

To the attention of Mr Peter Webster
Director of International Affairs, Vigeo Eiris

Oslo,
17 November 2016

Re.: Vigeo Eiris Maroc certification of bonds for energy production in occupied Western Sahara

Dear Mr Webster

It was a pleasure to take part in the panel on occupied territories with you at the Forum on Business and Human Rights in Geneva.

Western Sahara Resource Watch has been informed of a press release issued by Moroccan Agency for Solar Energy (MASEN) as early as 7 November this year, regarding the establishment of Green Bonds http://www.climateactionprogramme.org/press-releases/masen_africa_based_climate_bonds_pioneer_issues_moroccos_first_ever_green_b

The announcement was made at the day of national celebration of the Moroccan occupation of Western Sahara, an invasion that led half the people of the territory fleeing to refugee camps. The chairman of MASEN stated the projects allegedly certified by Vigeo Eiris Maroc “will boost development of new projects everywhere in Morocco.” The release gives the impression that the certification includes two projects in Western Sahara, the one in Laayoune (or El Aaiun) and Boujdour.

The claim, that Vigeo Eiris Maroc has certified energy infrastructure in the occupied territory, leaves us speechless.

As late as on 16 November 2016, coincidentally at the time when we were sitting on the panel together, our association condemned, on our website, the solar projects of Morocco, constructed by one or several Saudi Arabian companies. We did not know at the time the deep involvement of Vigeo Eiris Maroc. <http://wsrw.org/a105x3672>

We have been in contact with Eiris staff over the last few years, before the merger with Vigeo, and have learned to know Eiris as a company with deep knowledge on aspects relating to international law. We were extremely surprised to see the claim that Vigeo Eiris Maroc has been facilitating the financing of Morocco’s energy projects in the areas Morocco holds under military occupation.

The development of energy infrastructure in Western Sahara is deeply disturbing. By connecting Western Sahara to the national Moroccan energy grid, by making use of lands belonging to the people of Western Sahara, by totally ignoring the right of the Saharawi people to manage their own land, the Moroccan government acts in clear violation of international law and undermines the UN peace process. MASEN, in line with the position of the Moroccan government, systematically refers to Western Sahara as part of the national territory of Morocco.

While half the people live as refugees in Algeria, the Moroccan government is strategically using the energy to support the immigration of settlers and for political purposes.

The questionable legality of such projects – no matter how green – was on 2 November 2016 underlined by the former UN Legal Counsel, Hans Corell, who in 2002 wrote a legal opinion for the UN Security Council on resources in Western Sahara. <http://wsrw.org/a105x3620>

Saharawi, both refugees in Algeria and groups in the occupied territory of Western Sahara have over recent months demonstrated against the companies involved in the sector. The UN former force commander underlines the possibility that these Moroccan installations on occupied land might be a more likely target by frustrated Saharawi, than those offshore. You will find pictures on our website of thousands of Saharawis protesting against the companies with interests in this sector.

For this reason, institutions such as the German Development Bank (KfW), the European Investment Bank, the European Commission, and European export credit agencies have all rejected the allocation of funds to Morocco’s renewable energy projects located in Western Sahara. DNV rejected the certification of a wind project in Western Sahara in 2012 due to its location outside of Morocco. KfW’s practice of financial support in detail prevents funds being allocated to Moroccan projects outside of Morocco’s internationally recognised borders.

Our association on 2 November published a report on Morocco’s renewable energy projects in the occupied territory, outlining the controversies involved. You can find that in seven languages on our website. <http://www.wsrw.org/a105x3614>

We would be very interested given your ethical credentials in relation to investments in other occupied territories to read your response to the points raised and your answers to the following questions.

1. Can you confirm whether the information, from the aforementioned press release, that Vigeo Eiris Maroc has issued such certification, is correct?

If yes,
2. Is that certification also applicable to the two projects called “Laayoune” and “Boujdour” under the Noor PV1 project?
3. What is the corporate relationship between Vigeo Eiris in Paris, Vigeo Eiris London and Vigeo Eiris Maroc?
4. What were the terms of reference of the assignment?

Considering the urgency of the situation we would appreciate a reply at your earliest convenience.

Sincerely

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