

Windhoist Ltd.
1 Dunlop Place
Meadowhead Industrial Estate
Irvine
Scotland KA11 5BJ

27 November 2017
Brussels, Belgium

To the attention of Mr Hugh McNally,
Managing Director of Windhoist

RE. Windhoist's construction of energy infrastructure in occupied Western Sahara

Dear Mr McNally,

Western Sahara Resource Watch (WSRW) and Western Sahara Campaign UK are writing to you following Windhoist's press releases about the firm's contract to work on the Aftissat wind farm. See press releases dated 5 October 2017 and 17 November 2017:

<http://www.windhoist.co.uk/2017/11/17/windhoist-commenced-work-morocco/> and
<http://www.windhoist.co.uk/2017/10/05/aftissat-wind-farm-morocco/>

Both press releases are somewhat confusing with regard to the exact location of the Aftissat wind farm; while both texts essentially state that Windhoist will carry out work in Morocco, there is also an allusion in passing that locates Aftissat at "45km South of Boujdour in the Western Sahara".

That latter reference is the correct one: Aftissat is in Western Sahara, and thus far outside of the internationally recognized borders of Morocco. As such, your company is at present working on a Moroccan contract outside of Morocco's national territory, and thus actively engaged in a protracted conflict. Western Sahara is regarded by the United Nations as a Non-Self-Governing Territory awaiting decolonization, without a legally accepted administering power in place. Its people, the Saharawi people, have been accorded the right to self-determination – now restated in more than 100 UN Resolutions, but the exercise thereof has been blocked by Morocco. The war between the Kingdom of Morocco and the Frente Polisario has resulted in a military division of the territory and a ceasefire that is being monitored by the UN.

Meanwhile, Morocco continues to trample the most basic human rights of Saharawi that live under the yoke of its occupation. Approximately 160.000 Saharawi refugees that fled during the war continue to live in inhumane conditions in Algerian refugee camps, located in the most inhospitable part of the Saharan desert.

Morocco exploits the territory's natural resources in blatant violation of applicable legal principles relative to such activities in Non-Self-Governing Territories. Morocco's recent investment in renewable energy generation inside the occupied parts of Western Sahara should not be viewed as separate to its resource-plunder. As stated in Windhoist's press release of 5 October 2017, the energy that the Aftissat wind farm will produce, will "supply industrial companies". Moroccan media has named several end-users of the Aftissat farm's production, and they are Moroccan companies that are active in the occupied territory. As such, the wind energy infrastructure facilitates Morocco to continue its unlawful taking of Western Sahara's resources.

In December 2016, the Court of Justice of the European Union (CJEU) stipulated that Western Sahara is a territory that is “separate and distinct” from Morocco, and that the people of the territory ought to be considered a third party whose consent is a requirement for any EU trade or association arrangement to be lawfully applied to the territory. In its Judgment, the CJEU echoed the International Court of Justice in its 1975 Advisory Opinion on Western Sahara, stating that Morocco has no sovereignty over Western Sahara and the Saharawi people must be free to exercise their right to self-determination.

The United Kingdom does not recognize Morocco’s self-proclaimed sovereignty over Western Sahara. The UK’s High Court of Justice, reviewing the legality of UK imports from Western Sahara and UK vessels fishing in the territory’s adjacent waters through EU-Moroccan agreements, concluded that “there is an arguable case of manifest error by the [European] Commission in understanding and applying international law relevant to these agreements”. In referring the case to the CJEU, the Hon Mr Justice Blake drew attention to “allegations of serious human rights abuses by the Moroccan authorities against the indigenous members of the Saharan population”. He also noted, “reports of discrimination in the field of business and employment and political expression against indigenous Saharans in favour of Moroccan nationals who have moved into the territory since 1975”.

It is remarkable that a UK company - based in Scotland, where there is a deep understanding of the concept and importance of self-determination – would accept to construct infrastructure on occupied land.

We would be grateful if Windhoist could elaborate how it has assured itself of the consent of the Saharawi people, through their internationally recognized representative body, the Frente Polisario. What steps has Windhoist taken in this regard?

We do not believe that it is in your company’s interest to be associated with the continued occupation of what has become known as Africa’s last colony. We will be more than happy to provide you with any additional information that you may require to study this matter more closely, and look forward to you reply.

Thank you for your consideration,

Sincerely,

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