

To the attention of Mr David Malpass,
President of the World Bank Group

The World Bank
1818 H Street, N.W.
Washington, DC 20433
USA

Brussels
26 May 2020

Re.: The inclusion of Western Sahara in World Bank documentation on Morocco's offshore wind energy potential

Dear Mr Malpass,

Western Sahara Resource Watch is privileged to present you with its greetings. We are writing regarding two recently published maps by the World Bank, depicting the offshore wind energy technical potential of Morocco.

The maps carry the exact same title: "Offshore Technical Wind Potential in Morocco", though the file name, or url, already indicates that there is a difference between the two.

<http://documents.worldbank.org/curated/en/175001572464012101/pdf/Technical-Potential-for-Offshore-Wind-in-Morocco-Map.pdf>

<http://documents.worldbank.org/curated/en/473861586958245553/pdf/Technical-Potential-for-Offshore-Wind-in-Morocco-with-Western-Sahara-Map.pdf>

Indeed, one map depicts only Morocco, while the other one also includes Western Sahara. The data included on the maps is also different. Whereas the offshore wind potential for Morocco is totalled at 200 GW, that number increases dramatically to 538 GW when including Western Sahara.

The maps can be downloaded from two different World Bank portal sites. These sites look identical. The only difference lies in their url, in the different map that can be downloaded, and in the title of the portal site.

- A portal site that offers a link to the map containing only the data for Morocco proper: <http://documents.worldbank.org/curated/en/175001572464012101/Technical-Potential-for-Offshore-Wind-in-Morocco-Map>. The site is entitled "Going Global: Expanding Offshore Wind to Emerging Markets (Vol. 57): Technical Potential for Offshore Wind in Morocco – Map (English)".
- A portal site that allows to download the map that contains data for Morocco *as including Western Sahara*: <http://documents.worldbank.org/curated/en/473861586958245553/Technical-Potential-for-Offshore-Wind-in-Morocco-with-Western-Sahara-Map>. The site is titled "Going Global: Expanding Offshore Wind to Emerging Markets (Vol. 58): Technical Potential for Offshore Wind in Morocco with Western Sahara – Map (English)".

The abstracts included on both portal sites are identical. The abstracts and the maps appear to be based on the same research study: World Bank Group, October 2019, Going Global: Expanding

Offshore Wind to Emerging Markets.¹ The version of that study that is available on the World Bank's webpage - bearing the marker "Public Disclosure Authorized" - contains correct representations of Morocco's international borders. On page 30 in the 2019 report, it presents wind data even explicitly "excluding disputed territory".

The data contained in this research document is correctly represented in the map that only depicts Morocco (and thus not includes Western Sahara). However, the data included on the map that shows Western Sahara as part of Morocco, is different.

In addition, it is quite surprising to see such dual publications by the World Bank. In 2014, following a report published by our association on Morocco's renewable energy plans in the part of Western Sahara that it holds under military control, the World Bank responded to the international press that it would not finance any projects in Western Sahara.²

As such, the Bank's position is in line with that of other investment banks, such as the European Investment Bank and the German development bank KfW.

In view thereof, it is odd to now see documents and websites by the World Bank that do not distinguish between the territories of Morocco and Western Sahara. Such position is contrary to the one of the United Nations. Please find a UN map here:

<https://www.un.org/Depts/Cartographic/map/profile/morocco.pdf>

As you will know, recent years have witnessed an emerging body of law pertaining to Morocco's claim to the territory and its resources. In four consecutive rulings, the Court of Justice of the European Union has concluded that Morocco has no sovereignty over Western Sahara, nor any international mandate to administer it, as the territory is separate and distinct from Morocco. As a consequence, the Court ruled, EU agreements with Morocco cannot be extended to Western Sahara in a lawful manner, unless with the explicit consent of the people of the territory – the latter being the natural corollary of the people of Western Sahara's right to self-determination, which is backed by the entire international community (except Morocco).³

The EU Court echoed the Opinion of the International Court of Justice, which could find no evidence of any ties of sovereignty between the two territories and reaffirmed the Saharawi people's right to self-determination.⁴ In 2002, a Legal Opinion commissioned by the UN Security Council had made it clear that the exploitation and exploration of the Western Sahara's resources would be in violation of international law if not undertaken in accordance with the wishes of the people of the territory and to their benefit.⁵ We also refer to the conclusions of the UN Treaty Body on Economic, Social and

¹ ESMAP, 2019, Going Global: Expanding Offshore Wind to Emerging Markets. Washington, DC: World Bank. <http://documents.worldbank.org/curated/en/716891572457609829/pdf/Going-Global-Expanding-Offshore-Wind-To-Emerging-Markets.pdf>

² Reuters, 04.02.2014, Morocco says investors lining up for \$9 bln solar project, <https://uk.reuters.com/article/morocco-solar/morocco-says-investors-lining-up-for-9-bln-solar-project-idUKL5NOL92J220140204>

³ The Rulings for cases T-512/12, T-180/14, C-266/16 and T-275/18 can be accessed at the site of the EU Court of Justice, <http://curia.europa.eu>.

⁴ International Court of Justice, Advisory Opinion of 16 October 1975, Western Sahara, <https://www.icj-cij.org/files/case-related/61/6197.pdf>

⁵ UN Security Council, 12.02.2002, Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council, S/2002/161, <https://undocs.org/S/2002/161>

Cultural Rights⁶ and of the UN Human Rights Committee⁷, which have both emphasized the need of obtaining the Saharawi people's "prior, free and informed consent to the realization of developmental projects and [resource] extraction operations".

We submit that the legal implications are no different when it concerns non-renewable resources, such as wind energy. The construction of infrastructure for such purposes by an occupying power not only violates the right of non-self-governing peoples to self-determination, but also International Humanitarian Law, which prohibits extending an occupation - beyond security of the occupied place and the well-being of its inhabitants – through building infrastructure to secure the occupation or provide for an illegal settler (immigrant) population. The latter is clearly the case in Western Sahara. The energy generated by the currently operational onshore wind parks in the territory, is mainly destined for industrial end-users, such as the Moroccan state-owned phosphate company OCP, which exploits the phosphate reserves in the territory. Only a handful of companies today still purchase phosphate rock from Western Sahara, as many companies have abandoned the trade following pressure from investors over concerns for international law and human rights.

In view of the above, we'd be grateful if you could clarify the following issues:

1. Will the World Bank remove the abovementioned map that depicts Morocco as including Western Sahara, to make it aligned with UN cartography of the Kingdom of Morocco?
2. Will the World Bank remove the portal site on Morocco's offshore wind potential that lumps Western Sahara in with Morocco?
3. What is the source of the statistical data included on the map that includes Western Sahara?
4. Has the statistical data on the offshore wind energy potential been shared with the United Nations, bearing a special responsibility for the Territory, as no administering power has been appointed to it?
5. Has the statistical data on the offshore wind energy potential been shared with the Polisario Front, recognised by the UN as the political representation of the people of Western Sahara?
6. Why has the World Bank opted to publish two different portal sites and maps, and not limited itself to only present information that is relevant to Morocco proper?
7. Can the World Bank guarantee that it will not invest in any projects in Western Sahara, nor facilitate such business, as long as the conflict has not been settled in line with international law?

We thank you for your consideration of our concerns and look forward to hearing from you.

Sincerely,

Sara Eyckmans
Coordinator
Western Sahara Resource Watch
coordinator@wsrw.org

⁶ UN Economic and Social Council, 22.10.2015, Concluding Observations on the fourth periodic report of Morocco, E/C.12/MAR/CO/4*, §6,
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMAR%2fCO%2f4&Lang=en

⁷ UN Human Rights Committee, 01.12.2016, Concluding Observations on the sixth periodic report of Morocco, §10,
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/MAR/CO/6&Lang=En