



EUROPEAN PARLIAMENT

2009 - 2014

---

*Committee on Development*

---

**2011/0139(NLE)**

20.9.2011

# **DRAFT OPINION**

of the Committee on Development

for the Committee on Fisheries

on the draft Council decision on the conclusion of a Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco  
(11226/2011 – C7-0201/2011 – 2011/0139(NLE))

Rapporteur: Isabella Lövin

PA\_Leg\_Consent

## SHORT JUSTIFICATION

The current Fisheries Partnership Agreement between the EU and the Kingdom of Morocco entered into force in February 2007. The technical and financial terms and conditions governing EU vessels' fishing, as well as the financial contribution, are provided in the Protocol to the Agreement. The previous protocol expired on 27 February 2011.

The Commission began negotiations for a one-year extension of the Protocol days before it expired to allow continued access for EU vessels in the waters of Morocco. The current Protocol entered into force on 28 February 2011 for a period of one year.

The financial contribution of € 36 100 000 allows for a maximum of 119 fishing permits for EU vessels in the categories of small-scale fishing, demersal fishing and tuna fishing, as well as a maximum catch tonnage of 60 000 tonnes in the category of industrial pelagic fishing. Of that total, € 13 500 000 are to be dedicated to support the sectoral fisheries policy of Morocco.

According to Articles 43.2 and 218.6(a) TFEU, the European Parliament can either consent or decline to consent to the Protocol.

The external consultancy *ex-post* evaluation of December 2010 assessing the previous protocol is one of the most negative evaluations ever made regarding any bilateral fisheries agreement.

Only 15% of the funds available for sectoral support have been used. Especially the programme for modernisation of the Moroccan fleet is failing. The compulsory employment clause has been respected by EU vessels but has only contributed to the creation of 170 jobs for Moroccan nationals, i.e. 0.04% of the number of fishermen in the country. EU vessels have not fully complied with the compulsory landing clauses, thus the local fishery industry has been prevented from generating added value.

The state of the fish stocks is alarming. All stocks are fully- or overexploited except the sardine stock off Western Sahara. However, if exploitation of sardines were to increase, then bycatch of overexploited horse mackerel and mackerel stocks would also increase. The evaluation shows that fishing effort in the northern part of the country cannot increase and needs to decrease in some fisheries, thus any license granted to the EU fleet will directly compete with local fishing activities. The Moroccan national fleet is already too large in proportion to the potential fishing opportunities and continued fishing by EU vessels will deprive the local fishermen of their income and employment.

The agreement has the lowest cost effectiveness of all agreements. The EU receives €0.65 in return for each Euro in payments (compared to an average of € 1.4 for all agreements). This includes 780 EU jobs, which means that the EU is subsidizing each job with €45 000.

The final conclusion in the evaluation report is that the agreement did not have any substantial positive impact on the viability of the sector in Morocco from of a development perspective.

A significant source of controversy concerns the inclusion of fishing in the waters off Western

Sahara. Under international law, Western Sahara currently has the status on a Non-Self-Governing Territory within the meaning of Article 73 of the UN Charter. Morocco is the *de facto* administrator but has never been accepted as the official administering power by the UN. According to the 2002 opinion by the UN Legal Counsel Hans Corell, any exploration or exploitation activities in Western Sahara can only proceed if they are to the benefit of, and according to, the wishes of the people of Western Sahara.

The EP Legal Service wrote, in a May 2009 opinion that "compliance with international law requires that economic activities related to the natural resources of a Non-Self-Governing Territory are carried out for the benefits of the people of such Territory, and in accordance with their wishes." Both these prerequisites must be fulfilled, otherwise the EU should "envisage either the suspension of the agreement in conformity with its Article 15 and Article 19 of the Protocol, or to apply the agreement in such a way that EU flagged vessels are excluded from the exploitation of the waters of Western Sahara."

After many requests from the Commission about benefits to the "local population", Morocco responded on 13 December 2010 with a PowerPoint document on the outcome of some investment programmes divided into 4 different regions - the "South" includes the Western Sahara as well as other territory. The document does not show whether the people of Western Sahara have benefitted socio-economically from the agreement. Although the document claims that jobs are created in all areas, it is highly likely that the agreement mainly benefits Moroccan settlers, transferred into occupied territory in violation of Article 49 of the IV Geneva Convention of 1949. Regrettably, the document does not support any EU conclusion on benefits for either the local population or for the Saharawi people.

The document fails entirely to address the second prerequisite, whether the agreement has been concluded in accordance of the wishes of the people of Western Sahara.

\*\*\*\*\*

The Committee on Development calls on the Committee on Fisheries, as the committee responsible, to propose that Parliament withhold its consent.