

To the US NCP of the OECD Guidelines

Deres ref

Vår ref

Kontakt

Sted:

Dato

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Oslo

17 January 2018

Regarding severe misrepresentations by Kosmos Energy of an OECD contact point mediated joint-declaration between the Norwegian Support Committee for Western Sahara and Sjøvik AS

The Norwegian Support Committee for Western Sahara (NSCWS) is privileged to write to you. We write to seek your advice on what to do with the US company Kosmos Energy's misuse of a joint-declaration between our association and the Norwegian company Sjøvik AS, mediated by the National Contact Point (NCP) of Norway in 2013.

Kosmos Energy in 2016 published on its website www.westernsaharaoil.com false allegations about the mentioned joint-declaration and of the position of the Norwegian NCP. The reference is found here: <https://www.westernsaharaoil.com/wp-content/uploads/2016/06/2016-01-14-Kosmos-Response-to-Draft-Recommendation.pdf>

From our side, we find the false claims about our declaration to be defamatory. The allegations presented by Kosmos are in total contradiction to the aims of our association. The company is seemingly misusing our OECD mediated declaration in an effort to gain legitimacy for its operations in the territory of Western Sahara, signed with the Government of Morocco.

The publication on the mentioned website was done as the Norwegian Government Pension Fund Global – one of the larger investors of Kosmos Energy at the time - excluded the company from its portfolios for its contribution to violating international law upon exploring for hydrocarbons under Moroccan contracts in the occupied territory.

We have twice requested Kosmos Energy to remove the incorrect information about our OECD process from the company's website, but it refuses to do so. In a letter to us on 1 March 2017 they stated that our association and the company "simply have to disagree on the impact of the mediated Joint Declaration". Instead of removing the information from its website, the company has inserted a link to a story, which gives near the opposite effect of what our association has been seeking. We are concerned that Kosmos in addition to having the information about our association on its website also may be sending these false allegations about our NCP mediated statement to third parties, such as concerned investors.

The NCP of OECD wrote Kosmos Energy on 17 November 2016, asking the US company to not misquote the OECD contact point itself.

Our association believes that it is important for the credibility of the OECD Guidelines and for the trust to the system of NCPs and to mediated joint-declarations that such joint-declarations are referred to truthfully by business community. It does not encourage stakeholders or civil society to engage in OECD complaint process if companies can publicly misrepresent the outcomes.

If the US NCP has any ideas as to how we can make Kosmos Energy remove the false allegations about our association's NCP mediated joint-declaration, we would appreciate suggestions.

Please find attached letters sent from our association and from the Norwegian NCP to Kosmos Energy regarding the matter.

Sincerely,

/signed/

Magnhild Bøgseth,
Chair,
The Norwegian Support Committee
for Western Sahara