



Brussels, 7 December 2010

To CEO of [BANK]

In a media release on 24 August 2010, the US oil company Kosmos Energy announced that they have received debt facilities from your bank.

[http://www.kosmosenergy.com/press/kosmos\\_PR\\_082410.pdf](http://www.kosmosenergy.com/press/kosmos_PR_082410.pdf)

We would like to request you to stop issuing further financial support to Kosmos until they have established a credible CSR policy that secures the company's adherence to and respect for basic principles of human rights.

Western Sahara Resource Watch, represented in 36 countries, has followed Kosmos Energy for several years. We are concerned about Kosmos Energy's lack of transparency, lack of will to engage in dialogue with civil society, and their complete disregard of the UN's opinions regarding oil exploration in occupied Western Sahara.

Kosmos Energy is the only firm today holding offshore licences in Western Sahara. They maintain this licence, despite the fact that the UN has stated it is in violation of international law.

Western Sahara is treated by the UN as a so-called Non-Self Governing Territory, a colony. The International Court of Justice has rejected all Moroccan claims of sovereignty over the territory. The Moroccan occupation of Western Sahara has been condemned by the UN, and no state recognises the Moroccan claims. The Saharawi Arab Democratic Republic, on the other hand, is, as Ghana, recognised as a full member of the African Union.

In 2001, the UN Security Council asked its Legal Counsel to assess the legality of the oil exploration programme offshore Western Sahara. In its answer, the Legal Counsel clearly stated that further oil programmes in Western Sahara would be illegal under international law: "if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the principles of international law", the Counsel stated. See the legal opinion here:

[www.arso.org/Olaeng.pdf](http://www.arso.org/Olaeng.pdf)

The analysis was an assessment of the contracts of US firm Kerr-McGee and TotalFinaElf. While both 2 firms since then have pulled out of the territory, Kosmos Energy has today taken over Kerr-McGee's offshore block. The work carried out by Kerr-McGee was considered by the Norwegian government as a "serious violation of fundamental ethical norms e.g. because it may strengthen Morocco's sovereignty claims and thus contribute to undermining the UN peace process". The Norwegian government decided to stop its ownership in Kerr-McGee due to its Western Sahara engagement.

The Saharawis in exile, and in the occupied territories, as well as their internationally recognised representative, Polisario Front, have expressed their opposition to the exploitation

of the natural resources in the territory. The Saharawis gain no other benefit from the exploitation, than violence and oppression from Moroccan authorities.

The current activities of Kosmos Energy in Western Sahara constitute a strong and inappropriate signal of support to the Moroccan occupation. Shall Morocco – through its partner Kosmos Energy – illegally find oil in the occupied territory, it will severely contribute to undermine the UN peace process, and risk destabilising the continued and fragile cease-fire in the region.

The occasions when representatives of Western Sahara Resource Watch have contacted Kosmos, the firm has always stated that they are not interested in speaking with us. “As a private firm, we are not obliged to speak with you”, they have stated.

Even though the debt facilities from your bank have been given to Kosmos in order to develop their projects in Ghana, we believe that your financial support to the company is highly unfortunate. It is our opinion that the firm shows no respect for the community in which it operates.

We call on your firm to take measures as a responsible financial institution would do, and avoid any further financial support to Kosmos, including in Ghana, until the firm has introduced and implemented a CSR policy, and started to respect the fundamental principles of human rights.

We look forward to hear from you whether this is something you intend to do.

Shall you require any further information about Western Sahara or Kosmos’ programme in the territory, please do not hesitate to make contact with us.

Sincerely,

Sara Eyckmans  
Coordinator,  
Western Sahara Resource Watch  
[...]  
[www.wsrw.org](http://www.wsrw.org)

Copy sent to:

W. Greg Dunlevy, Executive Vice President and Chief Financial Officer, Kosmos Energy  
Hon. Oteng Adjei, Minister of Energy of the Republic of Ghana.