



## Ordine internazionale e diritti umani

International Legal Order and Human Rights  
Ordenamiento Jurídico Internacional y Derechos Humanos  
Ordre juridique international et Droits de l'Homme

### **THE THAUMATURGIC POWER OF INTERPRETATION: THE EU'S COURT OF JUSTICE AND THE "SUPRISING" NON-APPLICATION OF EU-MOROCCO FISHING AGREEMENTS TO WESTERN SAHARA WATERS (A COMMENTARY ON THE EUCJ RULING OF 27 FEBRUARY 2018, *WESTERN SAHARA CAMPAIGN UK*, C-266/16)**

EUCJ Ruling of 27 February 2018, C-266/16, affirms the validity of the EU-Morocco Agreement 2006 and its 2013 Protocol on fisheries against the views purported by the AG in its previous conclusions of last January. However, at the same time the Court rejects the application of the aforesaid agreements to the waters contiguous to Western Sahara claimed by EU institutions and some member States, insofar as the validity of such agreements is founded in its conformity with general norms of International Law –namely the right of self-determination of the people of Western Sahara- that excludes such territorial extension in spite of the facts. Notwithstanding, the judgment of the Court, lies in a peculiar approach to the Vienna Convention rules regarding treaty interpretation (art. 31) that blurs -as if by magic- the constant application of such agreements to Western Sahara waters and the unlawful exploitation of its resources.