

To: Mr. Alfred Stern, CEO
Borealis AG
Wagramer Strasse 17-19
1220 Vienna, Austria

Vienna/Stockholm/Brussels, 12 May 2020

REGARDING GAS DELIVERY FROM BOREALIS TO OCCUPIED WESTERN SAHARA

Our three associations – Österreichisch Saharaische Gesellschaft, Emmaus Stockholm and Western Sahara Resource Watch (WSRW) – are privileged to present you with our compliments.

Allow us first to express our sympathy with regard to the terrible fire that broke out at your unit in Stenungsund. We are aware that this letter may arrive to you at an unfortunate time, but we are writing to enquire about an unfortunate incident that is of great importance to us: the exports of gas from Stenungsund to occupied Western Sahara.

On 22 March 2020, the vessel *Emmanuel* (IMO 9580182) arrived at the city of El Aaiún in occupied Western Sahara, with LPG gas from Stenungsund. According to our information, the gas was exported by Borealis AB. The vessel loaded the cargo during a 27-hour call at Borealis AB's jetty in Stenungsund, from the late afternoon of 13 March until the evening of 14 March.

WSRW has followed the trade to and from Western Sahara on a daily basis for the last decade. This is the first time we observe a shipment of gas from Sweden into occupied territory. It is also the first time we see an involvement of Borealis in the trade.

The trade is highly controversial.

Western Sahara is listed by the UN as a so-called Non-Self-Governing Territory – a colony. Its people have a right to self-determination, a sovereign right to decide all matters relating to their land. However, Morocco is illegally occupying the larger part of the territory, in violation of international law and of the wishes of the Saharawi people. Neither the Government of Austria or Sweden recognize Morocco's claims to the territory.

While there are no UN sanctions in place that prohibit trade with the territory, it is a matter of corporate responsibility and respect for human rights.

In April, Equinor carried out one export of gas into Western Sahara. This is the only other known export from Northern Europe ever, apart from the one from Stenungsund. Equinor has regretted the incident and explained this will never happen again. See coverage in Norwegian media of 10 May 2020 here, <https://www.dagsavisen.no/nyheter/verden/fraktet-norsk-gass-til-okkupert-omrade-equinor-beklager-1.1711179> and coverage by WSRW <https://www.wsrw.org/a105x4704>.

We know that Equinor exports gas to Stenungsund, but Equinor has stated to the Norwegian Support Committee for Western Sahara that it had “no involvement in the cargo” from Stenungsund.

As you perhaps know, Morocco illegally annexed parts of Western Sahara by military force in 1975 in violation of the basic right to self-determination of the territory's. This military invasion was condemned by the United Nations General Assembly and to this day, the UN continues to regard Western Sahara as a Non-Self-Governing Territory, pending a decolonization process. , Freedom House ranks Western Sahara as one of the worst territories in the world in terms of political

freedoms. Leading human rights defenders from Western Sahara, including the general-secretary of the association that would normally take part in monitoring foreign involvement on their land, are currently serving life-time sentences in Moroccan jails.

In line with the International Court of Justice, the Court of Justice of the European Union has outlined, in four separate rulings, that the Government of Morocco does not have any legal basis, sovereignty or international mandate to administer the territory. The rulings have also made it clear that business activities in Western Sahara must have the consent of the people of the territory. The Court concluded that the territories of Morocco and Western Sahara are 'separate and distinct'.

Through providing gas supplies to Moroccan interests in Western Sahara, Borealis has contributed to entrench the Morocco's position in the conflict, as it supplies critical Moroccan industries on the ground.

But more importantly, Borealis has seemingly not obtained permission from the people of Western Sahara to export gas into the territory.

We would be grateful if you could respond to the following questions

1. Can Borealis AG confirm its sales of gas from Stenungsund to occupied Western Sahara on board of the abovementioned vessel?
2. What kind of due diligence did Borealis carry out prior to these sales?
3. Was this particular shipment part of a larger supply agreement?
 - a. If Borealis holds an agreement of sales of gas to a client operating in Morocco - of which this transport is part – does it explicitly extend to providing supplies to Western Sahara?
 - b. If negative to 3a, why was a shipment to Western Sahara carried out under this agreement?
4. Which company in which country had produced the gas that was exported by Borealis from Stenungsund?
5. Who is the client in Western Sahara?
6. As a corollary of the internationally recognized right to self-determination of the people of Western Sahara, and given the legal requirement of obtaining the free, prior and informed consent of the people of Western Sahara with regard to activities or projects in their land – as put forth by several UN Treaty bodies and the EU Court of Justice – what steps, if any, has Borealis taken to obtain the consent of the people of Western Sahara to export gas to the territory?
7. Will Borealis guarantee that it will not undertake any further transports to Western Sahara?

We are convinced that it is not in the interest of Borealis to become associated with the continued colonization and occupation of Western Sahara, and encourage the company to clarify that it has no intention of continuing such trade.

A copy of this mail is sent to:

Mr. Andreas Melan, Africa and Sahel Department, Austrian Ministry of Foreign Affairs
-Mrs. Pamela Rendi-Wagner, Chair, Foreign affairs Committee, Austrian Parliament
-Mr. Peter Haubner, Chair of the Parliamentary Committee on Business, Industry, and Energy, Austrian Parliament
-Mr. Kenneth G. Forslund, chair, The Committee on Foreign Affairs, the Swedish Parliament
-Mrs. Ann Dismorr, Head of Middle East and North Africa Department (UD MENA), Swedish Ministry of Foreign Affairs,
-Mr. Bo Pettersson, mayor, Municipality of Stenungsund
-Mrs Katja Nikula, Chair of City Council of Stenungsund
-Mrs. Kicki Nordberg, municipal manager, Stenungsund
- Mr. Arben Santos, President, Swan Shipping Corp

Sincerely,

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