

Equinor  
Att: Tor Martin Anfinnsen,  
SVP Marketing & Trading



Oslo, 31.05.2020

#### REGARDING NEW GAS DELIVERY FROM KÅRSTØ TO OCCUPIED WESTERN SAHARA TODAY

The Norwegian Support Committee for Western Sahara wishes to thank you for your letter of 24 April 2020 as a response to our letter to CEO Eldar Sætre on 21 April 2020, regarding Equinor's exports of gas from Kårstø to occupied Western Sahara in April. We also refer to a letter that we sent to you on 25 April 2020, to which we received no response.

You stated in your letter that "this was the first time we have sold a cargo for delivery in Laayoune. It was a spot cargo and we do not have any other agreements for deliveries to Laayoune." To the Norwegian newspaper *Dagsavisen* on 10 May, Equinor spokesperson Eskil Eriksen stated that "we will review our routines to make sure this is picked up in the future".

On this background, we write to enquire about the vessel *Eco Invictus* (IMO 9711470) which left Kårstø harbour this morning, with destination El Aaiún in the occupied territory.

*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 media<sup>1</sup>. The operator of the vessel is identical as last time, Greek company Stealth Corp. The vessel is estimated to arrive the occupied territory on 8 June 2020.

We find it baffling that this incident takes place only few weeks after your company regretted not having followed the Norwegian government's advice on Western Sahara, and promised to media that it had implemented routines to make sure such exports will never happen again.

The Norwegian Support Committee for Western Sahara strongly urges your company not to complete the transport of the cargo onboard *Eco Invictus*, into the occupied territory. Shall the transport be completed, The Norwegian Support Committee for Western Sahara will see itself obliged to start the elaboration of a complaint for submission to the National Contact Point of the OECD Guidelines for

---

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

Multinational Enterprises, for violating the OECD guidelines, more specifically, the Saharawi people's right to self-determination.

It is well established that the right to self-determination for a people from a non-self-governing territory is a human right. This is most lately by the Advocate-General of the CJEU in 2018<sup>2</sup>, but also addressed by the UN Human Rights Council treaty bodies in 2015<sup>3</sup> and 2016<sup>4</sup>. The Norwegian Minister of Foreign Affairs stressed this same *right* to consent in the Norwegian parliament on 2 April 2019.

Human rights are covered by Chapter 4 of the OECD guidelines.

By exporting into Western Sahara – yet again – Equinor has failed to take into account the Saharawi people's right to free, prior, informed consent, well aware that it should have done so.

In our letter to Equinor on 21 and 24 April, we asked a number of questions which to this date remain unanswered. One of these unanswered question go into the core of the matter of the Saharawi people's *rights*. We asked.:

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 Equinor taken to obtain the consent of the people of Western Sahara to export gas to Western Sahara?

As we noted in our previous letter, both Equinor and its purchaser have an obligation to respect human rights – not only to check if a port of imports is enlisted on registries of sanctioned harbours. A due diligence process would normally include investigating whether an activity is made in respect of fundamental human rights.

Our previous letter addressed two questions relating to human rights due diligence. Do notice that human rights due diligence is covered by Chapter 4 of the OECD Guidelines. The two unanswered questions on this matter were:

-Are the human rights part of the 'standard due diligence process' that your company undertakes prior to signing a contract?

-If yes, how did the due diligence process relating this export incident to Western Sahara conclude on the *right to self-determination* and the obligation of Equinor and its partner to obtain consent from the people of the territory?

---

2

<http://curia.europa.eu/juris/document/document.jsf?text=&docid=198362&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=518656>

3 [https://wsrw.org/files/dated/2015-12-09/cescr\\_morocco\\_2015\\_eng.pdf](https://wsrw.org/files/dated/2015-12-09/cescr_morocco_2015_eng.pdf)

4 [https://wsrw.org/files/dated/2016-11-04/ccpr\\_c\\_mar\\_co\\_6\\_25813\\_f.docx](https://wsrw.org/files/dated/2016-11-04/ccpr_c_mar_co_6_25813_f.docx)

For future reference, our correspondence with Equinor so far can be found here: <https://vest-sahara.no/nb/nyheter/siste:-equinor-eksporterte-gass-til-okkuperte-vest-sahara-ved-en-glipp>

We ask for your immediate response, and will call you tomorrow. As you understand, our association strongly urges Equinor not to complete the transport into the occupied territory.

In addition to including the same CCs as in our previous letter, we now also include the National Contact Point of the OECD Guidelines for Multinational Enterprises, which we have had the privilege to be in contact with prior to the series of decisions in the CJEU.

A copy of this mail is sent to:

- 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
- Cathrine Halsaa, Head of Secretariat, National Contact Point of the OECD Guidelines for Multinational Enterprises.
- Sigmund Lier, mayor, Municipality of Tysvær
- Knut Thorvaldsen, Director-general, Norwegian Oil and Gas Association
- Randi Viksund, Head of communication, Gassco
- Manan Goel, Joint Managing Director, GP Global Group
- Nicolas H. Vafias, President, Stealth Maritime Corp SA

Sincerely

Erik Hagen  
Director, Norwegian Support Committee for Western Sahara  
[erik@vest-sahara.no](mailto:erik@vest-sahara.no)