

COUNCIL OF THE EUROPEAN UNION V FRONT POPULAIRE POUR LA LIBERATION DE LA SAGUIA-EL-HAMRA ET DU RIO DE ORO (FRONT POLISARIO)

- **Council of the European Union v Front populaire pour la libération de la saguia-el-hamra et du rio de oro (Front Polisario)**, Court of Justice EU, case C-104/16P, **21 December 2016**
- **Legalities involved:** EU legal order, Law of treaties, General international law (jus cogens/erga omnes obligations).
- **Tool to deal with inter-legality:** VCLT art. 31(3)(c).

SUMMARY

The issue at stake was whether a bilateral liberalization agreement concluded by EU and Morocco was applicable to the Western Sahara territory and was valid in light of the principle of self-determination of peoples. The Court held that, under Art. 31(3)(c) of the Vienna Convention on the Law of Treaties, the bilateral agreement has to be interpreted in light of all international rules applicable between the parties (including the principle of self-determination of peoples as a norm having *erga omnes* effect) and, therefore, as not being applicable to Western Sahara territory.