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Oslo, May 27, 2003

## Regarding possible seismic surveys offshore occupied Western Sahara

The Norwegian Support Committee for Western Sahara has been made aware that the Moroccan state, in cooperation with Kerr-McGee and Total (former TotalFinaElf), will call for tender seismic survey contracts offshore Western Sahara. With this background, we would like to inform you about the current status of the territory and the implications it might have for your company if signing such contracts.

In 2001, Kerr-McGee and Total signed reconnaissance contracts with the Moroccan state oil company, ONAREP. In a highly questioned opinion, the UN Vice-Secretary General for Legal Affairs, Hans Corell, states that the mentioned contracts are not in themselves illegal. At the same time, however, he concludes that "if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the principles of international law (...)". His conclusion is in contrast to one of his earlier findings, that Morocco is *not* considered legally as the administrative Power of the area, which implies that they have *under no circumstance* the right to act on behalf of the people of the territory.

The Norwegian Support Committee for Western Sahara is convinced that there are sufficiently strong legal arguments for having the question of exploration and exploitation of hydrocarbons from the occupied territories decided by an appropriate legal body, both leading up to, as well as after a potential continuation of exploration. According to the Norwegian Deputy Foreign Minister, Mr. Vidar Helgesen, exploration including seismic surveys could

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The Norwegian Support Committee for Western Sahara is convinced that there are sufficiently strong legal arguments for having the question of exploration and exploitation of hydrocarbons from the occupied territories decided by an appropriate legal body, both leading up to, as well as after a potential continuation of exploration. According to the Norwegian Deputy Foreign Minister, Mr. Vidar Helgesen, exploration *including seismic surveys* could possibly be considered illegal, as a distinction between exploration and exploitation is not valid according to international Law of the Sea.

But more important than legal considerations are, by our opinion, the ethical aspects of such involvements. The reconnaissance contracts offer legitimization to Morocco's occupation of the territory. They have boosted Morocco's confidence about succeeding to integrate the occupied territory into Morocco, in violation of international law and of a number of UN Security Council and General Assembly resolutions. After signing the contracts with the two oil companies, Morocco has reinforced its rejection of the Saharawis' right to self-determination over the territory's future status. Thus, the contracts and the following activities have worsened the climate for a peaceful solution in accordance with the peace plans already agreed upon by the parties in the conflict. The Saharawi government has strongly condemned both the contracts and the initial seismic surveys. It is also important to remember that the area is still an area of conflict, though under cease-fire, with the possible consequences that would have for the company, shall the hostilities resume.

The Norwegian seismic survey company TGS-NOPEC signed in May 2002 contracts with Kerr-McGee, Total and the Moroccan state. TGS-NOPEC completed recently their initial 2D surveys in the area. Their activities provoked a campaign, urging the company to stop its activities and the shareholders to put pressure on the company. The campaign led to over one hundred news articles in Norwegian and international press, and received support from a large number of NGOs and politicians, demanding the cancellation of the unethical contracts. Negative PR led to a substantial number of sell-outs from shareholders criticizing TGS-NOPEC for bad ethical standards. The above mentioned statement from the Norwegian government questioning the legality of the contracts also came as a result of the campaign. Being subjected to the campaign and our arguments, TGS-NOPEC has, after becoming fully aware of the controversy of the territory and the seismic survey contracts, stated that they will not engage in further contracts in the area (see [www.tgsnopec.no/whatsnew/newsframe\\_Update\\_Western\\_Sahara.htm](http://www.tgsnopec.no/whatsnew/newsframe_Update_Western_Sahara.htm)).

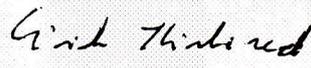
Earlier this month, the campaign lead by the Support Committee took a new turn, as the Norwegian fund administrator Skagenfondene, sold its 100.000 shares in Kerr-McGee, taking a two million dollar loss. Due to the massive negative attention on Kerr-McGee's activities in the occupied territories, they now regarded the shares as too risky financially. Skagenfondene was the biggest Norwegian shareholder in the company.

To exploit Western Sahara's hydrocarbon resources, further 2D and 3D seismic surveys are necessary. The Norwegian Support Committee for Western Sahara strongly encourages BGP International not to sign any future contracts with Morocco in this disputed area, without the explicit endorsement from the Saharawi exile government on behalf of its people. We hope our information to you about these issues lead to such a decision if faced with a future request. Companies which sign deals with Morocco or the oil companies Total or Kerr-McGee in order to map Western Sahara or the seafloor offshore the Moroccan-occupied territory, should prepare for massive negative PR, shareholder sell-outs, and possible lawsuits.

If your company shall ever need any information on Western Sahara, its legal status, the United Nations resolutions on the conflict, the situation for its refugee population or the violation of human rights in the occupied territories committed by the Moroccan state, please don't hesitate contacting us. We are more than happy to assist.

Sincerely yours,

  
Erik Hagen  
Executive Committee

  
Eirik Kirkerud  
President

The Norwegian Support Committee for Western Sahara

A copy of this letter has been sent to:

- Kerr-McGee
- Total
- ONAREP

A similar letter has been sent to all other offshore seismic survey companies in the world. A similar, general warning to the seismic industry has been sent to the international press.

## **Background: The Western Sahara conflict**

The conflict in Western Sahara is not a detachment struggle, but one of decolonization. Western Sahara was a Spanish colony named Spanish Sahara. Spain, before leaving the territory in 1976, turned Western Sahara over to Mauritania and Morocco, through an agreement that has never been internationally acknowledged. Later, Spain and Mauritania have withdrawn from the agreement. As a former colony, Western Sahara has the right to self-determination over the future territorial status.

This right is widely acknowledged: Western Sahara is treated in the UN Fourth Committee (the committee for decolonization issues), and the UN Security Council has passed a number of resolutions stating and reaffirming the Saharawi people's right to self-determination. This was further acknowledged by the International Court of Justice in The Hague in 1975. In a UN negotiated peace plan from 1990, Morocco recognizes this right, which was reaffirmed in the so-called Houston Agreement from 1997. The latter agreement also includes a plan for carrying out the referendum.

While neither the UN nor any of the states in the world have acknowledged Morocco's claim to the territory, 79 states have to this date acknowledged the Saharawi Arabic Democratic Republic (SADR), announced by the Front Polisario in 1976, SADR is a member of the African Union, where SADR's president, Mr. Mohammed Abdelaziz, is the Vice President.

Today, Western Sahara is regarded by the UN as a non-self-governing territory, and Morocco holds a position as an illegal administering Power.

Front Polisario was established as the Western Sahara liberation front in 1973, during the time it was still a Spanish colony. Since then, Polisario has formed an exile government, which is acknowledged as representatives for the Saharawis by, among others, the UN.

There has been a state of war in the area since 1975. Mauritania has later withdrawn, but the armed conflict between Morocco and Polisario continued until the 1991 cease-fire. With about 90 percent of its army in Western Sahara, Morocco today controls approximately two thirds of the territory.

Following the occupation in November 1975, the majority of the Saharawis fled their country while being heavily bombed with napalm and white phosphor. Today, 165.000 Saharawi refugees are languishing in refugee camps in the warmest part of the inhospitable Algerian desert, totally dependent on external humanitarian aid. The population remaining in the areas under Moroccan occupation, approximately 60.000 Saharawis, is subjected to widespread human rights violations, such as torture, forced disappearances and arbitrary detention.

Today, Morocco shows no intentions of willingness to confine to the signed peace agreements. The most important issue of conflict is who should be eligible to vote. The Houston agreement is detailed on this issue, but Morocco fails now to accept the voter lists that the UN elaborated from the agreed principles. As a result, the UN special envoy to Western Sahara, Mr. James Baker III, has drawn up an alternative solution. Baker's proposal suggests Western Sahara some autonomy within Morocco, before a referendum should be held after five years. The main problem with Mr. Baker's plan is that he includes also Moroccans living in Western Sahara as eligible to vote, hence leading the way to an integration of Western Sahara in Morocco. The UN Security Council, as well as both parties, have rejected the latest proposal from the UN special envoy. Status today is a standstill, and intensifying Saharawi impatience over the long-time suffering.