

Siemens Gamesa Renewable Energy S.A.
Parque Tecnológico de Bizkaia
Ed. 222
48170 Zamudio (Vizcaya)
Spain

1 October 2018
Brussels

To the attention of Mr Markus Tacke
Chief Executive Officer of Siemens Gamesa Renewable Energy S.A.

CC: Siemens AG, att: Chief Executive Officer, Mr Joe Kaeser

Re. Siemens Energy's service contract for the Fom El Oued wind power plant in occupied Western Sahara

Dear Mr Tacke,

Western Sahara Resource Watch is again privileged to write to you. We wish to enquire about the expiration of Siemens Energy's service contract for the Fom El Oued wind power plant in occupied Western Sahara.

As stated on Siemens' homepage on 30 January 2012, Siemens Energy had secured an order for the supply of wind turbines, delivery, installation and commissioning of the Haouma and Fom El Oued wind power plants. In addition, Siemens Energy had also obtained a 5-year service contract for each project, which began commercial operation in the summer of 2013. (For reference, the press release can be accessed via this link:

<https://www.siemens.com/press/en/pressrelease/?press=/en/pressrelease/2012/energy/wind-power/ewp201201025.htm>)

Considering that the 5-year contract was announced summer of 2013, we expect it to have expired in the summer of this year, 2018.

The Haouma power plant is located in Morocco proper, while the Fom El Oued power plant is located outside of Morocco's internationally recognized borders, and in the part of the Non-Self-Governing Territory of Western Sahara that is under Moroccan military control, in disregard of international law.

We'd be grateful if you could comment as to whether Siemens Energy has renewed its service contract for the Fom El Oued project?

We take note of your view that Siemens "refrains as a matter of policy from taking positions or making judgments on questions of international law". We disagree with your statement that "there are a range of opinions regarding the political and legal status of Western Sahara". While politics is politics, and inherently rife with opinions that are based on hard-nosed geopolitical and power-based analyses, the legal status of Western Sahara is incredibly straight-forward: it is a Non-Self-Governing Territory with no administering power in place, and whose people have the right to self-determination, as recognized and accepted by the international community. The handful of legal verdicts on Western

Sahara have all come to this conclusion. Morocco has no legal mandate whatsoever vis-à-vis Western Sahara.

In absence of a final settlement to the conflict in Western Sahara – one that will be politically negotiated but nevertheless ought to be rooted in international law - the legal principles governing the territory in the meantime are clear: the guiding principle is that of self-determination.

WSRW has inquired a couple of times what steps Siemens has taken to abide by the Saharawi people's right to self-determination, when entering into a contract with a third party government to build energy infrastructure in their land. Consequently, as our questions on precisely that key-issue remain unanswered in previous correspondence, and were also not answered at the Siemens AGM, we repeat them here:

- Has Siemens sought the consent of the people of Western Sahara for its involvement in the construction of energy infrastructure on their occupied land? What steps has it taken to obtain their consent through the UN recognized political representative of the people of Western Sahara, the Polisario Front?
- Does Siemens agree with the conclusion of the Court of Justice of the European Union in the Court's December 2016 appeal decision that Western Sahara is a territory that is "separate and distinct" from Morocco?

We again thank you for your consideration of our questions, and look forward to receiving your views, if possible before the G20 Investment Summit in Berlin at the end of this month.

Sincerely,

Sara Eyckmans
Coordinator
Western Sahara Resource Watch
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