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Att: Director General, Mrs Amina Benkhadra
ONHYM
5, Avenue Moulay Hassan
BP 99, Rabat, Morocco



Brussels, 1 August 2011

Open letter re: Possible role of Libya's government oil firm in occupied Western Sahara

Dear Ms. Benkhadra

Western Sahara Resource Watch has taken note of the numerous exploration programmes of hydrocarbons in Western Sahara carried out by ONHYM and its contractual partners over the last years.

As you very well know, Western Sahara is not considered a part of Morocco. In 1975, the International Court of Justice emphatically rejected Moroccan claims of sovereign ties to the Territory, and instead confirmed that Western Sahara is a Non-Self-Governing Territory awaiting decolonization. More than 100 UN resolutions reaffirm the right of the people of Western Sahara to self-determination, and among them, their permanent sovereignty over the natural resources of the Territory. There is no basis in international law for Morocco to enter into agreements or arrangements with third parties in respect of the natural resources in Western Sahara.

In a legal opinion provided to the UN Security Council in January 2002 (www.arso.org/Olaeng.pdf), the UN Under-Secretary General of Legal Affairs confirmed that further petroleum exploration and exploitation activities in Western Sahara would amount to a violation of international law if they were to proceed in disregard of the interests and wishes of the people of Western Sahara.

The illegal occupation of Western Sahara by Morocco has resulted in enormous suffering and deprivation for the Saharawi people of Western Sahara, the rightful owners of the Territory's land and natural resources. As a result of Morocco's invasion of Western Sahara in 1975 and the hostilities that followed, approximately 165.000 Saharawis are languishing in refugee camps in the inhospitable Algerian desert near Tindouf. The Saharawi population remaining in the part of the Territory under Moroccan occupation is subjected to grave human rights violations, such as torture, forced disappearances and arbitrary detention. Most importantly, however, Morocco has blocked the possibility of the Saharawi people being allowed to freely exercise their right to self-determination through a free, fair and transparent referendum. This right was established by UN General Assembly resolution 1514 (XV) (1960), and is a fundamental right under international law.

Western Sahara Resource Watch has seen no proof of ONHYM or the Moroccan government to consult, nor seek the consent of the Saharawi people or their internationally recognized

representatives, the Frente Polisario. Therefore, your company's activities are not in accordance with the wishes of the Saharawi people, and therefore violate international law. By conducting such activities in a Territory that is the subject of negotiations supported by the good offices of the UN Secretary-General, ONHYM is acting illegally and irresponsibly and is severely increasing the risk of further armed conflict, destabilisation and suffering in the Maghreb region.

The Libyan government owned oil firm Tamoil is one of the several firms which are referred to as participating in the exploration of hydrocarbons in Western Sahara. The Moroccan government has regularly informed about the Moroccan-Libyan agreements for oil exploration in Western Sahara, and for the construction of petrol infrastructure in the territory.

"La société TAMOIL ASSAKIA envisage également d'investir dans le domaine de l'exploration pétrolière en zones off et onshore," wrote Moroccan Ministry of Mines and Energy on its webpages in 2008, regarding a subsidiary of the Tamoil Africa Holdings Ltd, part of the now internationally sanctioned Libya Africa Investment Portfolio.

<http://www.mem.gov.ma/Realisations/hydrocarbures.htm>

"D'autres projets plus importants en matière d'infrastructures pétrolières font l'objet de conventions signées entre l'Etat et des sociétés comme la SAMIR, SOMAS, Afriquia Gaz et TAMOIL ASSAKIA sarl (société maroco-libyenne) totalisant un investissement de près de 2,9 milliards DH", wrote the same ministry in October 2008.

http://www.wsrw.org/files/dated/2009-01-28/principalesrealisations_onhym_oct2008.pdf

To Reuters, 26 December 2007, Tamoil "emphatically rejected" the media reports about an oil investment deal in Western Sahara. "It did not sign any agreement on oil exploration permits in Western Sahara and it has no plan to invest in any oil operations there", it was stated in Reuters. <http://uk.reuters.com/article/2007/12/26/tamoil-chad-idUKL2629930520071226>

Yet, the information of Tamoil's operations and plans in Western Sahara still remain on your government's webpages. In relation to this, WSRW is grateful if ONHYM will provide answers to the following questions:

- 1) Does Tamoil or any other firms fully or partially owned by the Libyan government today hold rights for hydrocarbon exploration in the Non-Self-Governing Territory of Western Sahara? In case it does, in which block(s) are these rights held, and what kind of rights does this agreement include?
- 2) Has Tamoil (or any other firms fully or partially owned by the Libyan government on any occasion since 2007) had such rights?
- 3) Does Tamoil, its subsidiaries or any other firm fully or partially owned by the Libyan government in any other way take part in the exploration of hydrocarbons in occupied Western Sahara? Or have there been or is it planned to be any agreements thereof?
- 4) Since your partner, Tamoil, has now been subject to international sanctions, will this mean that your cooperation with the firm covering the occupied parts of Western Sahara now will terminate?

Western Sahara Resource Watch looks forward to your confirmation of receipt of this letter and to the reply to our questions on the mentioned Tamoil participation.

Finally, we would like to appeal to ONHYM to demonstrate its commitment to international law and human rights by winding down its involvement in Western Sahara and undertaking not to proceed with further activities until the dispute over Western Sahara is resolved. We urge ONHYM to confirm this decision in a public statement in support of a solution which will provide for the self-determination of the people of Western Sahara, consistent with the mandate provided by the UN Security Council.

Sincerely,

(sign.)

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