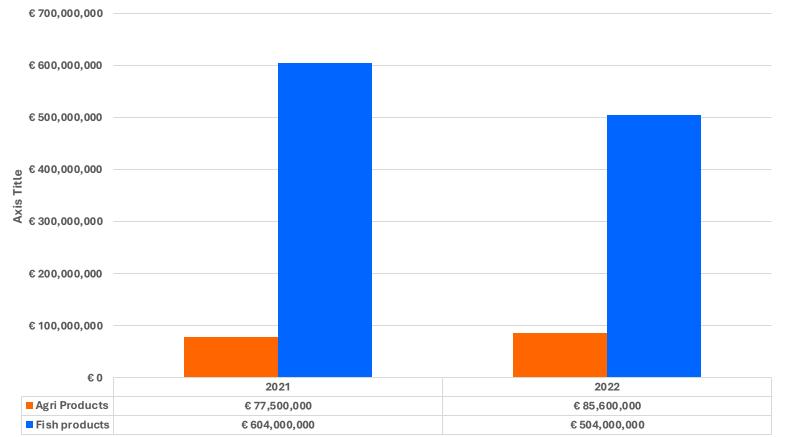


Agriculture:

Agriculture projects						
Les Domaines Agricoles Al-Mada (The Royal Family)						
Azura	Mohamed Tazi & the French Suproma					
ldyl	Pierrick Puech, Mohamed Tazi & Hasan Derhem					
Domaines Abbes Kabbage Tareq and Shams Kebbage						

- 936 ha in occupied Dakhla
- 400 ha in occupied Al-Aaiun/Boujdour
- Projection of 13,000 ha by 2030
- Employing ~14,000









Ground water misuse

Export domination

Selective licencing process

Moroccan seasonal workers

Dakhla Atlantic Port - DAP:



Dakhla Atlantic Port Consortium						
Moroccan Ports Authority (ANP)	overall strategic direction					
SOMAGEC	Port development and construction					
SGTM (Socite General des Traveaux au Maroc)	Port development and construction					
Bouygues Construction	civil engineering works and logistics infrastructure					
MSC (Mediterranean Shipping Company)	port operations					
CDG (Caisse de Dépôt et de Gestion)	financial backing					
Dakhla Atlantic Port Development Company	The overall port development project Management					
Alami Group	Construction and real estate development					
CMA CGM Group - Bolloré Logistics	container shipping					
China Communications Construction Company	EPC					
A.P. Moller-Maersk Group	container shipping					
XPO Logistics	Supply chain and distribution					
Alami Group	Construction & real estate development					
OCP Group	Unknown					
Nareva	Renewable energy, green hydrogen and much more					
Royal Air Maroc	Logistics and airway connectivity					
Fisheries and Seafood Export Companies	Fish processing factories					
Local Entrepreneurs and Small Businesses	Miscellaneous					











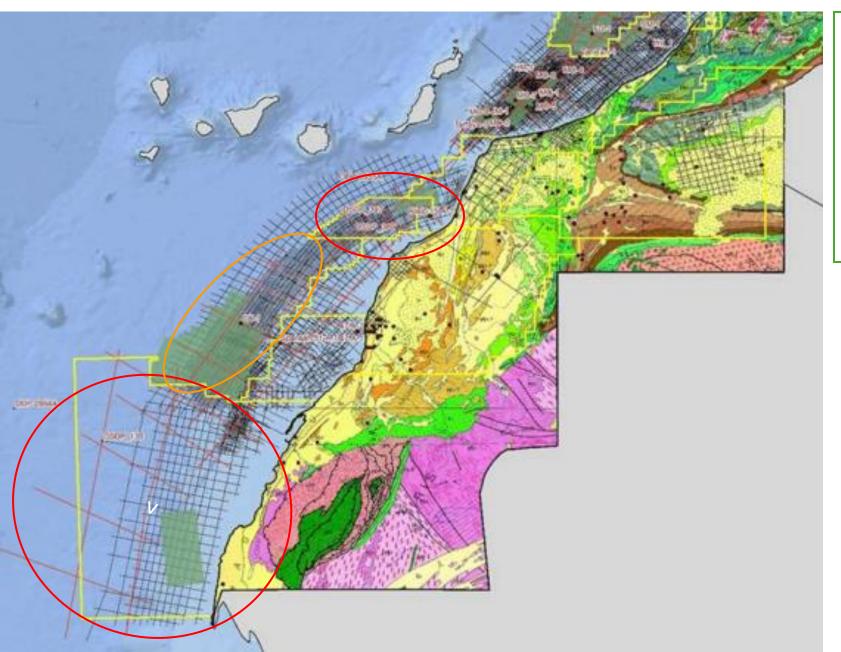




- Budget: 1.25 BUSD
- Construction time: 7 Years
- Estimated completion date: 20230

OIL & GAS:





- Replacing multi-national companies with Israeli companies.
- Ratio Petroleum and Navitas in Dakhla blocks.
- <u>Delek Group</u> and <u>NewMed Energy</u> in Boujdour block
- ONHYM seems to be minor shareholder in most of the JVs





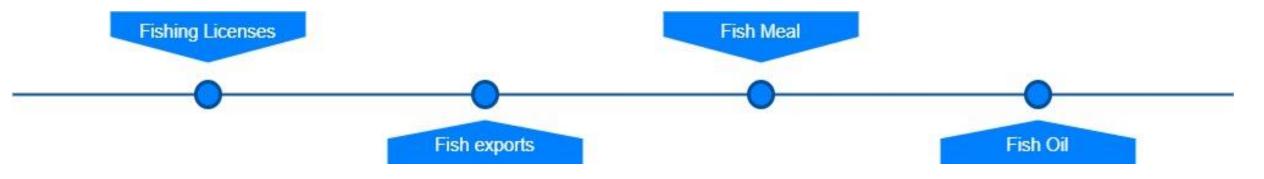






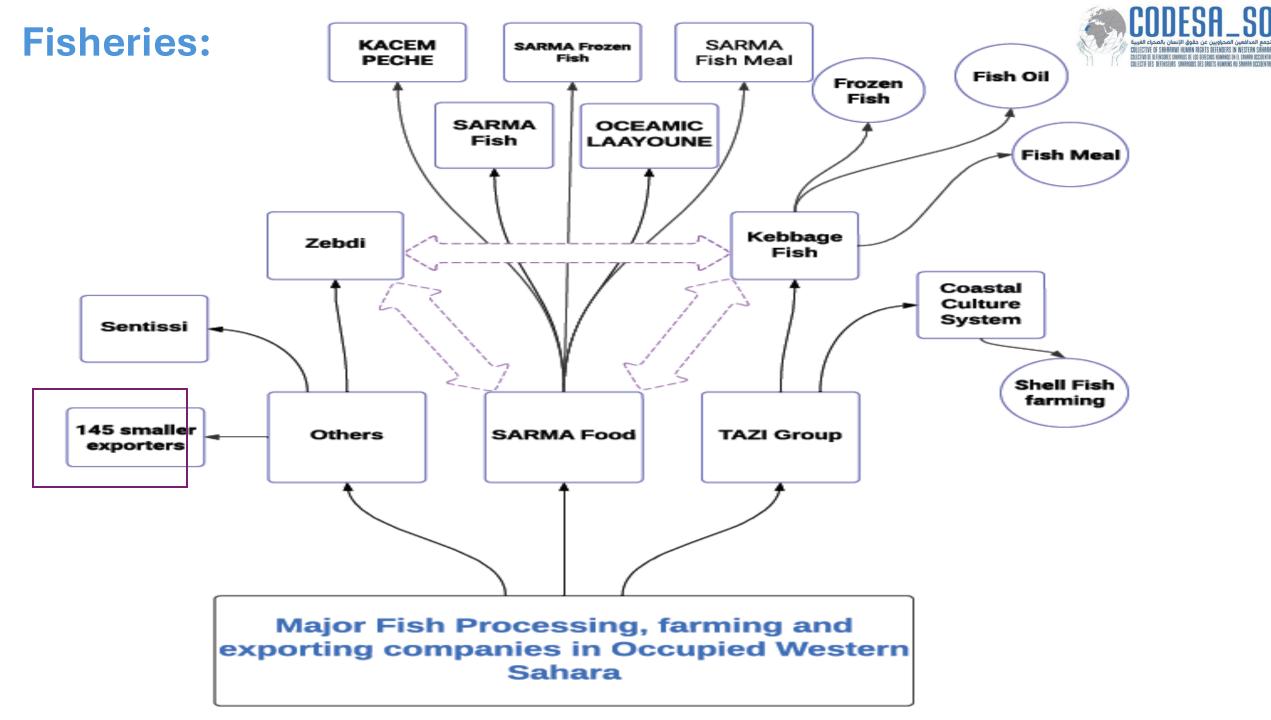
Fisheries:





Port	Deep-Sea Fleet	Coastal Fleet Artisan F	
	Number	Nombre	Nombre
Essaouira	-	46	
Agadir	243	214	
Sidi Ifni	-	2	
Tan-Tan	46	205	261
Laâyoune	-	425	989
Boujdour	-	23	2094
Dakhla	30	200	3461
Total	319	1115	6805

- Less than 5% of the industry's businesses or licenses are owned by entrepreneurs with Saharawi origin.
- Vast majority of fishermen are Moroccans.
- Most fish catches are whether discharged in Moroccan ports or transported by road to Morocco proper.
- Most of seafood products are exported as originating from Morocco.
- The over-fishing practices and quotas manipulation (the 2MAD/kg commission practice)
- Since September 2024, there is no Sardines in Western Sahara











Fishing villages:

Similar fisheries agreements:

Article 9, FPA EU-the Comoros, 18 Dec 2010

"Suspension of the implementation of the Protocol

1. The implementation of this Protocol may be suspended at the initiative of one of the two Parties after consultation within the Joint Committee if: [...] (c) the European Union notes that there has been a violation in the Comoros of the essential and fundamental elements of human rights as provided for in Article 9 of the Cotonou Agreement"

Article 9, FPA protocol EU-Mozambique, 23 Jan 2012

"Suspension of the implementation of the Protocol

1. Implementation of this Protocol shall be suspended at the initiative of either one of the Parties subject to consultations between and agreement of the Parties within the Joint Committee provided for in Article 9 of the Agreement: [...] (f) if either one of the Parties ascertains a breach of essential and fundamental elements on human rights as laid out by Article 9 of the Cotonou Agreement, and following the procedure set out in Articles 8 and 96 thereof"

Article 8, FPA EU-Cape Verde, 9 July 2011

"Suspension of the Implementation of the Protocol

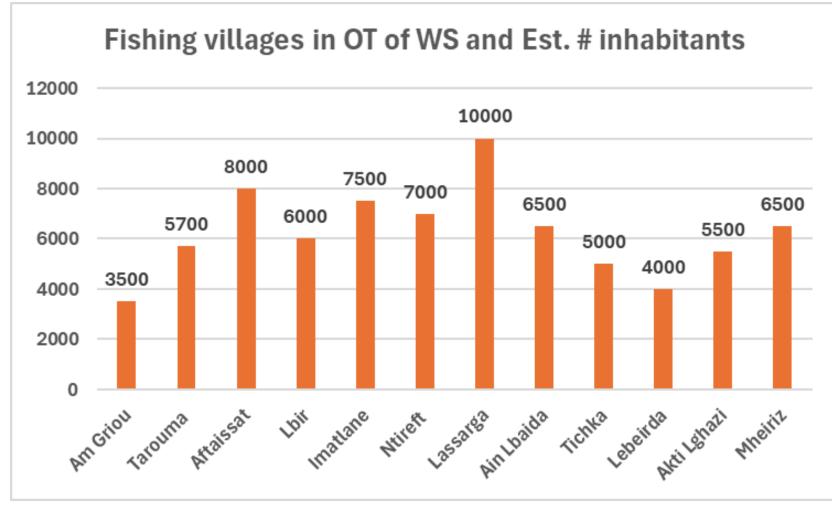
1. The implementation of this Protocol may be suspended at the initiative of one of the two Parties if one or more of the following conditions apply: [...] (c) one of the two Parties violates one of the essential and fundamental elements of human rights and democratic principles as provided for in Article 9 of the Cotonou Agreement"

Proposal, FPA EU-Gabon, 2013

"1. The implementation of this Protocol may be suspended at the initiative of one of the two Parties if one or more of the following conditions apply: [...] (c) if the European Union or Gabon note that there has been a violation of the essential and fundamental human rights provided for in Article 9 of the Cotonou Agreement and following the procedure provided for in Articles 8 and 96 of that Agreement"

Fishing villages:





Around 75,000 Moroccan fishermen settled in occupied Western Sahara No information available about small villages

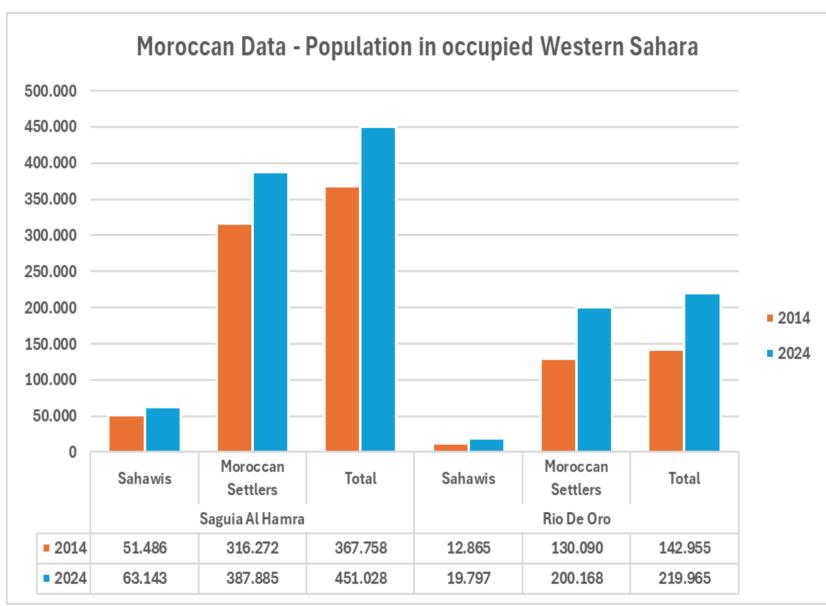


Demographic engineering in OT of Western Sahara:



Region	Census Year Total population		Saharawis	
Caguia Al Hamra	2014	367785	51486	13,999%
Saguia Al Hamra	2024	451028	63143	14,000%
Die De Ore	2014	142955	12865	8,999%
Rio De Oro	2024	219965	19797	9,000%

- Non-credible data.
- Saharawis becoming a minority in their own land.
- A grave violation of IHL.
- Funded by international bodies such as the EU.
- A corner stone of the illegal annexation strategies.



Data from the Moroccan high commission for planning

The EU unethical behaviour:

	Trade Statistics (Imports - Exports)								
Reporter(s) / Partner(s): EU27 / Western Sahara									
Product(s): All products									
Year(s): 2021, 2022, 2023									
Years	2	021	20	22	2023				
Partners	Western Sahara	Western Sahara	Western Sahara	Western Sahara	Western Sahara	Western Sahara			
Indicators	Import Value to the EU/MS (EURO)	Import Qty to the EU/MS (Kg)	Import Value to the EU/MS (EURO)	Import Qty to the EU/MS (Kg)	Import Value to the EU/MS (EURO)	Import Qty to the EU/MS (Kg)			
Austria	€ 18.755	413							
Belgium					€ 125.701	20.040			
Denmark			€ 326	22					
France			€ 1.737	53	€ 66.887	9.145			
Germany			€ 75	3	€ 10.403	50			
Ireland	€ 46		€ 90		€8	2			
Italy									
Netherlands			€ 8.696	5.000	€ 98	3			
Poland	€ 14				€ 69				
Portugal									
Romania	€ 94		€ 1.175	32					
Slovenia									
Spain			€ 65.540	19	€ 11	1			
Sweden		г	€ 52	1	€ 42	4			
EU27	€ 18.909	413	€ 77.691	5.130	€ 203.219	29.245			

The EU Commission Database

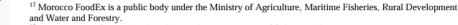


3. Impact of the Agreement on the people of Western Sahara

This report examines the impact of the Agreement on the affected populations in two regions of Western Sahara: Laâyoune-Sakia El Hamra and Dakhla Oued Ed-Dahab.

3.1. Impact on trade

With the entry into force of the Agreement, all products originating in Western Sahara benefit from trade preferences equivalent to those granted by the European Union to products covered by the EU-Morocco Association Agreement. The products concerned come from the agriculture and fisheries sectors. In 2022, 203 000 tonnes of produce originating in Western Sahara (129 200 tonnes of seafood and 74 000 tonnes of agricultural products) were exported to the EU, down from the 212 700 tonnes¹⁸ recorded in 2021 but up from around 100 000 tonnes in 2016. By product category, this represents EUR 504 million for seafood EUR 85.6 million for agricultural products, or a total of EUR 590 million (MAD 6 410 billion). For comparison, in 2021 exports amounted to EUR 604 million for seafood and



¹⁸ 65 700 tonnes of agricultural products and 147 000 tonnes of fishery products.

8

EUR 77.5 million for agricultural products, i.e. EUR 681 million in total. Imports of products originating in Western Sahara accounted for 0.02 % of total imports into the EU in 2022¹⁹.

The EU is an important export market for Western Sahara²⁰. In 2022, 82 % of niche fruit and vegetable products harvested in Western Sahara were destined for the European market (compared to 85.3% in 2021); some 60% of high quality seafood landed is intended for the European market, according to estimates by Morocco.

Many other sectors are developing in the territories concerned, such as mining (traditional industry, currently on the rise), culture and tourism, aquaculture, and most recently the renewable energy industry (wind, green hydrogen and, to a lesser extent, solar energy). Although phosphate production is an important industrial activity in Western Sahara, no phosphate products originating in Western Sahara are known to be imported into the EU.





Tourism as marketing tool:



	Total # Hotels	5 stars	4 stars	3 stars	Below 3 stars	Other Accomodations
Rio De Oro	44	1	9	7	27	40
Saguia Al-						
Hamra	12	0	4	4	4	34















While Tourists are enjoying surfing and watching flamingos, the Saharawis are brutal supression

Land grabbing:







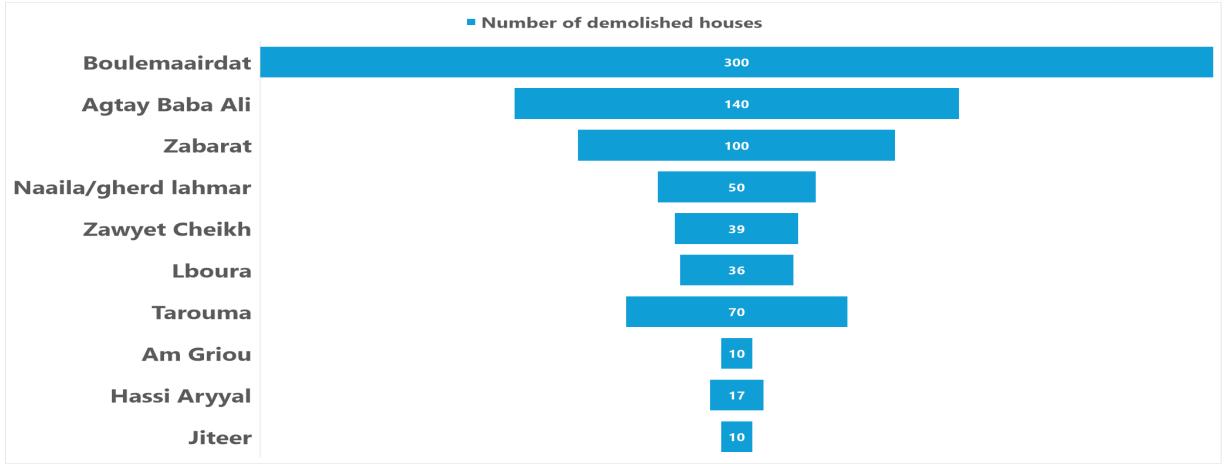




In Addition, the Moroccan occupation forces are confiscating farming areas & private owned lands and transferring them to "public properties" before handing it over to Moroccan and international so-called investors.

Land Grabbing:

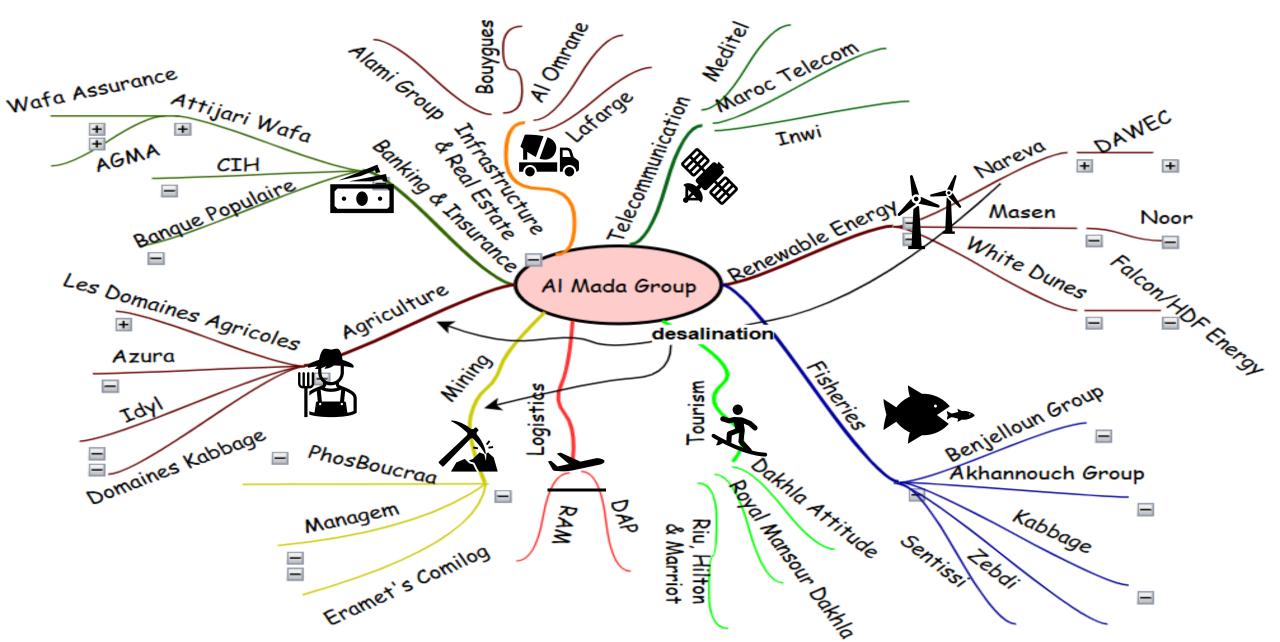




- Saharawi properties are exclusively targeted.
- The numbers above are reflecting only those confirmed to CODESA.
- No accurate data on confiscated farms and other properties.
- Majority of the victims are afraid from reprisal actions if they talk.

No corner unclaimed in occupied Western Sahara:





Exclusion & discrimination:



Exclusion



Coercive Loyalty Incentives

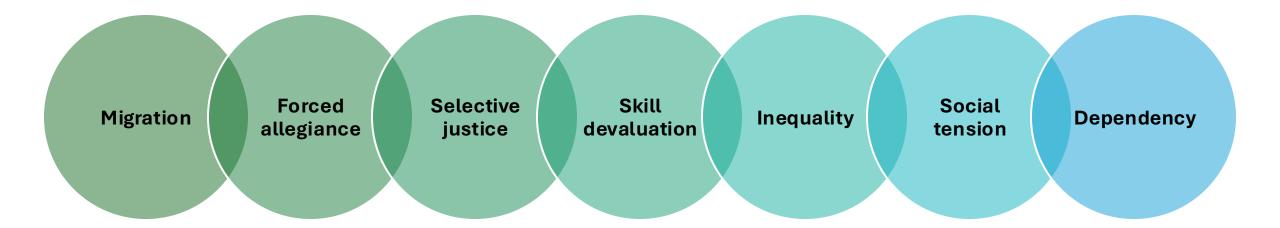


Cultural and National Assimilation

- Educational & Cultural Excl.
- Jobs discrimination
- Political exclusion
- Social exclusion

- Conditioned jobs & incomes
- Subjugation
- Punitive measure
- Suppression of Resistance

- Language Policies
- Rewriting History
- Symbolism (flags, emblems..)
- Identity repression





Thank you

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6 November 2025