

Enel Green Power

Att: Antonio Cammisecra, Chief Executive Officer

Viale Regina Margherita, 125

00198 Rome

Italy

Brussels, 03.09.2021

RE. DEVELOPMENTS ON THE BOUJDOUR WIND FARM IN OCCUPIED WESTERN SAHARA

Dear Mr Cammisecra,

We are reaching out in relation to several shipments of windmill components from the ports of Motril and Bilbao, since late June this year, with destination Western Sahara. Specifically, we are referring to the transports aboard the following vessels:

- *Johannes* transporting equipment from Motril, Spain, arriving El Aaiún on 29 June, discharging, leaving back for Motril on 2 July;
- *Johannes* departing from Motril, Spain, arriving at El Aaiún 10 July, discharging, left 13 July for Bilbao, arrival 18 July;
- *Aramis* departing from Motril, Spain, arriving at El Aaiún on 13 July, discharging, left 15 July for Motril, arrival 18 July;
- *Johannes* departing from Bilbao, Spain, on 21 July, before picking up blades in Tangiers, Morocco, arriving in El Aaiún on 4 August;
- *Aramis* departing from Motril, Spain, arriving in El Aaiún on 24 July, discharging, left 29 July for Motril arrival 3 August (via Las Palmas);
- *Aramis*, departing from Motril, Spain, arriving in El Aaiún on 9 August, departing again on 12 August;
- *Johannes* departing from Bilbao/Tanger, arriving in El Aaiún on 29 August;
- *Aramis*, departing from Motril, arriving in El Aaiún on 21 August, leaving on 25 August;
- *Aramis* departing from Motril, arriving in El Aaiún on 4 September;
- *Treville* departing from Bilbao/Tanger, arrived at El Aaiún on 6 September.

In addition, we expect that *Breb Countess* coming from Iskenderun, Turkey, arriving in Dakhla on 5 July. All vessels transported windmill components by Siemens Gamesa Renewable Energy. We assume that these parts are delivered to the territory for the Boujdour wind farm.¹

1. Can you confirm that shipped windmill parts listed above are destined for the 300 MW Boujdour wind farm in occupied Western Sahara, to be constructed by Enel Green Power and Nareva as part of Morocco's Integrated Wind Power Programme?

In addition, we would be grateful for your clarifications on the following issues.

2. Enel Green Power has conducted a SEECA "performed by an independent international global organization which shall identify and involves the relevant stakeholders and the people of Western Sahara in line with international standards".
 - a. Who has conducted the SEECA of behalf of Enel Green Power?
 - b. Which international standards apply, according to Enel Green Power, in relation to identifying a people of a non-self-governing territory under foreign military occupation?

¹ <https://www.siemensgamesa.com/en-int/-/media/siemensgamesa/downloads/en/investors-and-shareholders/inside-information-communications/2020/20200902-ip-boujdour-eng-def.pdf>

3. In its 2020 Sustainability Report, Enel Green Power states that “during 2020, a due diligence of human rights was performed for the Boujdour site based on the principle UN guidelines for businesses and human rights, with the support of a renowned independent non-profit organization with broad experience in this field”.
 - a. Who performed the human rights due diligence for the Boujdour site?
 - b. Is the human rights due diligence report publicly available, and if not, why?
 - c. Are the terms of reference of the report publicly available, and if not, why?
 - d. How does the human rights due diligence define the right to self-determination in the context of Western Sahara? Does it encompass the right to permanent sovereignty over natural resources, to national unity and territorial integrity?
 - e. How does the human rights due diligence define the status of the people of Western Sahara? Does the study address the Saharawi people as a people under colonial rule? Does the study address the Saharawi people’s right to self-determination and independence?
 - f. How does the human rights due diligence define the legal status of Morocco’s presence in the territory, and does it address Morocco’s legal obligations under international humanitarian law? If not, why?
 - g. Does the human rights due diligence assess the Saharawi people’s right to self-determination in relation to the establishment of energy infrastructure on their land, and how Enel Green Power - in signing agreements with the authorities of the neighbouring country of Morocco - has related to this right?

4. In its 2020 Sustainability Report, Enel Green Power says a consultation of “representatives of the Saharawi population” was “carried out independently by primary company with proven experience in the area of sustainability”. “The consultation included vulnerable groups, all ethnic Saharawis, and was conducted in Hassaniyya Arabic, the Saharawi language, thanks to the inclusion of an expert on this ethnic group in the team”. And “the consultation led to a ‘social license’ to operate in light of the general acceptance of the renewal project by the Saharawi stakeholders, who highlighted numerous opportunities deriving from it in terms of employment and local economic development, evaluating the project in line with the advocacy activity they carried out for their people’s right to development, work and access to energy”.
 - a. Does Enel Green Power agree with the CJEU ruling of 21 December 2016, Article 106, which clarifies that the aspect of consent of the people of Western Sahara is a prerequisite for an activity affecting the territory to be considered lawful, and that the question of “benefits” is irrelevant?
 - b. Does Enel Green Power agree with the UN bodies on Civil and Political Rights and on Economic, Social and Cultural Rights who have stipulated that the Saharawi people ought to consent to any projects undertaken in their land?
 - c. Given that the UN recognises the “Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro”, or POLISARIO, as “the representative of the people of Western Sahara”, has Enel Green Power sought their consent for the Boujdour and Tiskrad wind farm project? If not, why?
 - d. Who has carried out the consultation of “ethnic Saharawis” referred to in the 2020 Sustainability Report?
 - e. Will the consultation, and its terms of reference, be made public, and if not, why?
 - f. Who was interviewed as part of the consultation?
 - g. Who identified the participants of the consultation?
 - h. Did the consultation include Saharawis who openly advocate the right to self-determination? If so, who, and what was their opinion on Enel Green Power’s infrastructure plans in the territory? If not, why?
 - i. What is the value of a “consultation” undertaken in a territory considered one of the worst places in the world in terms of civil and political rights, such as the right to freedom of speech and expression?

Finally, we wish to repeat our disappointment regarding Enel Green Power’s active and leading role in the construction of energy infrastructure in the territory. It is highly damaging for the UN peace process and in obvious disregard of the Saharawi people’s right to self-determination. We demand that all such projects be

terminated immediately, unless permission has been given by UN-recognised representation of the Saharawi people.

WSRW's report on Morocco's renewable energy projects in occupied Western Sahara will be published in the month of October. We'd be grateful for your response to the above questions prior to 12 September 2021, so that we can accurately reflect your views.

Sincerely

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Coordinator

Western Sahara Resource Watch

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