



24 December 2012

Mr. Maosheng Duan
Chair, Executive Board
Clean Development Mechanism
UNFCCC Secretariat
Martin-Luther-King Strasse 8
D 53153 Bonn
Germany

The UNFCCC Clean Development Mechanism and Western Sahara

Dear Mr. Duan:

We thank you for the reply to our letter of this May 12, conveyed through Mr. Andrew Howard in his letter of August 14.

Even though CDM board has of yet not been in a situation in which it has to decide on registering a CDM project in Western Sahara, Western Sahara Resource Watch continues to have grave concerns about future possible CDM funded projects in the territory, as well as the process by which such projects are received and potentially approved. We respectfully recommend that the Clean Development Mechanism must not provide funding for any activities in that part of Western Sahara which continues to be illegally held by the Kingdom of Morocco, and that there must necessarily be in place transparent, functioning measures to ensure the early rejection of requests for approval of such projects, lest they be used to legitimize an occupying presence in the territory. We recommend CDM to issue a statement declaring that future requests for CDM validation in the illegally occupied parts of Western Sahara be rejected until the conflict has been solved.

In addition to the Siemens wind energy project mentioned in the previous letter, and according to the UNFCCC validation webpage, yet another project located in Western Sahara is known to have been submitted for CDM funding . This project, titled "Greenhouse Gas Emission in the Fish Meal Industry in Morocco - Central Steam Production Plant", is set to construct a consolidated steam generation facility for the fish processing industry at the city of El Aauin, Western Sahara

Furthermore, we see that two more projects are in the pipeline from CDM Morocco, one to generate energy for the cement industry, and another for the phosphate industry. See a summary of these plans on our webpages: <http://www.wsrw.org/a105x2352>

Quite apart from the fact of United Nations' funds being expended in an area which the UN organization has deemed to be occupied and has worked since 1961 to assure for its people their right of self-determination, there are at least four objectionable aspects of such projects as they would receive CDM funding. First, the tendering of the projects for possible funding by a UN agency itself lends a greater appearance of acceptability to Morocco's presence in Western Sahara. We note, for example, that details for the first of these projects, in the CDM Project Design Document Form incorrectly state the location of the facility to be in Morocco, even though the UN does not recognise the territory as part of Morocco. This document can be downloaded from the UNFCCC's own website. Second, any approval of the projects would result in a transfer of UN funds to Morocco, with the result of indirectly or directly funding the construction of physical infrastructure



inside occupied Western Sahara. In other words, Morocco as occupier is enriched by such funding in the event should it be actually provided. Third, such projects have the result of securing or entrenching Morocco's presence in Western Sahara by the construction of permanent industrial works.

Fourth, such projects contribute to Morocco's taking of natural resources from Western Sahara, contrary to international humanitarian law. A project to consolidate steam boilers in an effort to reduce greenhouse gases would make more economically efficient the fish processing industry which operates in the waters of Western Sahara, even after the European Parliament ended its fisheries arrangements on the coast of the territory in December 2011. Similarly, should the projects for cement and phosphate production be accepted, they would support businesses activity which the UN Legal Counsel in 2002 specifically stated to be in violation of international law in matters of mineral resource exploitation in Western Sahara.

In our letter of May 12 we proposed reforms to the vetting of CDM projects. In the case of Western Sahara, it may be that the soundest approach to prevent the funding of projects in occupied Western Sahara would be a definitive and principled refusal to consider them.

We call again for improvements to the Clean Development Mechanism vetting guidelines. We suggest such improvements will have application beyond Western Sahara, to requests for funding from states involved in international conflicts or ones presenting serious violations of international humanitarian law. As we have noted, the draft *Guidelines for Completing the Project Design Document form for Carbon Capture and Storage CDM Project Activities* could include criteria to identify projects in international conflict zones and areas which the UN has designated as non-self-governing for self-determination purposes.

We recommend again that the terms of reference for the CDM Accreditation Team and Accreditation Panel be amended to ensure a capacity for independent gathering of evidence about the impacts and desirability of a project from peoples in a proposed project area, independent of applicant organizations.

Taking into consideration the several potential CDM projects that could be presented before the CDM in the coming years, we respectfully ask whether the CDM will issue a statement declaring, already now, that it will not consider providing any funding for activities in that part of Western Sahara which continues to be illegally held by the Kingdom of Morocco.

We request this matter be placed before the CDM Executive Board at its next meeting. Please let us know about its disposition at your earliest convenience, and we look forward to hear whether you will issue a statement on the matter.

Yours sincerely,

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- c: His Excellency Christopher Ross,
Personal Envoy of the UN Secretary-General for Western Sahara

- c: His Excellency Wolfgang Weisbrod-Weber, Special Representative of the Secretary-General,
United Nations Mission for the Referendum in Western Sahara, MINURSO

- c: His Excellency Mohamed Abdelaziz, President of the Saharawi Arab Democratic Republic
Secretary-General, Frente Popular de Liberación de Saguía el Hamra y Río de Oro

- c: UN Global Compact

- c: Dr. Felix Ferlemann, Chief Executive Officer of the Wind Power Division, Siemens AG