

Mr. Hubert des Longchamps
Senior Vice President Public affairs
Total S.A.

<u>Your ref</u>	<u>Our ref</u>	<u>Contact</u>	<u>Place:</u>	<u>Date</u>
	eh	info@vest-sahara.no	Oslo	11 Apr 2013

Summarising Total's lack of response: Western Sahara

Dear Mr. des Longchamps

Thank you for your email to us on 2 April 2013, as your response to our previous letters dated 7 December 2012, 21 January 2012 and 15 March 2013.

We confirm that our organisation did in fact notice the statement Total sent to Business and Human Rights on 14 December 2012, as you refer to in your mail to us. We posted it on our website the same day it was published on that organisation's website:
<http://wsrw.org/a214x2456>

However, it did not strike us that this statement on that website was a response letter from your company to us. Only one of the four questions WSRW asked to Total on 7 December 2012 had been thematically covered in the statement.

We also take note of the fact that one question to Total, asked on 15 March 2013, was not answered in your statement to Business and Human Rights 4 months earlier. The additional question we asked on 15 March was whether Total's license includes an option for future oil contracts.

These are the questions we have asked Total;

- a) Does Total agree that the Saharawi people, as the sole and original inhabitants of Western Sahara until the occupation in 1975, have the right of permanent sovereignty over their natural resources?
- b) Does Total agree that the 2002 UN legal opinion, which your company refers to, establishes that the Saharawi people need to consent prior to the signing of further oil related exploration agreements in Western Sahara?
- c) Has Total ever tried to seek the consent of the Saharawi people? If yes, how and when? If no, why not?
- d) Does Total agree with concerned investors that signing such oil agreements risks undermining the UN efforts to solve the conflict in the territory?
- e) Does the current reconnaissance license include an option for future oil contracts?

Of these questions, only the topic in question b above was somewhat covered in your statement to Business and Human Rights. The response to that question seems to be negative, implying it is Total's opinion that the Saharawi do not need to consent at this point regarding your operations on their land. The reason, Total argues, is that the company claims there is a distinction between oil reconnaissance and oil exploration under international law. We do not agree with that interpretation, and we believe it is not supported by the UN 2002 legal opinion.



More than four months have now passed since we sent the first four questions to your company, and soon one month will have passed since we sent the fifth. WSRW observes that Total has not yet provided any answer to four of the questions we asked.

To summarise:

- Total does not wish to explain whether it has options for future contracts in the territory.
- Total does not wish to explain what it has done, if anything, to seek the consent of the Saharawi people, prior to the engagement in the territory.
- Total refuses to give any assessment on how it sees the sovereign rights of the Saharawis over their natural resources, or how those rights necessarily mean that they must have been consenting prior to the signing of oil related agreements in Western Sahara.
- Total refuses to enter into any discussion as to the damages such agreement might inflict on the UN peace efforts for the territory.

As explained previously, we believe that Total's engagement in occupied Western Sahara is of a highly problematic nature. Neither the engagement itself, nor the way that Total fails to approach the concerns from stakeholders or seemingly must have omitted carrying out any serious due diligence assessments, are in line with most investors' expectations vis-à-vis companies in which they invest. Both Total's engagement and approach is furthermore in quite stark contrast to what can be expected from being associated with initiatives intended for socially responsible companies.

As warned in our previous letter to you, if we do not receive answers to our questions, we will proceed to approach owners and other stakeholders of Total, to have the company removed from investment portfolios and ethical initiatives.

We announce that our members and activists internationally will proceed along those lines, until the moment when your company terminates its unethical works in the occupied territory in partnership with the Moroccan government.

For your information, we will today publish your response to us of 2 April 2013, and this reply to you, on our website.

Yours sincerely,

(sign.)

Erik Hagen

Chair,

Western Sahara Resource Watch

CC:

CEO of Total, Mr. de Margerie

Total Communication Department, CSR department and Ethics Committee