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JULY 31, 2023

Morocco fisheries deal with EU derailed by political conflict with Western Sahara



Shem Oirere published in Supply & Trade



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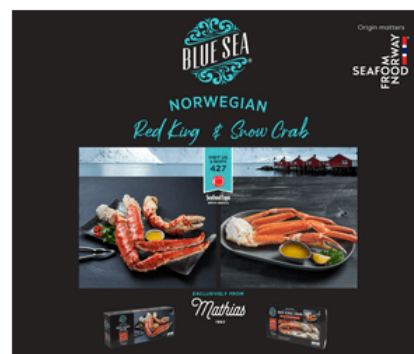
Political conflict between Morocco and its southern, semi-autonomous neighbor Western Sahara has jeopardized the renewal of a major fisheries agreement giving several E.U. member nations access to lucrative fishing grounds off the Moroccan coast.

The Sustainable Fisheries Partnership Agreement (FPA) between the E.U. and Morocco expired on 17 July, 2023, after originally entering into force in July 2019.

The FPA, which entailed the E.U. paying EUR 208 million (USD 229 million) to Morocco over the four-year period in exchange for access rights and sectoral support, allowed 128 E.U. fishing vessels, 98 of them from Spain, access to a specified fishing zone that encompassed Atlantic Ocean waters off the North African coast, including the adjacent waters of Western Sahara.

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The vessels had permission to catch demersal species allocated to Spain and Portugal, as well as tuna allocated to Spain and France.

The Netherlands, Lithuania, and Latvia possessed more than 70 percent of the allocated quotas for large-scale small pelagics, with the remainder shared between Germany, the U.K., Poland, Ireland, Portugal, France, and Spain, according to a previous briefing from the European Commission.

Prior to the agreement's expiration this month, the General Court of the European Union, the bloc's second most powerful chamber behind the Court of Justice of the European Union (CJEU), [annulled the deal in October 2021](#) because Western Sahara had no negotiating power in the deal.

This was in response to a 2019 lawsuit from the Polisario Front, an Algeria-backed rebel liberation movement that claims to rule Western Sahara, insisting that its nation had not consented to the deal. Morocco, meanwhile, still claims Western Sahara as part of its own country and does not recognize the Polisario Front as a legitimate ruling party.

The General Court agreed that the Polisario Front had the legal capacity to bring proceedings before E.U. courts despite Morocco's opposition.

"The court takes the view that, in so far as the agreements at issue apply expressly to Western Sahara, and as regards the decision concerning the Sustainable Fisheries Partnership Agreement to the waters adjacent to that territory [Western Sahara], they concern the people of that territory and require the consent of its people," the court said in its ruling at the time.

Morocco is highly unlikely to approach the negotiating table if Western Sahara has a legitimate say in the matter, leaving the deal at its current stalemate.



There have also been signs that the involvement of Western Sahara isn't the only reason why Morocco has grown wary of the agreement. Reports indicate the Moroccan government may want a deal with clearer value, seeking an amendment on the E.U.'s payable fee. It also reportedly opposes a proposed clause in the European Commission's 2021 ruling that calls for more accountability on E.U. funds earmarked for fishing sector support and a commitment by Morocco to respect human rights.

This is not the first time a fisheries deal between the E.U. and Morocco has hit a snag. Morocco's fisheries cooperation with the E.U. harkens back to 1988 when Spain, the former colonizing ruler of Western Sahara, sought to maintain its fishing vessels in the area. The two parties [signed fisheries agreements in 1988, 1992, and 1995](#), but the collaboration came to a halt in 1999 after Morocco expressed concerns about the impact of Spain's fishing activities on its stocks.

After a seven-year hiatus, the cooperation resumed in 2006 with an agreement

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and a clear protocol, but negotiations on an extension ground to a halt after the European Parliament rejected the agreement in 2011 due to economic, ecological, and legal factors linked to the deal.

The [protocol was eventually resumed](#) between 2014 and 2018, but a large share of the fish caught under the agreement originated from Western Sahara waters, which Morocco controversially considers part of its own territory.

While Morocco's recently expired FPA with the E.U. is at a standstill, its fishery negotiations with other nations, such as Japan, have intensified.

In December 2022, Morocco signed a one-year fisheries cooperation agreement with Japan that it said will "permit fishing vessels of [Japan to fish within the Moroccan waters](#) in accordance with the relevant laws and regulations of Morocco."

There has been no official comment from either the Moroccan government or the E.U. on the current stalemate, and recent reports indicate no active negotiations are occurring between the two parties to renew the fisheries protocol, opening yet another schism in the fraught relationship.

Morocco exported 883,000 metric tons of fish in 2022 worth MAD 28 billion (USD 2.7 billion, EUR 2.6 billion), a 13 percent increase in volume and 16 percent in value from the year prior, [according to Morocco World News](#).

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