

BW Group Ltd
Att: Andreas Sohmen-Pao,
chairman



Oslo, 24.11.2020

REGARDING GAS SHIPMENT TO OCCUPIED WESTERN SAHARA

The Norwegian Support Committee for Western Sahara is privileged to write to you. We are writing to enquire about Epic Gas' shipments of gas into the occupied parts of the non-self-governing territory of Western Sahara. We write to you in capacity as majority owner of Epic Gas.

The vessel *Epic Manhattan* (IMO 9392236), has on two occasions during the last week been reported to arrive in the port of El Aaiún in occupied Western Sahara on 25-26 November. The vessel contains LPG gas from Kårstø, Norway. We are highly concerned about the information about Norwegian gas being sold to such destination, and the overall transports undertaken by Epic Gas.

In total, our daily motoring has shown us that 15 transports of LPG took place into Western Sahara during the calendar year of 2019. Of those, 10 were made by the fleet of Epic Gas: Your vessels *Epic St.Ivan*, *Epic Bermuda*, *Epic Borneo*, *Epic Boracay* and *Epic St.Thomas*, departed from the harbours Tenerife, Agadir, Carteya, Lavera with such cargo. Details on their shipments can be found here: <https://wsrw.org/a105x4697>

During the calendar year of 2020, we have noted in total 10 transports of LPG into Western Sahara. Of those, five were in the Epic fleet: *Epic Borinquen* (arrival El Aaiún 24 January), *Epic Bermuda* (arrival 12 February), *Epic Bird* (arrival 27 February), *Epic Barbados* (arrival 14 September), *Epic Madeira* (arrival 23 October 2020).

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, Epic Gas has contributed to entrenching the Moroccan approach to the conflict through Moroccan settlers and industries on the ground.

The *Epic Manhattan* shipment is the fourth of its kind that departed Scandinavia this year, and possibly ever.

* In March, a vessel transported LPG from Stenungsund, Sweden. The exporter, Borealis, stated such transport would never happen again. <https://wsrw.org/a105x4727>

* In April, a vessel transported LPG from Kårstø, Norway. The exporter, Equinor, stated it would never happen again. <https://wsrw.org/a105x4704>

* In June, a vessel transported LPG from Kårstø Norway. The exporter, an unnamed non-Norwegian company, redirected the vessel to Morocco and stated it would never do it again, <https://wsrw.org/a105x4744>

Carrying out such transports, undermining international law, is not looked well upon in Norway. We expect you to know that the Norwegian government urges companies not to engage in trading with the territory. That recommendation is reflected by the advice issued by the Norwegian Shipowners' Association, found on its website.

It is important that such shipments will not be repeated by Epic Gas in the future. Taking into account that this is the third time we observe gas being transported from Norway to Western Sahara, we wish to alert you that our association will reach out to all companies exporting gas from Norway, to make sure they have policies in place to avoid such transports in the future.

Shall it be that your company insists on not duly considering the aspects of international law and the rights of the Saharawi people for self-determination over their own territory, and that your company fails to relate to the business advice of the Government of Norway, we ask for your understanding that such position has to be communicated to the companies currently involved in exporting gas from the North Sea. We expect that companies operating in Norway respect the UN Guiding Principles on Business and Human Rights, and that exporters of gas from Norway only will partner with shipping companies making serious efforts in this regard.

We would appreciate an immediate response to the following two questions:

1. 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 BW Gas taken to ascertain that Epic Gas has obtained the necessary consent of the people of Western Sahara to transport gas into the territory?
2. Will BW Gas make steps to guarantee that no such transports are carried out by Epic Gas into the occupied territory until a solution to the conflict has been found or until consent has been achieved from representatives of the people of the territory?

We are convinced that it is not in the interest of BW Gas to become associated with the continued colonization and occupation of Western Sahara, and urge you to immediately clarify that you have no intention of continuing such transports.

Sincerely

/sign/

Erik Hagen

Director, Norwegian Support Committee for Western Sahara

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