

3 July 2013

Siemens AG  
Energy Sector  
Wind Energy Division  
Lindenplatz 2  
20099 Hamburg, Germany

To the attention of Mr Felix Ferlemann,  
CEO of Siemens AG – Energy Sector

**Regarding energy project in occupied Western Sahara. Seeking answers for publication.**

Dear Mr Ferlemann,

Further to our unanswered concerns regarding Siemens' involvement in the Fom el Oued wind farm project in occupied Western Sahara, Western Sahara Resource Watch (WSRW) is now writing to you following reports that Morocco's National Office for Electricity and Water (ONEE) considers Siemens as a pre-qualified candidate to construct five wind farms throughout Morocco as part of its Integrated Wind Program (IEP). The information about your company's interest in the tender is to be found on ONEE's webpage (<http://www.onee.org.ma/fr/pages/actua.asp?esp=2&id1=8&id2=70&t2=1&id=900>).

Under the IEP, five wind farms with a total power of 850 MW will be built throughout the country: in Tangiers, Boujdour, Tiskrad, Midelt and Jbel Hadid. It is our understanding that the winner of ONEE's tender will be granted the right to build all five farms.

However, two of those sites are not located in Morocco, but in the area of Western Sahara that Morocco has illegally occupied since 1975. Tiskrad, where ONEE envisions developing a 300 MW wind farm, is located 25 kilometres north of El Aaiun, the capital of the occupied Western Sahara. Boujdour, where ONEE is planning to erect a 100 MW wind farm, is located further down south in the territory.

As you know from our previous communication, Western Sahara is regarded by the United Nations as a Non-Self Governing Territory which still awaits decolonisation, and one without a legally accepted administering power in place. Its people, the Saharawi, have been accorded the right to self-determination - a right restated in now more than 100 UN resolutions, but the exercise thereof is continuously being blocked by Morocco. The war between the Kingdom of Morocco and Frente Polisario has resulted in a military division of the territory and a ceasefire that is being monitored by the UN.

Meanwhile, Morocco continues to trample the most basic human rights of Saharawi that live under the yoke of its occupation. Approximately 160.000 Saharawi refugees that fled during the war

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continue to live in inhumane conditions in Algerian refugee camps, located in the most inhospitable part of the Saharan desert.

The United Nations' legal opinion on economic activities in Western Sahara notes that two legal prerequisites be fulfilled in order for trade activities inside or affecting occupied Western Sahara to be permissible under international law: they must be in accordance with the wishes and to the benefit of the Saharawi people. This means that the Saharawi people must be consulted, consent to, and subsequently benefit from, any commercial and export activity in respect of Western Sahara's abundant natural resources.

Consequently, our organisation would be thankful for an answer to the following questions.

1. Is the information provided by ONEE correct, mentioning that Siemens wishes to take part in this tender?
2. Is Siemens aware of the inclusion of the territory of Western Sahara in the scope of the Integrated Wind Programme?
3. If so, how has Siemens assured itself of the consent of the Saharawi people, through their internationally recognised representative body, the Frente Polisario?
4. How does Siemens assess the potential acquisition of the bid, which would lead to constructing infrastructure on occupied land, with its position on socially responsible investment?

We do not believe it is in your company's interest to be associated with such business. We sincerely hope that you will refrain from undertaking activities on disputed land.

WSRW is currently writing a report about Morocco's plans for wind energy projects in the territory it illegally occupies. **We would be grateful for your response before 20 July 2013.** A reference to your reply will be made in the mentioned report, planned to be published not long after aforementioned date.

That report will also mention our previous attempts to solicit a reply from you regarding Siemens' participation in the construction of a wind farm in Fom El Oued, near El Aaiun, occupied Western Sahara. The questions sent in our first letter of 6 March 2012 are still left unanswered, including through the UN Global Compact mediated dialogue we have engaged in. We would still welcome a response to those questions, which are relevant more than ever. We repeat them here for your ease of reference:

1. Does Siemens consider the human rights compliance of its business partners to be relevant in the context of fulfilling the principles of UN Global Compact?
2. Does Siemens consider that the human rights impacts of sales agreements or of maintenance contracts are relevant in the context of assuring human rights within its sphere of influence?
3. Does Siemens consider it relevant to engage in talks with the local communities affected by the company's operations?

As always, we will be more than happy to provide you with any additional information that you may require to study this matter more closely, and look forward to a reply to our questions.

Thank you for your consideration and we look forward to hearing from you.

Sincerely,

Sara Eyckmans  
International Coordinator  
Western Sahara Resource Watch

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**Copy of this letter was sent to:**

- Mr. Georg Kell, Executive Director, Global Compact
- OECD National Contact Point, Germany
- Business and human rights department, Office of the UN High Commissioner for Human Rights
- Centre for Research on Multinational Corporations, the Netherlands

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A copy of this letter has been sent to:

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