

Gassco

Att: Frode Leversund, CEO



Oslo, 03.06.2020

REGARDING GAS DELIVERY FROM KÅRSTØ TO OCCUPIED WESTERN SAHARA

The Norwegian Support Committee for Western Sahara is privileged to present you with our compliments. We are writing to enquire about the exports of gas from the Kårstø facility to occupied Western Sahara.

On 31 May 2020, the vessel *Eco Invictus* (IMO 9711470) left Kårstø harbour, with destination El Aaiún in the occupied part of the non-self-governing territory of Western Sahara. *Eco Invictus* remained in Statpipe Gas Terminal, Jetty Number 3, for a period of 14 hours, from 30 May at noon until 31 May 2am in the morning. This is the same terminal as the unfortunate *Gas Cerberus* shipment in April, which was covered by Norwegian media¹. The operator of the vessel was identical at the two incidents, Greek company Stealth Corp. The vessel is estimated to arrive the occupied territory in the evening of 7 June 2020.

Our association has followed the trade in and out of the occupied territory on a daily basis for the last decade. These are the first two shipments of gas from Norway directly into the occupied territory.

The trade is highly controversial.

The Norwegian government urges companies not to engage in such business. 2 April 2019, Norway's Minister of Foreign Affairs stated in the Norwegian parliament that the government of Norway agrees with the decisions of the Court of Justice of the EU: international law requires the prior consent of the Saharawi people on matters relating to business in Western Sahara.

<https://www.stortinget.no/no/Saker-og-publikasjoner/Sporsmal/Interpellasjoner/Interpellasjon/?qid=75435>

The Norwegian government is clear that its bilateral agreements with Morocco do not apply to Western Sahara.

"The clear advice from the Ministry of Foreign Affairs is that Norwegian businesses should not be undertaken in Western Sahara. We do not recognise Morocco's annexation of this territory. On this

¹ <https://www.dagsavisen.no/nyheter/verden/fraktet-norsk-gass-til-okkupert-omrade-equinor-beklager-1.1711179>

matter, we use the same terminology as the UN. This is the only territory where we give explicit advice on not carrying out business activity”, Deputy Minister Bård Glad Pedersen told NRK on 18 March 2013. <http://radio.nrk.no/serie/dagsnytt/npub12014814/18-03-2014>

This latter clarification came when NRK revealed that Aker Solutions had supplied equipment for a rig that were to be used in Western Sahara. Companies like Aker Solutions, Yara, Mesta, Cermaq and a number of shipping companies in Norway specifically reject taking part in business opportunities and trade with Western Sahara due to matters of international law and human rights. If you would like clarifications regarding how these companies and others considered the aspects of international law, corporate responsibility and the Norwegian government’s advice on the matter, please do not hesitate to contact us. In the matter of Cermaq in 2010, the Ministry of Trade expressed its clear expectations to the company.

Of this same reason, Equinor explained to our association and to *Dagsavisen* last month that it does no longer wish to take part in such trade. The Austrian chemical company Borealis stated in May that it will take all possible measures to avoid that its facility in Stenungsund be used for similar purpose.

As you perhaps know, Morocco illegally annexed the territory by military force in 1975 in violation of the basic right to self-determination of the people of Western Sahara. This military invasion was condemned by the United Nations General Assembly and to this day, Western Sahara remains listed by the UN as a Non-Self Governing Territory, pending a decolonization process. On international rankings, such as by Freedom House, Western Sahara scores lowest in the world on 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 recent court rulings of the Court of Justice of the European Union have also made it clear that in the event of an entity undertaking business in Western Sahara, consent must be obtained from the people of Western Sahara. It stated that the two territories of Morocco and Western Sahara ‘separate and distinct’.

Through contributing with gas supplies to Moroccan interests in Western Sahara, Kårstø today contributes to entrenching the Moroccan approach to the conflict through critical Moroccan industries on the ground.

We would appreciate an immediate response to the following questions:

1. Does Gassco in general receive information regarding the export destination of a cargo prior to loading is undertaken in Kårstø?

2. Was Gassco informed about the export destination of the cargo onboard *Eco Invictus* prior to the loading of the vessel?
3. Does Gassco carry out human rights due diligence in relation to facilitating shipments that take place in violation of the Norwegian government's recommendations of corporate responsibility?
4. 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 Gassco taken to obtain the consent of the people of Western Sahara prior to allowing its facility in Kårstø to be used for gas exports to Western Sahara?
5. Has Gassco been in contact with the exporter of the cargo onboard *Eco Invictus* whether it has obtained permission from the people of the territory to export gas?
6. Has Gassco been in contact with Kårstø's technical service provider Equinor regarding the use of Kårstø for such purposes?
7. Is Gassco aware of any future shipments of gas from Kårstø to the occupied territory?
8. Will Gassco guarantee that it will take all needed measures to make sure that the business advice from the Norwegian government is respected and that no further transports of Norway's gas is carried out to Western Sahara?

The gas reserves of Norway is the common property of the Norwegian people. At a critical time in Norwegian history, the Norwegian government made sure to take proper control over our own resources, for the benefit of our people. Today, the Norwegian people is profiting on exports of gas to a location where it is used to undermine the very same principle of self-determination that we built our independence, wealth and welfare state on. We find that disturbing.

We are convinced that it is not in the interest of Gassco to become associated with the continued colonization and occupation of Western Sahara, and urge your company to immediately clarify that it intends to take all measures to align itself with the position of the Norwegian government, and to prevent that the Kårstø facility is used for such purpose again.

A copy of this mail is sent to:

-The Standing Committee on Foreign Affairs and Defence of the Norwegian Parliament, and its chair, Anniken Huitfeldt

-Ministry of Foreign Affairs, Section for the Middle East and North Africa

-Jan-Tore Fosund, director-general, Ownership Department, Ministry of Trade, Industry and Fisheries

-Trine Lise Sundnes, Head of department for international affairs, Norwegian Confederation of Trade Unions

-Sigmund Lier, mayor, Municipality of Tysvær

-Knut Thorvaldsen, Director-general, Norwegian Oil and Gas Association

-Tor Martin Anfinnsen, SVP Marketing & Trading, Equinor ASA

-Nicolas H. Vafias, President, Stealth Maritime Corp SA

Sincerely

Erik Hagen

Director, Norwegian Support Committee for Western Sahara

erik@vest-sahara.no