

WSRW REPORT – NOVEMBER 2016

# POWERING

# THE PLUNDER

What Morocco and Siemens  
are hiding at COP22,  
Marrakech



**WSRW** WESTERN SAHARA  
RESOURCE WATCH



27 September 2016, hundreds of Saharawi refugees protested against the German company's construction of energy infrastructure in occupied Western Sahara.



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Saharawi Campaign Against the  
Plunder (p. 2), WSRW (p.5, 16,  
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# EXECUTIVE SUMMARY

## *Beware of what you are told about Morocco's efforts in the renewable energy sector.*

An increasing part of the renewable energy programmes that Morocco is promoting – even on the official COP22 website – are not taking place in Morocco at all, but in Western Sahara, which it illegally and brutally occupies.

Both the Moroccan government and a handful of renewable energy companies will actively market their efforts for the development of green energy solutions during the COP22 climate talks in Marrakech, 7-18 November 2016.

22 newly built mills by the German company Siemens supply 95% of the energy required for the highly controversial plunder of non-renewable minerals from Western Sahara. The green energy production is making Morocco's plunder of the territory even more lucrative.

Siemens and the Italian company Enel are those most heavily involved. They win Moroccan tenders in Western Sahara by partnering with the energy company owned by the king of Morocco. When the Moroccan royal palace – which regulates the energy market – receives large energy contracts in the territory, it comes at a high price for the UN peace process in Western Sahara. By exporting the energy to Morocco proper, the country and the royal family anchors its connection to the territory. Would the king be interested in a process of self-determination and decolonisation in Western Sahara when he, himself, is benefiting from the Moroccan army's illegal presence there?

The legal owner of the land, the Saharawi people, have never consented to the Moroccan projects. Half of the territory's original population has fled the country since Morocco invaded it in 1975. Leading opponents of socio-economic marginalisation of the Saharawis are serving life sentences in Moroccan jails.

This report details how Morocco plans to build over 1000 MW (megawatts) of renewable energy plants in Western Sahara. As of today, the controversial energy production from solar and wind sources in Western Sahara constitutes at most 7 percent of Morocco's total energy production from such sources. By 2020, the amount could be increased to an astonishing 26.4 percent.

Western Sahara Resource Watch demands the involved companies to terminate such infrastructure projects in Western Sahara with the Moroccan government, in order to not lay obstacles to the UN peace process.

### LIST OF ABBREVIATIONS:

CDM	<i>Clean Development Mechanism</i>
CJEU	<i>Court of Justice of the European Union</i>
DNV	<i>Det Norske Veritas</i>
EEM	<i>Energie Eolienne du Maroc</i>
FDE	<i>Fond de Développement de l'Energie</i>
GW	<i>Gigawatts</i>
MASEN	<i>Moroccan Agency for Solar Energy</i>
MW	<i>Megawatts</i>
OCP	<i>Office Chérifien des Phosphates</i>
ONEE	<i>Office National de l'Electricité et de l'Eau Potable</i>
SIE	<i>Société d'Investissement Energétiques</i>
SNI	<i>Société Nationale d'Investissement</i>
UNDP	<i>United Nations Development Programme</i>
UNFCCC	<i>United Nations Framework Convention on Climate Change</i>
WSRW	<i>Western Sahara Resource Watch</i>



# BUILDING MILLS FOR MINERAL PLUNDER

***22 Siemens windmills are today powering Morocco's entire phosphate exports from the occupied territory.***

***"The phosphate is sold by the state-owned Moroccan company OCP and it must be assumed that the revenues generated by the operation largely flow to the Moroccan State. In its present form, OCP's extraction of phosphate resources in Western Sahara constitutes a serious violation of norms. This is due both to the fact that the wishes and interests of the local population are not being respected and to the fact that the operation is contributing to the continuance of the unresolved international legal situation, and thus Morocco's presence and resource exploitation in a territory over which it does not have legitimate sovereignty"***

The Council of Ethics of the Norwegian government's pension fund, upon blacklisting of a client of OCP from its portfolio, 2015.

Nearly every week, a bulk vessel docks at the port of El Aaiún in occupied Western Sahara, loading and departing with a cargo of phosphate rock. For 40 years, Morocco has exported this non-renewable, strategic and valuable mineral, selling it to fertilizer producers overseas. The trade is not well received by responsible investors internationally. Several importers have ceased their purchases after learning of the controversies, and dozens of banks and pension funds have divested from companies engaged in the trade. The exports are in general seen as violating international law and the rights of the people of the territory to manage their own resources.<sup>1</sup>

Over 95% of the energy needed by the Moroccan state phosphate company, OCP, in El Aaiún is provided by a farm of 22 Siemens windmills, according to the phosphate exporter's own webpage.<sup>2</sup>

In other words, 22 Siemens windmills, claimed to be a 'sustainable' contribution to Morocco's energy demand, are today powering the entire controversial phosphate exports from the occupied territory. For the year 2015, WSRW estimated the income from the mine to be 167.8 million USD.<sup>3</sup> Due to the involvement of Siemens, the profit margin increases.

"Foum El Oued will be built in one of the windiest areas of Morocco in the municipality of Laâyoune, 9 km south east of the port of Laâyoune in Southern Morocco", a Siemens press release of January 2012 reads, announcing that the firm had obtained an order for the Foum El Oued farm.<sup>4</sup> The 22 mills happen to be located right next to the phosphate plant. Naturally, the town is not in Morocco, but in Western Sahara. 'Laayoune' is the Moroccan spelling of the Saharawi capital city.

"Foum El Oued is located in a region that according to the United Nations is currently subject to a UN mission", Siemens added to the press release in September 2012, after WSRW had asked the company not to enter in contracts for infrastructure on occupied land. The press release is still there, on the Siemens website, claiming that the farm is in Morocco.

The electricity generated at Foum El Oued is used for three main functions: the extraction of the phosphate rock; its transport over a 100 km long conveyor belt to the port and sea water desalination.<sup>5</sup> Siemens' Moroccan partner Nareva confirmed that the Foum El Oued wind production was destined for OCP<sup>6</sup>

As if this is not enough, Siemens has even larger projects in the pipeline.

In December 2015, Moroccan media announced that a Danish division of the German multinational company Siemens, Siemens Wind Power, had been accorded a contract to construct five wind farms in Morocco.<sup>7</sup> However, two of those planned farms will be outside of Morocco's internationally recognized borders: in Western Sahara (see page 8-9).

While waiting for the two new large farms to be constructed, the Siemens fans are spinning in El Aaiún, to the benefit of the Moroccan state phosphate company. One single shipment of phosphates can be worth as much as a third of the entire annual humanitarian aid to the refugees from Western Sahara, who are the owners of the mineral.

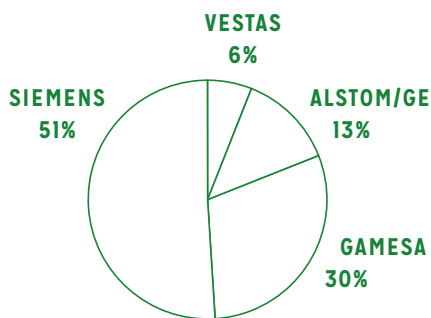




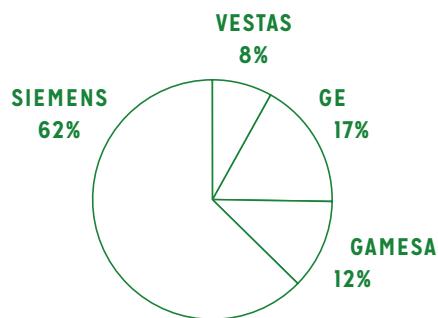
On 8 October 2016, the vessel SBI Flamenco was seen sailing into the port of Klaipeda, Lithuania, containing approximately 75,000 tonnes of phosphate rock from a mine in occupied Western Sahara. The Saharawis see their national wealth disappear, while Siemens is making it all the more profitable.

- **ALREADY CONSTRUCTED**
- **CURRENTLY IN PROGRESS**
- **PLANNED IN THE "INTEGRATED WIND ENERGY PROGRAMME"**

**TOTAL MARKET SHARES OF WIND TURBINE SUPPLIES IN MOROCCO, INCLUDING IN OCCUPIED WESTERN SAHARA:<sup>9</sup>**



**IN 2016,  
OPERATIONAL FARMS**



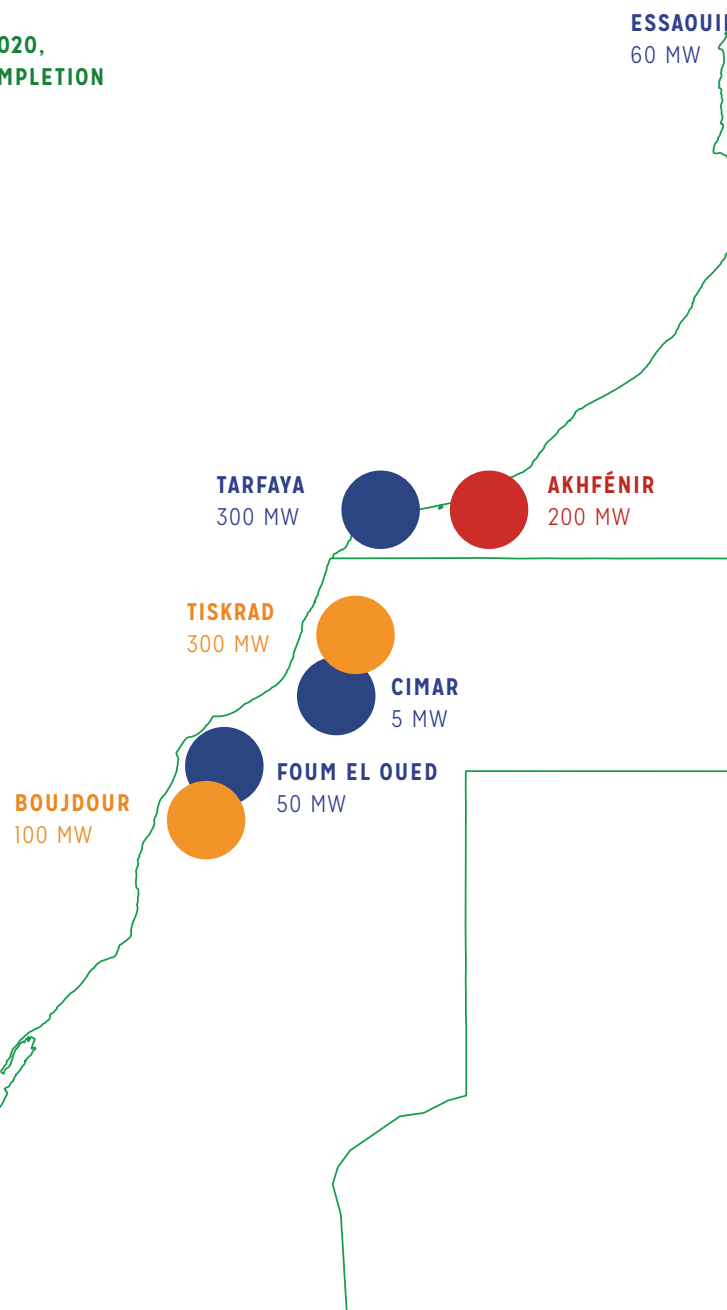
**IN 2020,  
AFTER COMPLETION**

**TISKRAD (300 MW)**

- Commissioning expected in 2018.
- Carried out by Siemens Energy, Enel Green Power and Nareva Holding.
- Part of Morocco's 850 MW 'Integrated Wind Energy Program'.
- The contract consists of development, financing, construction, operating and maintenance of the site, under a Build, Own, Operate and Transfer (BOOT) scheme.

**BOUJDOUR (100 MW)**

- Commissioning expected in 2020.
- Carried out by Siemens Energy, Enel Green Power and Nareva Holding.
- Part of Morocco's 850 MW 'Integrated Wind Energy Program'.
- The contract consists of development, financing, construction, operating and maintenance of the site, under a Build, Own, Operate and Transfer (BOOT) scheme.







# MASSIVE WIND PLANS

Morocco has massive plans for building windmills in occupied Western Sahara.

In 2010, the government decided to double its national wind energy production through developing an additional 1000 MW by 2020. 40% of that added capacity, or 400 MW, is to be developed within the occupied area.

From what WSRW can calculate, the share of the Moroccan production of green energy in Western Sahara is today around 55 MW out of 787 MW, corresponding to a total of 7 percent.<sup>10</sup>

The boom in such infrastructure in the occupied territory increases particularly as a consequence of what the Moroccan government refers to as the 'Integrated Wind Energy Program'.<sup>11</sup>

The Integrated Wind Energy Program includes the construction of six wind farms, to be developed in two phases.<sup>12</sup>

The first phase is already in progress, and will be carried out in Morocco proper, in Taza.<sup>13</sup> The second phase consists of the construction of the remaining five wind farms with a cumulative capacity of 850 MW.<sup>14</sup>

Two of the five wind farms in the 850 MW project are located in occupied Western Sahara. In Boujdour, a farm with a capacity of 100 MW will be built. In Tiskrad, near El Aaiún, a 300 MW wind farm is to be constructed. This means that nearly half of the 850 MW capacity developed under the project will be located inside the part of Western Sahara that is occupied by Morocco.

In early 2012, the Moroccan agency for electricity, ONEE, launched an international tender, inviting companies to express their interest in a bid to construct the five wind farms under the second phase. In March 2016, ONEE officially announced that out of the six competing consortia, Siemens Wind Power, in grouping with Enel Green Power and Nareva, had been awarded the \$1.2 billion contract.<sup>15</sup> Both Siemens and Enel referred to the entire project as located in 'Morocco', failing to distinguish between Morocco and the land it illegally occupies.

Siemens, Enel and Nareva are thus contracted to build all five wind farms of the project, including two in occupied Western Sahara. The entire project will

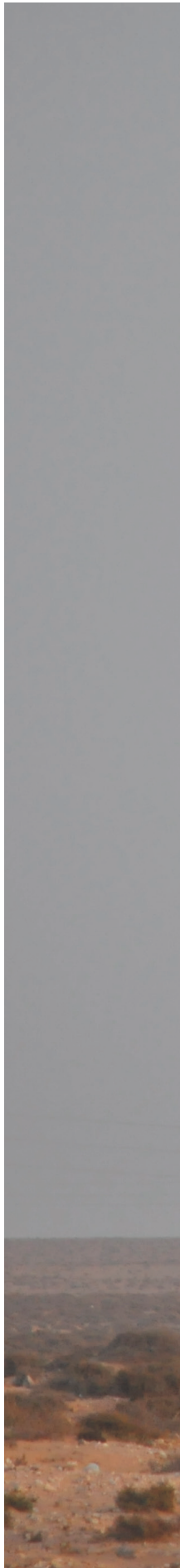
be structured under a 'Build Own Operate Transfer' scheme (BOOT) and will be carried out under a public private partnership with ONEE, the Energy Investments Company (SIE) and the King Hassan II Fund, which are all state-owned. ONEE will buy all the generated electricity through a 20-year contract.<sup>16</sup>

Nareva stated that the consortium won the tender because their bid was the cheapest, at an alleged 309 Dirhams per MW.<sup>17</sup> As part of the deal, which was reportedly judged on both price and plans for local manufacturing, Siemens officially announced in March 2016 that it would build a rotor blade factory for wind turbines in Tangiers, northern Morocco.<sup>18</sup> This constitutes an investment of €100 million.<sup>19</sup>

Commissioning of all five wind farms, including the two on occupied land, is expected in the period 2017-2020. The entire program is part of Morocco's ambitions to have 42% of its electricity capacity come from renewable resources by 2020. With regard to wind energy, the objective is to reach 2000 MW capacity by that time. Almost a quarter of that target capacity will come from wind farms in occupied Western Sahara. By 2020, the share from the occupied territory will have increased from its current 7% of Morocco's total capacity, to 22.75% in 2020. Clearly, Western Sahara will play an important role in Morocco's wind energy plans.

For 2030, Morocco has set itself the target of achieving 5000 MW installed wind power capacity. In view of this ambitious goal, the Moroccan government will propose more large- and medium-scale wind projects in the coming years – including in the territory of Western Sahara.<sup>20</sup>

Siemens built 22 windmills that supply all energy needed for Morocco's illegal plunder of phosphates. This is what the Foum El Oued 'phosphate windmill' park looks like, as of October 2016. It can be viewed on this location on Google Earth: [www.goo.gl/sDCiOZ](http://www.goo.gl/sDCiOZ). However, this mill is only one of several to be built in the territory.







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# THE PALACE

CA. 74%  
OWNERSHIP

## SNI

100%  
OWNERSHIP

## NAREVA

75%  
OWNERSHIP

## EEM

"Morocco will remain in its Sahara, and the Sahara will remain part of Morocco, until the end of time."

King Mohammed VI, 6 November 2014, here seen on display in the town of Dakhla, in the occupied territory.<sup>21</sup>

The palace has a double role in the wind sector.

THE

MILL



The king of Morocco is not only the military, political and religious leader of Morocco. During his reign, he has built up a massive wealth, in a country ridden with poverty. The problematic double role of the royal family – being both regulator and owner – is visible in numerous business sectors.

#### Such as renewables:

- On 26 December 2015, the Moroccan government received ‘royal instructions’ from Fouad El Himma - the king’s senior advisor - to distance itself from all national strategies for renewable energy, which is now the sole responsibility of the Palace.<sup>23</sup>
- The royal family owns 74% of the shares in the large private holding company *Société Nationale d’Investissement*, or, SNI, which in turn owns the renewable energy company Nareva.<sup>24</sup>
- Nareva wins tenders in Morocco and Western Sahara. Out of six consortia that applied for the tender in Western Sahara under the large Integrated Wind Energy Program, Nareva emerged as winner, in partnership with Siemens and Enel. The announcement was made in March 2016.

**“From an ownership standpoint, the very existence of SNI is a challenge to Morocco’s Constitution, of which article 36 forbids ‘conflicts of interest [and] all practices contrary to the principles of fair and free competition.’ In a country where the king is the supreme administrative and judiciary authority, are his corporations really held to the same standards as the other ones?”**

Le Monde, 10 February 2015 <sup>22</sup>

A leaked cable from the USA embassy in Rabat, dated December 2009, comments on the far-reaching commercial interest and influence of the king and of his advisors in the Moroccan economy. A former US Ambassador described it as “the appalling greed of those close to King Mohammed VI”. “Morocco’s major investment decisions were in reality made by three individuals in the Kingdom: Fouad El Himma the former

Deputy Minister of Interior who now heads the Party of Authenticity and Modernity, Mohamed Mounir Al Majidi who is the head of the King’s private secretariat, and the King himself.” “This phenomenon seriously undermines the good governance that the Moroccan government is working hard to promote”, the cable concluded.<sup>25</sup>

In this manner, the royal family controls sectors such as finance, agriculture, property and telecom. This allows money to trickle up from the Moroccan people to the king, in a rather dysfunctional market economy. Most of the royal wealth is

generated through the conglomerate, SNI, which has a total value equaling 7% of Morocco’s entire GDP.<sup>26</sup>

Nareva is born out of this structure. In March 2010, SNI absorbed and subsequently disposed the company Omnium Nord Africaine Group (ONA), an industrial and financial group owned by the king to manage its activities in the energy and environment sector. It was originally ONA which created Nareva in 2006.<sup>27</sup>

There are also often intricate links between the body that hands out the contracts in Morocco on the one side and the companies that receive them on the other. It tends to circle around the royal family.

Since 2006, Nareva has been led by Ahmed Nakkouch, the former director of ONEE (which is the agency that decides the tenders on renewable energy). Nakkouch is said to enjoy the ‘complete trust’ of SNI.<sup>28</sup> Nakkouch’s résumé also includes a stint at OCP, as director of the division for exploitation of open mines.<sup>29</sup>

When Nakkouch left ONEE, his position as CEO was taken over by Ali Fassi Fihri, brother of the king’s advisor and former Foreign Affairs Minister Taïeb Fassi Fihri.<sup>30</sup>

Ali Fassi Fihri also belongs to the inner circle of Mounir Majidi, who is both the king’s Secretary and head of Siger – the main SNI-holding company. Another substantial holder is the Ergis Holding. Both Siger and Ergis – anagrams of regis, Latin for King – belong to the royal family. Something that is public knowledge in Morocco, and admitted by the Palace’s own lawyers.<sup>31</sup>

Nareva today exploits a substantial number of the wind farms in Morocco proper, but it also holds ownership of all operational and planned wind plants in Western Sahara. The only exception is the 5 MW CIMAR plant, which is privately owned by Ciments du Maroc and provides electricity to their El Aaiún-based factory. The Fom el Oued farm is exploited by *Energie Eolienne du Maroc* (EEM), a 75% subsidiary of Nareva that was set up in 2010.<sup>32</sup>

The two wind farms that are planned under the Integrated Wind Energy Programme, in Tiskrad and Boujdour, will also be part of Nareva’s portfolio. Through Nareva, the Moroccan king thus owns nearly all current and planned wind farms in the territory he holds under military occupation, in violation of international law.

Remarkably, Morocco’s interest in the wind potential of Western Sahara dates back to the time when former monarch Hassan II had ordered the construction of a farm complete with greenhouses near Dakhla, in the southern part of the territory. Given the difficulty of supplying that remote farm with the necessary electricity, the Tiniguir farm – now also known by the brand name Les Domaines – became an experimental site in 1994 showcasing a 55 kw wind turbine.<sup>33</sup>

# AFRICA'S LAST COLONY

## 1960

The UN adopts resolutions 1514 (XV) and 1541 (XV) on the independence for colonial countries and peoples.

## 1966

The UN urges the colonial power Spain, under UN supervision, to hold a referendum in Western Sahara in accordance with the right to self-determination.

## 1975

A UN investigation commission that had visited Western Sahara finds full support for independence. No factions supporting the territorial demands of neighboring countries been encountered.

The International Court of Justice states that the territory belonged to neither Morocco nor Mauritania prior to Spanish colonization.

Morocco and Mauritania invades the territory. Half of population was forced to flee in the coming months. Condemnation by the Security Council.

## 1976

Spain formally withdraws, without having fulfilled its obligations. The liberation movement Polisario declares the Sahrawi Arab Democratic Republic (SADR).

Western Sahara is not part of Morocco. The UN considers it a Non-Self-Governing Territory – a territory that is yet to complete the process of decolonization.

It is a basic requirement of international law that development in a Non-Self-Governing Territory such as Western Sahara cannot be undertaken unless there is consent from the people of the territory and the benefits are directed towards them. A legal opinion issued by the UN Legal Office in 2002 specifically addressed these issues.<sup>35</sup> In October 2015, the UN Committee overseeing States' implementation of the Covenant on Economic, Social and Cultural Rights expressed its concerns that the Saharawis are indeed particularly affected by poverty. The

Committee urged Morocco to respect the Saharawis' right to prior, free and informed consent with regard to the exploitation of their resources.<sup>36</sup>

The African Union issued in 2015 a Legal Opinion concluding that "the people of Western Sahara and their legitimate representatives must not only be consulted but they must consent and effectively participate in reaching any agreement that involves the exploitation of natural resources in the territory of Western Sahara".<sup>37</sup> The AU Peace and Security Council has condemned the exploitation of Western Sahara's natural resources, calling it "a hostile act likely to perpetuate the conflict and colonialism in

Western Sahara".<sup>38</sup> It indicated that companies working in Western Sahara will not be welcome in other AU Member States.<sup>39</sup>

No states in the world recognize today the Moroccan claims on the territory. One of Spain's highest court concluded in 2014 that Spain is still formally the administering power, as it never decolonized it properly.<sup>40</sup> The Court of Justice of the European Union has echoed that statement in December 2015, asserting that Western Sahara "is not included in the recognized international frontiers of [Morocco]". As a consequence it ordered the application of the EU-Morocco agriculture agreement in Western Sahara to be annulled.<sup>41</sup>

## 1979

Mauritania withdraws and Morocco invades the area previously under Mauritanian control. The UN condemns the extension of the Moroccan occupation.

## 1991

Ceasefire. The parties agree to organize a referendum on independence and the UN Mission for The Referendum in Western Sahara (MINURSO) is sent to the territory.



# 2016

For the second year, Morocco rejects visits to Western Sahara of the UN Special Envoy into Western Sahara. Morocco denies UN Secretary-General access into Western Sahara and unilaterally expels 74 of the UN staff.

In April, 5 of the 15 states in the UN Security Council abstains or votes against a resolution on Western Sahara. It is the resolution with least support for three decades, in any conflict. The mandate of the MINURSO operation is extended, remaining one of very few internationally without the possibility to report on human rights violations. French support to Morocco took away all critical reactions vis-à-vis Morocco.

In August, Morocco violates the ceasefire, by sending troops into territory not yet occupied.



# 2007

Negotiations start between the parties. Morocco delays the talks. 8 years later, the UN Special Envoy expresses his frustration that Morocco does not wish to negotiate.

# 2000

MINURSO's lists of eligible voters are concluded. After 8 years of delays, Morocco states it does not want referendum after all.

## SUPPRESSING PROTESTORS

In 2015-2016, the phosphate sector in Western Sahara – which the Siemens mills are providing the energy for – was a target of increasing Saharawi protests. The state owned phosphate company OCP had promised the creation of 500 jobs in the local phosphate plant - an enlargement that was possible because of the reduced electricity costs through the Fout El Oued wind farm. It quickly became clear that these new positions would not be accessible to Saharawis; as an already marginalized minority in their own land, many Saharawis cannot afford higher education – the main qualification criterion for the new jobs. Youth protests in demand of jobs and a decent living quickly spread through the territory. As is sadly standard practice, all Saharawi protests are indiscriminately met with disproportionate violence on the part of the Moroccan police and security forces.<sup>42</sup> Some civil society activists who advocated the socio-economic rights of the Saharawi people have been sentenced to life-time in prison.<sup>43</sup>

# WSRW'S CONCERNS

## Morocco's energy infrastructure on occupied land:

- Gives an aura of legitimacy to Morocco's annexation of the territory in circumstances that continue to delay the Saharawi people's exercise of self-determination and undermine the UN peace process;
- Involves large foreign companies in an already complex conflict dynamic through the construction of physical infrastructure inside occupied Western Sahara;
- Will, because of increased electrical capacity in the territory, allow additional Moroccan settlers to remain in Western Sahara. Worryingly, it appears that part of the electricity is intended for export to Morocco's national grid itself. In turn, Morocco becomes even more economically connected to, and dependent on, the territory it has occupied;
- Risks reducing the motivation of the king of Morocco to engage with the UN in the decolonization process, because of his direct financial interest in the continuation of the stalemate;
- Contributes to Morocco's taking of natural resources from Western Sahara, in violation of international humanitarian law. Energy obtained through these wind farms makes such industries more economically efficient;
- Will not create benefits for the Saharawi people who live in refugee camps in Algeria. The majority of this population has only limited access to electrical power, with resulting problems in terms of safety, food hygiene, education and limited social activities.



In March 2016, Ban Ki-Moon visited Saharawis in the parts of Western Sahara not under Moroccan occupation. Neither Ban Ki-Moon nor the UN special envoy are welcome to the occupied parts of the territory by the Moroccan government. No states in the world recognize Morocco's groundless claim to the land. As the last unresolved colonial issue in Africa, the Saharawi people have a right to self-determination.





***“The Kingdom of Morocco does not have any mandate granted by the UN or by another international body for the administration of Western Sahara.”***

Judgment of the General Court of the European Union,  
10 December 2015<sup>44</sup>

#### **INVESTORS TURNED OFF**

European institutions have been clear: they do not want to fund energy projects in the occupied territory. The European Investment Bank, the EU and the German-government owned development bank KfW, have explained that they will not finance projects located in Western Sahara.

The 5 wind farm-package deal obtained by Siemens in 2016 comes at an alleged price tag of an estimated €1.24 billion. At the time when ONEE issued the tender for this 850 MW project, it boasted having solicited the financial support of institutions such as the European Investment Bank, the European Commission, the German institution KfW and the African Development Bank (AfDB). Moroccan media reported that the loans had already been secured well in advance of the tender.<sup>45</sup>

However, the funding structure of the parks in Western Sahara was not as Morocco claimed them to be.

“If we support those investments, it would look like we are supporting the Moroccan position. We are neutral regarding that conflict,” one bank source told Reuters.<sup>46</sup>

“We have never supported any project in that territory (Western Sahara), and we won’t, although the Moroccan solar plan means a lot for us”, another told.

KfW, which has had many plans for the renewable energy in Morocco itself, has in detail explained the measures it has taken to avoid its support to Morocco’s energy projects being used by its Moroccan counterpart for projects in Western Sahara.

“KfW Development Bank, like other donors, will only finance project executing agencies in Tanger II, Jbel Lahdid and Midelt, i.e. outside Western Sahara. Financing structure, financial flows and accounts are separated between the different project sites in order to ensure a clear distinction. This clear and strict separation holds true for all our financings, see also the PVI-program where we provide financing only for the Noor Ouarzazate project, but not for the two sites Boujdour and Laayoune”, KfW wrote to WSRW in 2016. Funding from the European Commission and the European Investment Bank have also only been awarded to the sites in Morocco proper.<sup>47 48</sup>

Instead, Moroccan private banks seem to have entered the scene to offer their support. WSRW has so far identified two such banks having provided funds to Morocco’s plans. Banque Populaire brags about its support to Fom El Oued “in the south” of Morocco in its Corporate Social Responsibility Report.<sup>49</sup> BCME has also allocated funds.<sup>50</sup>

Private banks are said to contribute between 70 and 80 percent of Nareva’s projects, while SNI has chipped in the rest.<sup>51</sup> “The payback period on the investment [...] is more than ten years”, stated Nareva’s CEO.

The African Development Bank, originally mentioned as a possible funder in 2012, has failed to respond to WSRW requests.



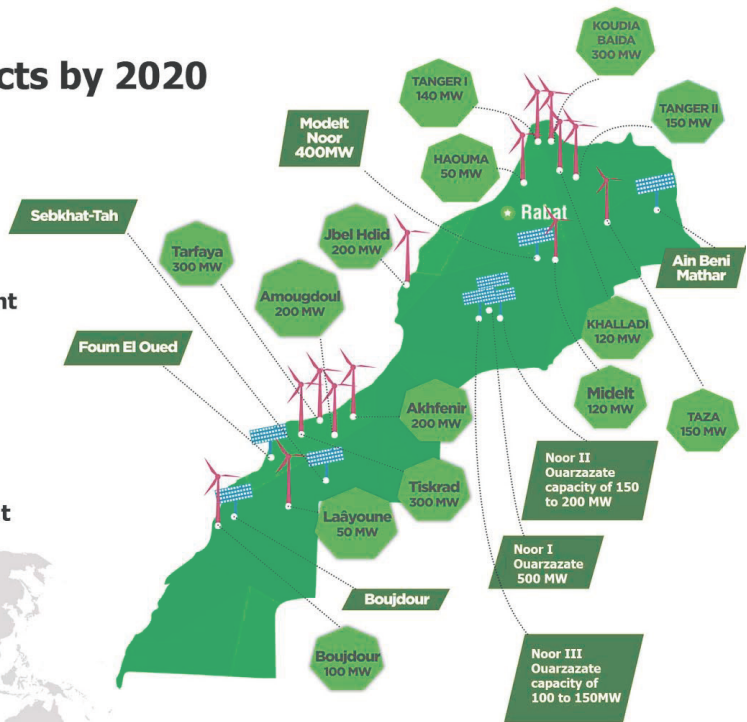


MARRAKECH COP22/CMP12  
UN CLIMATE CHANGE CONFERENCE 2016

## Morocco Energy Map Wind and Solar Projects by 2020

**2000 MW**  
installed capacity  
**6600 GWH**  
of electricity production  
**34.5**  
billion dirhams of investment

**2000 MW**  
installed capacity  
**4500 GWH**  
of electricity production  
**89.4**  
billion dirhams of investment



Visitors to COP22, will see this map on the official website [www.cop22.ma](http://www.cop22.ma).<sup>52</sup> The map has almost doubled the size of the Moroccan territory, in relation to UN maps.



It looks green, but it is not. EEM is a subsidiary of Nareva, a subsidiary of SNI, controlled by the Moroccan palace. The UNFCCC has not wanted to a priori disqualify the king's projects on the land he occupies. Image shows wind turbine components being delivered for the Foum El Oued farm in El Aaiún harbor in March 2013.

# UNFCCC – WORST IN THE UN CLASS

While other bodies of the UN family explicitly state that they cannot support projects in Western Sahara, as the UN is trying to negotiate peace in the territory, the United Nations Framework Convention on Climate Change (UNFCCC) turns a blind eye to the whole question.

In 2015, it was announced that UNFCCC had decided to accept Marrakech, Morocco as the location for the 22nd Conference of the Parties (COP22). But this picturesque venue comes at a high price. Allowing the Moroccan government to host the world's most important climate platform provides them with a unique opportunity to market and showcase their controversial green energy infrastructure projects on occupied land – land that is subject to a UN peace process, no less.

The COP22.ma website, set up by the Moroccan Ministry for the Environment, advertises what are called 'Morocco's flagship projects'; Morocco's renewable energy projects inside its national territory, but also in occupied Western Sahara. All underneath the COP22 logo.<sup>53</sup> COP22.ma is referred to by the Moroccan government on the website of UNFCCC as the official site of the COP22 meeting.<sup>54</sup>

It is not the first time that the UNFCCC has come close to greenwashing the brutal occupation. In 2010, Nareva Holding had requested carbon credits from the UN Clean Development Mechanism (CDM) for the Fom El Oued wind farm.<sup>55</sup> However, in January 2012 the certifying company DNV (Det Norske Veritas) turned down the proposal before it came to the CDM for approval. A DNV spokesperson stated that the firm originally believed that the wind farm was to be built in southern Morocco, but after a while began to suspect that this was not the case.

"When we visited the project, it became clear that our suspicions were justified. It was therefore fairly simple on our part. In January [2012] we disclosed that we would be negative to the project", the spokesperson told the media.<sup>56</sup>

CDM subsequently decided to cancel the project in April 2012. A year later, the Verified Carbon Standard (VCS) registered the Fom El Oued wind farm on the private carbon market instead, after having received a positive appraisal by the certification company SGS UK Ltd.<sup>57</sup> Fom El Oued wind farm can thus obtain carbon credits, which can be traded in for hard cash, through the voluntary carbon market which is less regulated than the UNFCCC and Kyoto-underpinned compliance market.

UNFCCC wrote to WSRW that it does not intend to reject *a priori* all applications located in Western Sahara.<sup>58</sup> That is in contrast to other UN bodies. UNDP has expressly stated that it does not intend to support programs south of the internationally recognized border between Morocco and the territory the kingdom annexed in 1975. All of UNDP's agreements with the Moroccan government "explicitly state that the projects' activities are restricted to particular localities north of the UN line" and "are limited to the internationally recognised borders of Morocco".<sup>59</sup> The World Bank stated that it will not support projects in Western Sahara.<sup>60</sup> Similarly, UNESCO has stated that it will not support projects in Western Sahara as that would run counter to its obligation to adhere to the Resolutions of the UN Security Council on Western Sahara.<sup>61</sup>

The UNFCCC thus seems to deviate from the rest of the UN family, and now risks being misused for the promotion of infrastructural programs by an occupying regime in a territory in which the UN is trying to negotiate a solution respecting the rights of the Saharawi people to determine for their own future.

"Please be assured that the secretariat is fully cognizant of, and abides by, the relevant United Nations resolutions and policies on the matter of Western Sahara", UNFCCC stated in a letter to WSRW on 9 October 2016.<sup>62</sup>

***"Any references by Parties to the Convention to projects or activities made in the context of the UNFCCC process or containing references to it do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations or of the UNFCCC concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries."***

UNFCCC, regarding Morocco's COP22 propaganda, 9 Oct 2016

# THE EU CONNECTION

The EU, a net energy importer, has set itself the mid-term target of a 27% renewable share by 2020.<sup>64</sup> Whereas that goal could be reached through harnessing indigenous renewable energy sources, the Union may need to tap into external sources in order to further decarbonize its energy supply in view of the 2050 horizon.

Morocco, which has become a frontrunner in the renewable energy race, would make an ideal partner.

Euro-Mediterranean energy cooperation is on the EU's agenda in the context of creating an EU Energy Union and of revising the EU Neighbourhood Policy. The migration crisis and energy security concerns during the Crimea crisis have underlined that developments in southern Mediterranean countries are important to the EU. The idea of securing alternative energy suppliers, while helping to stabilize the southern Mediterranean, is well received among the 28 Member States.<sup>65</sup>

There is already one functional interconnection between Morocco and Europe, connecting Tarifa (Spain) to Fardioua (Morocco). At present, it consists of three submarine cables operated jointly by Red Eléctrica de España and ONEE.<sup>66</sup> Today the cables are used to export energy from Spain to Morocco to help meet the country's power shortfall.

Whether a reversed supply is achieved remains to be seen. The Desertec project, a German-industry backed plan to source 15% of Europe's energy from North African desert solar by 2050, had collapsed by 2014. One of Desertec's founding partners was Siemens. The Mediterranean Solar Plan, a crown jewel of the intergovernmental Union for the Mediterranean, envisioning closer energy cooperation between the northern and southern Mediterranean countries, was de facto dissolved in 2013 due to lack of political support.<sup>67</sup>

But the ambition of exporting energy to Europe is still on Morocco's bucket list. If it were to become a reality, then the EU would be tapping into an energy supply that is built upon Morocco's illegal presence in Western Sahara.

Morocco can also not be viewed as a secure provider, as the EU would be at the mercy of Morocco's capricious whims. In early 2016, Morocco froze all relations with European institutions, including its cooperation in several multi-million programs such as counter-terror exercises, because the CJEU had ordered the annulment of the EU-Morocco trade deal in so far as it was applied to Western Sahara.<sup>68</sup>







***“Our aim is to produce enough energy so that we can export it to Europe.”***

Hakima El-Haite, Moroccan Minister of Environment,  
December 2015 at COP21<sup>63</sup>

## **MOROCCAN NATIONAL STRATEGIES**

The latest projections of the Moroccan government estimate an annual increase of 5% in energy needs, caused in part by transformations in agriculture, phosphate sector and transportation infrastructure.<sup>69</sup> Had it not been for choosing to place a large part of their projects outside of their own national territory, Morocco’s efforts would have been impressive.

The country has taken several measures for renewable energy. In 2008, Morocco launched the National Renewable Energy and Energy Efficiency Plan, which aims to generate 42% of the country’s domestic needs from renewable energy by 2020. This renewable energy cocktail will come from solar, wind and hydropower sources. The legal framework to produce, market and export renewable energy was enacted in 2009, and has come to be known as the renewable energy law.<sup>70</sup> It also opened for industrial end users using wind-energy, happened in the Western Sahara cases. At COP21, Morocco’s monarch Mohammed VI announced the target of covering 52% of the national demand by clean energy by 2030.<sup>71</sup>

The Moroccan government has set up an investment company to financially support its plans: the Energy Investment Corporation (SIE), which has a 1 billion Dirham capital (approximately 100 million USD; 71% from the State, 29% from the Hassan II Fund for Economic and Social Development<sup>72</sup>). Financial resources are also being mobilized under the Energy Development Fund (FDE), a financing institution that was created in 2009 and serves as a central pillar of the government’s strategy to enhance energy security and pursue low-carbon growth. The FDE has received donations from Saudi Arabia, the United Arab Emirates and from the Hassan II Fund.<sup>73</sup>

The UN operation in Western Sahara is the only established since the 70s, with no mandate to monitor human rights.



Siemens 'phosphate mills' just arrived to El Aaiún harbor, March 2013, to be installed for use at the Moroccan government's illegal phosphate mine in the occupied territory.

***“Wind farms are fundamentally different from, say, mines, which extract finite resources in an irreversible way. The wind in Western Sahara, in contrast, is a renewable source of energy, and the operation of wind farms in no way diminishes it.”***

Siemens, to WSRW on 11 October 2016<sup>74</sup>

***“Out of the five projects, Midelt (150 MW), Tanger (100 MW) and Jbel Lahdid (200 MW) are located in northern Morocco while Tiskrad (300 MW) and Boujdour (100 MW) are located in the country's south.”***

Enel Green Power, as it won a tender with Siemens and Nareva, 10 March 2015.<sup>75</sup>



# SILENT COMPANIES

Trying to get an answer from **Siemens** is a marathon exercise.

Western Sahara Resource Watch first contacted Siemens on 6 March 2012 regarding human rights principles which the company claimed to support.<sup>76</sup>

On 10 May 2012, Siemens sent WSRW a letter containing a public statement it had issued on 2 April 2012. The statement explains that Siemens “does not intend to make a political statement on the status of the region. Regardless of political disputes, we believe that a working infrastructure will help to improve the economic conditions, and as a consequence the situation of the people in the West Sahara.”<sup>77</sup>

“The participation of Siemens in this project is permissible under the applicable laws and regulations and does not infringe on the right of self-determination or any other human right in public international law”, Siemens wrote regarding Fom el Oued.

19 June 2012, 20 December 2012, and 3 July 2013, WSRW sent letters to Siemens regarding human rights and what the company had done to seek the consent of the Saharawi people.<sup>78</sup> The letters were not responded to. The last letter sent to Siemens was in September 2016.<sup>79</sup>

11 October 2016, Siemens wrote to WSRW saying it did not want to relate to the status of Western Sahara, thus also not going into WSRW’s question regarding the rights of the Saharawis. Their reply suggests they have not even tried to find out the context in which the mills are operating, nor that the energy supplies near *all* the energy to Morocco’s controversial mining sector in the territory.

“We also believe that wind farms are fundamentally different from, say, mines, which extract finite resources in an irreversible way. The wind in Western Sahara, in contrast, is a renewable source of energy, and the operation of wind farms in no way diminishes it”, Siemens wrote.<sup>80</sup>

“Your questions that deal with the legal and political status of Western Sahara deal with matters of international public law. It is, therefore, the responsibility of the subject of international public law (such as international bodies, states and others) to deal with these matters. The views of NGOs are, of course, also of great value. Companies like ours, on the other hand, refrain as a matter of policy from taking positions or making judgements on such issues”, the company wrote.

Already when Enel’s subsidiary **Enel Green Power** was bidding in the tender, on 3 July 2013, WSRW sent the company a letter, asking them to withdraw. WSRW never received a response.<sup>81</sup> WSRW sent a new letter to the company on 27 September 2016.<sup>82</sup> Just as three years earlier, WSRW inquired whether Enel had sought the consent from the Saharawis.

“The Enel Group’s policy is not to take any position on political matters. We are therefore unable to respond to

questions on such topics as territorial sovereignty”, Enel Green Power, replied on 10 October 2016.<sup>83</sup>

Based on that answer from Enel – stating it does not want to take position on political matters – WSRW responded on 11 October 2016, asking why the firm had then chosen to start operating in occupied Western Sahara with the Moroccan king’s energy company, and on top of that referring to the location as “Morocco”.<sup>84</sup> At the time the report was sent to printing, WSRW was still awaiting a response. The company has offered to meet.

WSRW in 2013 contacted **Nareva** through all addresses we had found the company to provide externally, including in project descriptions submitted to UNFCCC in order to be eligible for carbon crediting. However, all emails sent have bounced back.<sup>85</sup> The company does not have a website.

## Other companies involved on the Fom el Oued “phosphate mills”

- In 2013, the Italian company **Enerlog** took part in the mounting of the 22 wind turbines.<sup>86</sup>
- German company **Lahmeyer International** were key in leading the project and in providing technical expertise, from the beginning. Lahmeyer, in turn, subcontracted Turkish company **IKA Enerji** for the supervision of the construction from December 2012 to June 2013<sup>87</sup> and the Moroccan project management and engineering company **Techniprojet** for electric engineering.<sup>88</sup>
- The French company **Alstom** (whose power division was later acquired by General Electric) has supplied equipment.<sup>89</sup>
- The French **Groupe VINCI** took part in the construction work, with equipment from Basque/Spanish **Ormazabal**.<sup>90</sup>
- **Dutch, German and UK** vessels may have been involved in the transport of wind turbine parts from Denmark and Portugal to the El Aaiún harbour.
- **Global Wind Service**, from Denmark, “supported Siemens Morocco with a number of experienced painters and fibre technicians”.<sup>91</sup> WSRW asked for clarifications, and has not received answer.<sup>92</sup>
- The Moroccan companies **Delattre Levivier Maroc** and **EuroGrues Maroc** produced the towers for the mills and supplied the cranes, respectively.<sup>93</sup>



# SOON

Morocco's solar plants in Western Sahara have not even begun. So far, there is only wind mills. The wind farm at the CIMAR cement factory in El Aaiún are the only one of the current and planned operations in Western Sahara not controlled by the king's company Nareva. This image was taken in September 2016.



# SOLAR



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Morocco's renewable energy aspirations in Western Sahara are not limited to wind energy. The Moroccan Solar Plan was announced in November 2009, in the presence of the Moroccan king and then US Secretary of State Hillary Clinton.<sup>94</sup> The project aims to achieve an installed capacity of 2000 MW by 2020 spread over five sites. Two of those sites are located in occupied Western Sahara, and will together provide 30% of the total envisioned capacity of the Moroccan Solar Plan.

The Boujdour site will host a solar thermal plant of 100 MW capacity, which is referred to as Noor Boujdour.<sup>95</sup> At the Fom El Oued site, just south of Western Sahara's capital city El Aaiún, a 500 MW solar plant will be constructed on a surface area of 5,700 hectares. That plant, now also referred to as Noor Laayoune, will be connected to the grid providing electricity to Agadir and El Aaiún.<sup>96</sup>

The Moroccan Agency for Solar Energy (MASEN) has already issued a tender for the first phases of both these plants. The so-called Noor PV I project will include the construction, operation and maintenance work of a total of 170 MW in three sites: 70 MW at Ouerzazate (in Morocco proper), 80 MW at El Aaiún and 20 MW at Boujdour. MASEN has pre-qualified no less than 20 consortia, grouping together 37 international companies.<sup>97</sup> One of those companies is Enel Green Energy, which is running by itself.

Through the planned wind and solar projects, Morocco aims to have an operational capacity of 1055 MW in occupied Western Sahara by 2020. According to our calculations, that corresponds to 26.4 percent of the total wind and solar capacity that the Moroccan government aims to have up and running by that year.

# RECOMMENDATIONS

## **To all attendees of COP22:**

To address the below recommendations to the appropriate institutions and companies. To unequivocally defend the principle that clean, green energy should not override human rights provisions and be produced by clean methods – legally, technically and morally. The Moroccan plans mentioned in this report undermine the credibility of such global efforts.

## **To companies currently engaged in, or planning to become engaged in, projects in Western Sahara:**

To immediately terminate the projects and cancel further plans. No energy project in Western Sahara, no matter how green, should take place in the occupied part of that territory. Such activity contributes to the violation of international law, entrenches the Moroccan occupation and further hampers UN-led efforts to reach a solution to the conflict.

## **To shareholders in the involved companies:**

To immediately engage with these companies so that further infrastructure plans on the occupied territory are halted, and the current ones terminated. If no progress is made, shareholders are urged to divest.

## **To the Government of Morocco:**

To refrain from undertaking any infrastructure projects in the territory, including renewable energy projects, without the express consent of the Saharawi people. A referendum on self-determination that contains independence as an option, must be immediately arranged.

## **To the United Nations:**

The categorisation and treatment of Western Sahara as a Non-Self Governing Territory without a legal administration in place requires that the UN, in all its divisions, employs a consistent approach vis-à-vis the territory. WSRW recommends the UNFCCC unequivocally state that applications for obtaining carbon credits for solar or wind projects located in Western Sahara will not be considered while the final status of the territory remains a subject of the UN-led self-determination process. UNFCCC should immediately demand Morocco not to use COP22 as a platform to market its current and planned projects in occupied Western Sahara, and that it rectifies incorrect references to Western Sahara on the official COP22 website.

## **To actors in the carbon markets:**

To carbon credit mechanisms/schemes to unequivocally state that applications for obtaining carbon credits for solar or wind projects located in Western Sahara will not be considered while the self-determination of the Saharawi people remains stalled. WSRW calls on audit companies commissioned to verify, validate and certify projects seeking to obtain carbon credits, to negatively appraise projects located in the occupied territory of Western Sahara. WSRW calls on all carbon actors not to purchase carbon credits from projects in the occupied territory of Western Sahara.

## **To governments:**

To ensure appropriate advice is available to corporations proposing to do business in or otherwise support development activities in Western Sahara that, as a Non-Self-Governing Territory, presents specific limits on resource and development activities, noting the requirement of international law that the original inhabitants of the territory must give prior consent to such activities.

## **To the European Union:**

To ensure that its aspiration to import energy from North Africa does not override its overarching obligations under international law to not recognise Morocco's occupation of Western Sahara. The EU should ensure that all its institutions follow the EU's promises to not allocate EU funds to such programmes in Western Sahara.

## **To financial institutions:**

To not provide financial support or funding to projects planned to be located in Western Sahara.



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**“The Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.”**

International Court of Justice, 16 Oct 1975