Greenwashing occupation

How Morocco’s renewable energy projects in occupied Western Sahara prolong the conflict over the last colony in Africa.
In November 2021, when the governments of the world will meet in Glasgow for the COP26 climate talks, Morocco - the occupying power of Western Sahara - is in the process of erecting its largest energy project on occupied land to date. It is but one part of a comprehensive plan to build controversial infrastructure on the land it illegally occupies.

This report exposes all existing and planned renewable energy projects in the territory. It estimates that the energy produced from wind in occupied Western Sahara could constitute 47.20% of Morocco’s total wind capacity by the year 2030. By that same year, the share of solar power generated in the territory could be between 9.70% and 32.64% of Morocco’s total solar capacity – likely towards the higher end of that range.

The energy generated on occupied land increases Morocco’s dependency on the territory that it occupies. As such, the projects fundamentally undermine the UN peace efforts in Western Sahara directed towards allowing the expression of the right to self-determination of the Saharawi people. The energy is used by industries that plunder the territory’s non-renewable resources, and provides job opportunities attracting more settlers from Morocco. It may also, in time, be exported abroad, including to the EU.

Morocco brands itself internationally as best in class on renewable energy as part of its commitments under the Paris Agreement. States, however, are only meant to present efforts undertaken in their own territory, not outside of their borders. The UN body that registers and reviews state parties’ achievements, the UNFCCC, claims that it is not in a position to assess the content of the submissions. The scandal of the UNFCCC’s complicity is, of course, compounded by the fact that Morocco’s energy projects can only be carried out under the military occupation that the UN’s central bodies have declared illegal.

None of the companies participating in the renewable energy industry inside Western Sahara, including those most implicated - Italian company Enel and Spanish Siemens Gamesa - have clarified whether they have even tried to obtain the consent of the people of the territory.

Instead, the companies refer to an alleged ‘consultation’ of local ‘stakeholders’ or ‘population’. This is the exact same flawed approach taken by the European Commission in its trade and fisheries agreements with Morocco. The European Court of Justice ruled on 29 September 2021 that the EU’s approach in Western Sahara is illegal. The Court explicitly stated that the liberation movement Polisario is the representative of the Saharawi people, that consent must be obtained from them, and that a ‘consultation’ with the ‘population’ cannot substitute the legal requirement of Saharawi consent.

Taking into account the applicable international law as elaborated in the 29 September 2021 ruling from the EU Court of Justice, Western Sahara Resource Watch demands an immediate exit of all energy companies from the occupied territory. Further, WSRW asks states to challenge Morocco’s systematically erroneous climate reporting.
More than 90% of Morocco’s energy is imported from abroad. Energy imports (crude oil and oil products, coal, natural gas, and electricity) amounted to 49,965 billion MAD in 2020 (or 11.8% of the cost of all imports). In 2020, petroleum products were mainly imported from Spain, Saudi Arabia and the USA, while natural gas came from the USA and Algeria. Morocco’s dependency extends to Western Sahara, where gas and petroleum is imported from European terminals for infrastructure and industries that are critical for an illegal occupation. Morocco’s national oil company has signed exploration agreements with international energy companies to explore its own potential oil and gas potential and that of Western Sahara. However, there are no indications that the areas being explored will contain the necessary reserves and be available any time soon to replace the kingdom’s dependency on imported energy.

To meet the rising energy needs of its growing population, Morocco has turned to implementing strategies for the promotion of renewable energy. In 2008, Morocco launched the National Renewable Energy and Energy Efficiency Plan, setting out the ambition that 42% of its total installed power capacity would come from renewable energy by the end of 2020. The goal meant commissioning new plants to bring total capacity to 2,000 MW from solar, 2,000 MW from wind and 2,000 MW from hydro. In 2015, during the 21st conference of member states of the UN Climate Convention (UNFCCC), Morocco announced plans to increase its renewable capacity to 52% of total energy needs by 2030. To meet such a target, the country aims to add around 10,000 MW of renewable capacity until 2030, consisting of 4,560 MW of solar, 4,200 MW of wind, and 1,330 MW of hydropower capacity.

Over the medium to long term, Morocco hopes to increasingly export electricity from renewable energy to Europe and Africa. And the goal is within reach. While Morocco’s electricity imports from Spain had increased sharply over the last decade, that relation reversed in 2019 when Morocco became a net exporter to Spain with a modest 771 GWh. While this may not be much - a nuclear plant could generate that amount in about a month’s time - it is the turnaround itself which is astounding. In 2018, Spain was a net exporter of electricity to Morocco with 3,300 GWh. In 2017, Spain’s net exports to Morocco had amounted to 5,000 GWh. The fact that Morocco was able to become a net exporter confirms it is confident it can first meet its national electricity demand. An important factor is the country’s heavy investment in renewable energy projects.

Western Sahara’s potential for renewable energy projects is massive. According to the Moroccan think-tank Policy Center for the New South (formerly OCP Policy Center), each km² of desert receives an annual amount of solar energy equivalent to 1.5 million barrels of oil, which demonstrates a theoretical capacity of the world’s deserts to supply several hundred times the planet’s electricity needs. ‘Nearly 60% of the country’s solar and wind power production is concentrated in the southern provinces of the Kingdom’, the Center claims. Although the figure does not reflect the current reality (one of lower production), it illustrates how important the development of Western Sahara is from a Moroccan perspective. Putting the energy needs of these “provinces” at 120 MW, the Center concludes that in generated wind energy alone, a surplus nine times as big can be transferred elsewhere in the Kingdom or to Europe. A decidedly more independent source, the World Bank, puts the offshore wind power potential of Western Sahara at 169 percent greater than that of Morocco. In doing so, the World Bank reveals, yet again, the enormous importance of the occupied territory for Morocco’s much desired energy self-sufficiency.
Morocco’s energy infrastructure on occupied land:

- Gives an aura of acceptability to Morocco’s unlawful military presence in Western Sahara. Construction of electric power generation and distribution infrastructure lends a greater appearance of legitimacy to the occupation of the territory, in circumstances that continue to deny the Saharawi people’s right to exercise self-determination. The infrastructure is built without consent from the Saharawi people;
- Involves large multinationals and government financial institutions in an already complex conflict dynamic through the construction of physical infrastructure inside occupied Western Sahara;
- Is part of Morocco’s diplomatic swing towards African countries, using its renewable experience and companies to entice support for its occupation of Western Sahara;10
- Entrenches Morocco’s presence in Western Sahara. Increased electrical capacity is an incentive for additional Moroccan settlers to move to and remain in the territory. Alarmingly, it appears that part of the generated electricity is intended for export to Morocco’s national grid. Morocco thus becomes even more economically connected to, and dependent on, the territory it has occupied. This will become even more problematic if European and African states starting importing energy produced in the territory in the future;
- Contributes to Morocco’s taking of natural resources from Western Sahara, in violation of international humanitarian law. The energy obtained through the wind and solar plants results in more economically efficient industries, such as phosphate mining and the fish sector;
- Undermines the UN peace process. The king of Morocco has a clear motivation to engage with the UN for the just settlement of the conflict, and hence contributes to prolonging the humanitarian crisis facing the large portion of the Saharawi people who have fled the territory and live in refugee camps in Algeria. The majority of the refugee population has only very limited access to electrical power, with resulting problems in terms of safety, food hygiene, education and sparse social activities.

What is the problem?

Hundreds of refugees from Western Sahara protest Siemens AG’s construction of Moroccan energy infrastructure at Foum El Oued, to be used for the plunder of the occupied territory’s diminishing phosphate reserves.
Renewable energy and international law

A new ruling from the EU Court of Justice underlines the illegality of projects in Western Sahara. Morocco’s renewable projects are just as much in violation of international law as is its plunder of minerals.

On 29 September 2021, the EU Court of Justice ruled that the EU’s controversial trade and fisheries agreements with Morocco cannot cover Western Sahara. In its ruling, the Court clarified several elements that would be fundamental for any government or company that seeks to engage in the territory.

The Court specifically argued that undertaking ‘stakeholder consultations’ with the ‘local population’ in Western Sahara in order to define how operations generate ‘benefits’ was far from what the EU should have done. These elements cannot substitute the obligation to obtain the ‘free and genuine’ consent of the people of the territory. The Court stated: Consent must be obtained from Polisario, the UN recognised representation of the people of Western Sahara.

This is the fifth time since 2015 that the Court pronounced on the practice of applying EU-Moroccan bilateral agreements to Western Sahara. A 2016 ruling concluded that the territory of Western Sahara is separate and distinct from Morocco, and that, consequently, EU agreements with Morocco cannot be applied to Western Sahara, unless with the consent of the people of the territory.

To defend its agreements with Morocco in the occupied territory, EU institutions used a UN legal opinion from 2002. The document – often referred to as the ‘Corell Opinion’ – was written for the UN Security Council at a time when Morocco had initiated oil exploration in the territory. Its conclusion noted that ‘if further exploration or exploitation were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the principles of international law applicable to mineral resource activities in Non-Self-Governing Territories.’

However, the EU never referred to this crucial conclusion of the Corell opinion in its agreements with Morocco, as stakeholders elsewhere in the territory do. In this way, the EU systematically ignored the entire element of self-determination. The author of the UN opinion stated he was ‘shocked’ to European the EU had misrepresented and misused his text to legitimise trade agreements that what he would be ‘obviously to be considered’ in violation of International law.

In its 29 September 2021 ruling, the Court systematically decomposed the chain of arguments used by the EU Commission and Council. There is no contradiction between the EU Court’s earlier rulings and the Corell opinion. The Court argued: stating that the core message of the Corell opinion was found in the concluding paragraph.

The Court further highlighted that the UN legal opinion treats Morocco as an administering power ‘by analogy’, underlining that Morocco is not in actuality. Morocco does not consider itself as the administering power of Western Sahara, nor can it be considered as such without the territory. It also stated that if supposing that the conclusions of the UN legal opinion could be transposed, it would follow that activities in Western Sahara must be in conformity not only with the interest of the people of Western Sahara, but also with their will – and failing on the latter would render them contrary to the principles outlined in the opinion.

A creative reading of the Corell opinion – now so clearly criticised by the EU Court – is also made by private companies, including the consultancy firm Global Dignity, which allegedly carried out ‘stakeholder consultations’ as preparatory work for an energy project of the French company ENGIE.

An often heard argument of actors involved in Morocco’s renewable energy projects in Western Sahara is that they are not taking part in the physical removal of finite resources. Sun and wind are free, and can’t be taken, seems to be the reasoning. But that argument blurs the main legal problem: the Saharawi people have not consented to the exploitations, which are in themselves a violation of International Humanitarian Law (IHL). By 2019, all companies engaged in petroleum exploration or phosphate mining in Western Sahara had terminated their connection with the territory. During the last decade, while global investors engaged with these actors, a large body of international law has materialised, one that strongly supports self-determination.

In October 2019, the UN Committee overseeing States’ implementation of the Covenant on Economic, Social and Cultural Rights urged Morocco to respect the Saharawis’ right to consent with regard to the exploitation of their resources. In 2016, the UN Human Rights Committee echoed those conclusions and recommended Morocco to obtain the consent of the people of Western Sahara “to the realization of developmental projects and [resource] extraction operations.”

The African Union issued a Legal Opinion in 2019, concluding that “the people of Western Sahara and their legitimate representatives must not only be consulted, but they must consent and effectively participate in reaching any agreement that involves the exploitation of natural resources in the territory.” Similarly, the AU’s Peace and Security Council has condemned the exploitation of Western Sahara’s natural resources, calling it “a hostile act likely to perpetuate the conflict and colonialism in Western Sahara.” The AU has maintained its position after Morocco’s return to the organisation. Urging Morocco to end the “illegal exploration and exploitation of the territory’s natural resources.”

The fact that Morocco has no legal mandate to be present in the territory was underlined by Spain’s highest criminal court in 2014, which concluded that Spain is still formally the administering power of Western Sahara, as it had never properly decolonised.

The renewable energy projects in occupied Western Sahara thus require the consent of the people of Western Sahara. This is also underlined by the author of the 2002 UN legal opinion. Some companies have viewed their approach in the context of the ‘free, prior and informed consent’ (FPIC) principle as applied on indigenous lands elsewhere in the world. This is not a useful comparison. The EU Court specifically rejects the application of FPIC arguments. Indigenous FPIC protections are not applicable in international and non-sovereign state – but in the case of the Sahrawis, it refers to something fundamentally different: the right to self-determination and independence of a people of a non-self-governing territory, of a ‘separate and distinct’ nature from Morocco. Human Rights Watch has established that international law defines as ‘permanent sovereignty’ to decide these resource-related matters themselves.

The construction of renewable energy infrastructure by an occupying power not only violates the right of non-self-governing peoples to self-determination, but also IHL, which serves to protect a civilian population under occupation. IHL is directly concerned with material well-being. This is, their security and the prevention of maltreatment. But IHL is also about maintaining, or preserving, the status of such a people about ensuring the identity of an occupied population. An occupying power cannot transfer people into an occupied territory, nor out. Extending an occupation - beyond securing the occupied place and maintaining public order - through building infrastructure to further the occupation or provide for an illegal settler population contravenes such rules.

Saharawis are today a minority in their own homeland, outnumbered by Moroccan settlers that have either permanently moved into the territory or stay for extended periods as seasonal workers. Settlers are attracted by job opportunities created by the industries that have emerged on the occupied place and maintaining public order - through building infrastructure to further the occupation or provide for an illegal settler population contravenes such rules.

“Siemens should demonstrate how its activities in Western Sahara are in line with the interests and wishes of Saharawis, in accordance with the right to self-determination stipulated in the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights. Should this not be possible, the company should withdraw from Western Sahara.”

Erste Asset Management, regarding Siemens AG’s “operations in occupied territory.”
**CIMAR (5 MW)**

Inaugurated in 2011 at the cement grinding factory of Ciments du Maroc (CIMAR). Constructed by Italcementi (Italy), part of Italcemtexti. HeidelbergCement (Germany) owns both companies. Also referred to as Driss Cherrak. Comprises six 850 kW turbines installed by Gamesa (Spain, now Siemens Gamesa) in 2011 and a 150 kW turbine installed by Widemag (Germany) in 2005. Supplies the CIMAR factory. Surplus is sold to ONEE through a partnership deal. **

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**Tiskrad (600 MW)**

Commissioning expected in 2022. Contract for development, financing, construction, operating and maintenance under a Build, Own, Operate and Transfer (BOOT) scheme was awarded in 2016 to Siemens Wind Power (Germany). Enel Green Energy (Italy) and Nareva (Morocco). Part of the 850 MW Integrated Wind Energy Programme.

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**Noor Laayoune (85 MW) and Noor Boujdour (10 MW)**

Operational since 2019. Developed as part of the Noor PV I programme. Build, Own, Operate and Transfer: ACWA Power (Saudi Arabia). Engining, procurement and construction: Chint Group (China), Sterling and Wilson (subsidiary of Shapoorji Pallonji Group, India). Operations and maintenance: NOMAC (subsidiary of ACWA Power) and Ingeteam (Spain). Environmental and Social Impact Assessment: 5 Capitals (Dubai) and Phenixa (Morocco).

ACWA’s offtake contract with Masen runs 20 years. Its effective stake in the Noor PV I project is 20%, while Masen Capital and Chint Electric respectively control a share of 25% and 5%. Financed through green bonds, at the advice of Norton Rose Fulbright and certified by Vigeo Eiris and Climate Bonds Initiative. Green Giraffe (Netherlands) assisted in preparation of the tender. A second project, including Noor Laayoune 2 and Noor Boujdour 2, will later be added as part of the 800 MW Noor PV II programme.

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**Noor Dakhla (90 MW)**

To be located in El Argoub, an area known for its power-hungry greenhouses. Environmental impact study reportedly carried out in August 2020.

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**Dakhla Desalination (40 MW)**

To benefit the existing agri-business in Dakhla, and 5,000 hectares of future farmland. ENGIE (France) and Nareva to co-finance, design, build, maintain, manage and operate the desalination plant and connected irrigation infrastructure. Plant and wind farm will be implemented by a joint venture of Nareva and ENGIE’s subsidiary international Power SA (Belgium). “Stakeholder engagement” by Global Diligence.

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**Ghadr Jrad (19 MW)**


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**Harmattan Dakhla Wind (100 MW)**

Expected to take six years to complete. Financial mobilisation for the first 56 MW in 2021. Construction planned from 2022. Private ownership. Developer: Harmattan Energy Ltd (formerly Soluna Technologies Ltd. USA). First phase of a reported 96 MW approved by the Moroccan government in 2019. Technical and environmental feasibility studies completed in 2020. Consulting engineer: Mott MacDonald (UK). Received advice from Siemens Gamesa (Spain), Vestas (Denmark), General Electric (USA), Goldwind (China), BLA Piper (UK) and Africa Advisors (Morocco). DNV (Norway) terminated an engagement with the project.

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**Afflissat (100 MW)**

Operational since 2018. Developed and exploited by EEM, a subsidiary of Nareva. Consists of 56 3.6-132 Siemens Gamesa turbines. Industrial end-users: LafargeHolcim Maroc, OCP and “large industrial customers connected to the national VHV/HV network.” Involved companies:
- Terrawatt (Germany): compliance with Morocco’s grid code.
- Laser Maroc (subsidiary of Lasarte (Spain)): transport of turbines, tower sections and transformers for substation at Soukale (Morocco) unloading in port of El Aaiún.
- Logistics: Deugro (Denmark). Allen & Overy (UK) advise on the development, financing, construction, operations and maintenance.
- ALL NRG (Denmark): High Voltage service and turbine upgrades.
- ABB (Switzerland/Sweden/Japan): construction of hybrid substation.

A 200 MW wind farm dubbed Afflissat 2 will be commissioned in 2022. This will be developed by EEM. A contract was awarded to General Electric Renewable Energy (USA) in September 2021.

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**Foum El Oued (50 MW)**

Operational since 2015. Developed and exploited by EEM, a subsidiary of Nareva. Consists of 22 SWT-2.3-105 Siemens turbines. The Siemens-Nareva contract was to deliver, install and commission the turbines in addition to a 5-year service contract, extended in 2018 by 15 years. Industrial end-user: Phosphoboucain/OCP involved companies.
- Delattre Levivier Maroc and Euroforges Maroc (Morocco): produced the towers for the mills and supplied the cranes, respectively.
- Energol (Italy): mounting of the turbines.
- Lahmeyer International (Germany): project lead and technical expertise. IKA Energi (Turkey): supervision of construction. Technoprojet (Morocco): electric engineering.
- Ormazabal (Spain): extension for the OCP substa- tion. Omorex (VINCI) installation.
- Global Wind Service (Denmark): painters and fibre technicians.
- Briese Schiffahrts (Germany): shipment of windmills.

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**Boujdour (200 MW)**

Construction started and commissioning expected in 2021. Contract for development, financing, construction, operating and maintenance under a Build, Own, Operate and Transfer (BOOT) scheme was awarded in 2016 to Siemens Energy (Germany). Enel Green Energy (Italy) and Nareva (Nareva Germany). Part of the 850 MW Integrated Wind Energy Programme, though originally conceptualised as a 100 MW wind farm.

Enel Green Energy signed the contract for construction with ONEE and Masen in 2015. Siemens Gamesa (Spain) “supply, transport, installation, commissioning and testing of 87 units of the SG 3.6-132 wind turbine and a 9-year service agreement” in “South of Morocco.” Briese Schiffahrts (Germany): shipment of windmills.

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**Dakhla Wind Farm (900 MW)**

Expected to take six years to complete. Financial mobilisation for the first 56 MW in 2021. Construction planned from 2022. Private ownership. Developer: Harmattan Energy Ltd (formerly Soluna Technologies Ltd. USA). First phase of a reported 96 MW approved by the Moroccan government in 2019. Technical and environmental feasibility studies completed in 2020. Consulting engineer: Mott MacDonald (UK). Received advice from Siemens Gamesa (Spain), Vestas (Denmark), General Electric (USA), Goldwind (China), BLA Piper (UK) and Africa Advisors (Morocco). DNV (Norway) terminated an engagement with the project.

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**Wind**

**Solar**

**Operational**

**Planned/In progress**

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**Geothermal**

Contract signed in 2019 between ONHYM and Gesto Energy (Portugal), covering probably a large part or all of the occupied territory. First sampling made in 2019.
Solar plans
The Moroccan government has allocated enormous tracts of land for solar projects in occupied Western Sahara

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Initially, five locations had been identified for installing the 2,000 MW – two of them in occupied Western Sahara: 500 MW in El Aaiún (from El Oued) and 100 MW in Boujdour, which together were to comprise 30% of total envisioned capacity under the programme. Implementation has not been straightforward and is complex to research: the projects in Western Sahara are included in bigger tenders, which tend to obfuscate how much capacity will be installed at which location. While it is clear how much solar capacity is currently operational in Western Sahara, future developments are somewhat more obscure.

Today, there is 105 MW operational solar capacity in occupied Western Sahara, or 14.85% of Morocco’s total installed solar capacity. Estimating the capacity by the 2030 horizon is at present speculative.

In 2018, the two first solar plants in Western Sahara were inaugurated: 85 MW Noor Laayoune, located in the rural commune of Edchera near El Aaiún, and 20 MW Noor Boujdour in the Lamoud rural area. The plants were part of the so-called Noor PV I programme – under the Moroccan Solar Plan – consisting in the construction of photovoltaic (PV) solar plants on three sites: Ouarzazate, El Aaiún, and Boujdour.

Noor PV I was implemented by Saudi Arabian company ACWA Power, which had won the tender to develop all three plants under a BOOYT-scheme. The contract also included construction of a power line connection to nearby substations or existing power lines owned by ONEE. ACWA’s winning bid was announced at the UN Climate Conference, COP22, in Marrakech in 2016. ACWA Power contracted Dubai-based consultancy firm 5 Capitals to carry out the studies list several reasons why the sites in Boujdour and El Aaiún were chosen: topping that list is – without a sense of irony – “abundant uncropped land”. Land acquisition was “not within the scope of ACWA Power as Masen is the owner of the land and will lease the allocated plot for the proposed project,” the study explains. Masen procured the land “through a voluntary buyer-seller agreement between the Moroccan State and Masen.”

Not once in any of its documentation pertaining to the two projects on occupied land – from factsheets over technical assessments to annual reports – does ACWA Power mention the actual location of its project sites. Western Sahara, instead, the company consistently refers to both locations as in Morocco. ACWA has not responded to letters from WSRW. Construction started in 2017 and the plants were inaugurated in 2018, both in the presence of the king of Morocco.

So-called Green Bonds were issued to finance the Moroccan-Saudi infrastructure programme. The certification of the bonds was done by the Climate Bonds Initiative and the Moroccan-French-UK company Vigeo Eiris. Climate Bonds Initiative was asked by WSRW in five mails about how it had obtained permission from the people of the territory to assist in securing financing for a project on occupied land. The initiative did not respond. In 2019, it posted on its website a Masen report of the Noor PV I project that repeatedly stressed that Western Sahara is part of Morocco. Vigeo Eiris – which paradoxically markets itself as a provider of environmental, social and governance research and services for investors – has issued strong statements of support to Morocco’s position on the occupation, questioned the status of the territory as occupied, minimised the right to self-determination and on several occasions even referred to the territory as “the western side of Sahara” or “the region of Sahara.”

Workers clean solar panels near the city of Ouarzazate. Morocco. The Moroccan government has allocated large tracts of land in occupied Western Sahara for further solar projects.
The largest energy project ever in the history of Western Sahara is currently being built. In September 2021, enormous volumes of components were shipped to Western Sahara.

When this report went to print, a dozen shipments transporting windmill components from Spain to Western Sahara had been taking place over the course of the previous two months. The larger masts were transported from Motril, the blades from Tangier and engine-gear from Bilbao.

The material is shipped in for the construction of the large Boujdour wind park. In total 87 masts will be erected as part of the 300 MW project.

The contract to kick-off construction had been signed by Enel Green Energy, ONEE and Masen in 2019, hinting at a financial cost of €375 million. Enel confirmed to WSRW in September 2021 that the work had indeed started.

In September 2020, Siemens Gamesa declared having “received a firm order for supplying wind turbines to the consortium between Nareva and ENEL Green Power for the Boujdour wind farm, located in the South of Morocco”. Enel used the same, erroneous, geographical terms of “Boujdour, Morocco” when it posted permanent employment opportunities in Boujdour in 2020.

The 300 MW Boujdour project is part of Morocco’s Integrated Wind Energy Programme that has begun to break ground in Western Sahara. Presumably, work on the other wind farm in the Programme that is to be constructed in occupied Western Sahara – Tiskrad – will soon start. Masen expects the 100 MW farm to be commissioned in 2022.

A contract for the 200 MW Aftissat 2 wind farm was announced by General Electric Renewable Energy on 30 September 2021. The company systematically refers to the location of the park as in “Morocco”, and informs it will install 40 wind turbines. WSRW wrote to General Electric on 5 October 2021. General Electric had previously shown an interest in the tender for the Integrated Wind Energy Programme. When confronted by WSRW, the company responded that “After checking with our colleagues, we have determined that GE is not participating in the tender that is the subject of your email.” From what WSRW can calculate, Western Sahara’s share of Morocco’s currently installed wind power plants is 17.9% (255 MW out of 1427 MW in mid-2021). Adding all farms currently under construction or in planning, that share could soon increase to 47%. The calculation is however quite challenging and complicated (see page 18).

At present, three wind farms are operational in Western Sahara: the CIMAR farm, Foum El Oued and Aftissat. The relative importance of Western Sahara for Morocco’s wind energy generation will increase as a result of the implementation of the Integrated Wind Energy programme in the territory. This public programme was conceptualised in 2010 to consist of two phases: developing the 150 MW Taza wind farm in the northeast of Morocco, and constructing five wind farms with a cumulative capacity of 850 MW. Two of the latter five farms – with a combined capacity of 400 MW – were to be built in occupied Western Sahara. A tender for all five was launched by ONEE in 2012. In March 2016, a winner was announced: Siemens Wind Power in grouping with Enel Green Energy and Nareva had been awarded the $1.2 billion contract. Unsurprisingly, the factory’s first customer was Nareva, with an order for the Aftissat wind farm in occupied Western Sahara.
Powering the plunder

The energy produced by the large solar and wind projects in Western Sahara is providing large industries with needed energy. This in turn, has dramatic consequences for the Saharawi people.

Nearly twice a month, a bulk vessel docks at the port of El Aaiún in occupied Western Sahara, only to depart after having loaded a cargo of phosphate rock. For over 40 years, Morocco has exported this non-renewable, strategic and valuable mineral, selling it to fertilizer producers overseas. The trade is not well received by responsible investors internationally. Several importers have ceased their purchases after learning of the controversies, and dozens of banks and pension funds have divested from companies engaged in the trade. The exports are invariably seen as violating international law and the rights of the people of the territory to manage their own resources.

Over 95% of the energy needed by the Moroccan state-owned phosphate company OCP S.A. for the exploitation of Western Sahara’s phosphate reserves, is provided by the 22 Siemens windmills of the Foum El Oued park. Such a fact is asserted by the phosphate company itself. The electricity generated at Foum El Oued is used for three main functions: the extraction of the phosphate rock, its transport over a 100 km long conveyor belt to the port, and seawater desalination.

OCP was also one of the companies named as an end-user of the Aftissat wind farm. As stated by Windhoist, the turbine erection company that constructed the farm, “The $391m wind farm is being developed for Société Énergie Éolienne du Maroc (EEM) who will use the impressive 201.6MW of energy to supply industrial companies in Morocco.” WSRW wrote to Windhoist in 2017, and has not received a response. In addition to OCP, Moroccan media has linked several other companies to the project, including LafargeHolcim Maroc, Ciments du Maroc, Sonasid, Managem, Air Liquide Maroc and la SNEP, although WSRW is not certain these details are correct. The 200 MW Aftissat 2 farm will, according to General Electric, also service industrial end-users.

The location of the newly planned Dakhla solar plant is also telling. The 150 MW plant will be located near the Dakhla peninsula, in an area called El Argoub, which has seen a veritable boom in agribusiness since the turn of the century. The large plantations and greenhouses that produce fruits and vegetables for export are either owned by Moroccan-French conglomerates or by the king of Morocco himself. The farmed land has continued to expand to just over 1,000 hectares today, but the aims are far bigger: in 2017 the Moroccan government announced that an additional 5,000 hectares would be made available. Creating conditions for growing produce in the desert requires massive amounts of power. Masen’s decision to install a solar plant in the immediate vicinity of these companies hardly seems coincidental.

Not only is the agri-industry in Dakhla power-hungry, it is at present depleting Dakhla’s underground water reserves. In December 2018, the Moroccan government contracted ENGIE – in collaboration with Nareva – for developing a wind-powered desalination plant. As reported by Moroccan media, the 40 MW-driven desalination plant is expected to mainly benefit the nearby agri-industry.
### Wind farms

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<td>Note 106 Law 13-09</td>
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<td>Aldabtainat Torres</td>
<td>Tiznout</td>
<td>Morocco</td>
<td>120</td>
<td>2020</td>
<td>Note 106 Law 13-09</td>
<td>Current capacity at 54 MW to be increased to 120 MW through repowering according to MASEN. ONEE puts capacity after repowering at 200 MW</td>
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<tr>
<td>Dakhla 1 + 2</td>
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<td>Ouazled El Haddou (Safi)</td>
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<td>Midelt</td>
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<td>2007</td>
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<td>Tarfaya</td>
<td>Tarfaya</td>
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<td>Zaitouna</td>
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<td>Alltalat</td>
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<td>2012</td>
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<td>Alissosse</td>
<td>Boujdour</td>
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<td>Boujbour</td>
<td>Boujdour</td>
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<td>Alissosse II</td>
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<td>Ghadir jad</td>
<td>El Aaiun</td>
<td>Western Sahara</td>
<td>75</td>
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<td>Note 106 Voltata. Status of independent electricity producer</td>
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<tr>
<td>Harmattan Dakhla</td>
<td>Dakhla</td>
<td>Western Sahara</td>
<td>900</td>
<td>2027</td>
<td>Note 106 Harmattan Energy (ex-Solunai). Bitcoin-mining</td>
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<td>Dakhla desalination</td>
<td>Dakhla</td>
<td>Western Sahara</td>
<td>40</td>
<td>2021 - 2022</td>
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<td>Morocco total 2092 MW</td>
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<td></td>
<td>Western Sahara total 1870 MW</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Combined 3762 MW</td>
</tr>
</tbody>
</table>

**Total** Western Sahara 47.20% of total

The land allocated for the two projects in Western Sahara (see page 19). WSRW believes that their combined capacity could be 400 MW.

The Western Sahara share of Morocco’s total solar plans would be anywhere between 9.7% and 32.64%, depending on whether Midelt, Noor Boujdour 2 and Noor Layyounz 2 are carried out.

### Solar farms

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
<th>Country</th>
<th>Capacity</th>
<th>Type</th>
<th>Commissioned</th>
<th>Developed by</th>
<th>Source</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Ain Beni Mathar</td>
<td>Ain Beni Mathar</td>
<td>Morocco</td>
<td>20</td>
<td>CSP with combined cycle</td>
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</tr>
<tr>
<td>Noor Atlas</td>
<td>Ain Beni Mathar</td>
<td>Morocco</td>
<td>200</td>
<td>PV</td>
<td>2020</td>
<td>ONEE</td>
<td>Note 114</td>
<td>Noor Atlas is the name used by ONEE. MASEN refers separately to 7 sites under the project. Noor Ain Beni Mathar Noor Boudnib. Noor Ouarzazate 2, Noor Tafilalet and Noor Bouanane. ONEE lists one more site, in Bouzarkane</td>
</tr>
<tr>
<td>Noor Tafilalet</td>
<td>Missouri, Erfoud and Zagora</td>
<td>Morocco</td>
<td>120</td>
<td>PV</td>
<td>2018</td>
<td>ONEE</td>
<td>Note 114</td>
<td>Noor Tafilalet is the name used by ONEE. MASEN refers separately to the three sites under the project, with a capacity of 40 MW each. Noor Ouarzazate, Noor Erfoud and Noor Zagora.</td>
</tr>
<tr>
<td>Noor PV II - phase I</td>
<td>Sidi Bemmour, Kelaia, Sraghna, Taroudant, Bajaad, El Haj at Ain Beni Mathar</td>
<td>Morocco</td>
<td>400</td>
<td>PV</td>
<td>2019</td>
<td>ONEE</td>
<td>Note 114</td>
<td>Was supposed to be tendered in 2020. For 200 MW. Since it no longer appears on ONEE’s site, and was never mentioned by MASEN. WSRW considers this project to have been dropped.</td>
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<tr>
<td>Noor Aronga</td>
<td>4 potential sites, Rhanna, Tensift, Bousmane, Chichaoua</td>
<td>Morocco</td>
<td>0</td>
<td>PV</td>
<td></td>
<td>ONEE</td>
<td>Note 114</td>
<td></td>
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<tr>
<td>Noor Midelt I</td>
<td>Midelt</td>
<td>Morocco</td>
<td>800</td>
<td>CSP + PV</td>
<td>2022</td>
<td>MASEN</td>
<td>Note 114</td>
<td>Tender for pre-qualification launched in 2019.</td>
</tr>
<tr>
<td>Noor Midelt II</td>
<td>Midelt</td>
<td>Morocco</td>
<td>230</td>
<td>CSP + PV</td>
<td>2022</td>
<td>MASEN</td>
<td>Note 114</td>
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<td>Noor Ouarzazate I</td>
<td>Ouarzazate</td>
<td>Morocco</td>
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<td>2016</td>
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<td>Noor Ouarzazate II</td>
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<td>MASEN</td>
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<td>Morocco</td>
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<td>CSP</td>
<td>2018</td>
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<td>Noor Ouarzazate IV</td>
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<td>Morocco</td>
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<td>Green-Power</td>
<td>MASEN</td>
<td>Note 114</td>
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<td>El Aaiun</td>
<td>Western Sahara</td>
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<td>2018</td>
<td>MASEN</td>
<td>Note 114</td>
<td>Part of Noor PV I</td>
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<td>Noor Labyounz II</td>
<td>El Aaiun</td>
<td>Western Sahara</td>
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<td>2018</td>
<td>MASEN</td>
<td>Note 114</td>
<td>Mentioned as part of Noor PV II - presumably phase II</td>
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<td>Noor Boujdour I</td>
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<td>Western Sahara</td>
<td>20</td>
<td>2018</td>
<td>MASEN</td>
<td>Note 114</td>
<td>Part of Noor PV II</td>
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<td>Noor Boujdour II</td>
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<td>2018</td>
<td>MASEN</td>
<td>Note 114</td>
<td>Mentioned as part of Noor PV II - presumably phase II</td>
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<td>Noor Dakhla</td>
<td>El Argoub (Dakhla)</td>
<td>Western Sahara</td>
<td>150</td>
<td>Note 114</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Total** Western Sahara 21.93% of total

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If all of Morocco’s currently planned projects are completed in 2030, 47.5% of its total wind production capacity will be in Western Sahara, our calculations show. This will be the result if the very large Harmattan project in Dakhla is implemented.

With regard to the solar power capacities, the calculations are a lot less clear and thus difficult to project, based on the data so far published by the Moroccan government. On one hand, it is unclear whether the large Midelt project in Morocco will go forward or not. On the other hand, the capacity of the two planned solar parks in Western Sahara - Noor Boudjourt 2 and Noor Layyounz 2 - is not known.

The two latter parks are part of the Moroccan government’s 800 MW Noor PV 2 project. Based on the information available regarding the land allocated for the two projects in Western Sahara (see page 19), WSRW believes that their combined capacity could be 400 MW.

The Western Sahara share of Morocco’s total solar plans would be anywhere between 9.7% and 32.64%, depending on whether Midelt, Noor Boujdour 2 and Noor Layyounz 2 are carried out.

In these tables, WSRW has primarily relied on the two Moroccan agencies overseeing wind power projects - Masen and ONEE. However, Masen and ONEE tend to present incomplete and at times contradictory information. In those cases, WSRW has relied on Masen’s figures, as it is the leading agency for renewable energy projects. The notes referred to in the tables at these pages are referring to endnotes at the end of this report.
International companies use a combination of arguments to try and justify their operations in occupied Western Sahara. None are valid.

1. ‘Our work is beneficial to Western Sahara.’ Siemens Gameas states that “an improvement of energy infrastructure will bring real value to communities and people – nationally and locally.” The company adds that jobs are created for ‘locals’ and that they support community projects ranging from planting trees to installing trash bins. “We want to stress again that the Boujdour wind project will benefit the people of Western Sahara and will contribute to the socio-economic development of this territory,” Green Power says.

2. ‘We do not engage in politics.’ Signing contracts with the Moroccan government or state bodies for the construction of infrastructure in Western Sahara, while partnering with a company owned by the very monarchy responsible for the invasion and occupation of the territory, is a highly political act. “As we have told you in our previous correspondence we are not able to provide answers directly related to any local and/or international political situation, since it is and remains Enel Group’s policy not to take any position on political matters,” Enel wrote.

3. ‘We do not engage in international public law.’ Siemens has written WSRW that “Companies like ours, on the other hand, refrain as a matter of policy from taking positions or making judgments on such issues [international public law].” At the same time, however, Siemens Gameas labels Western Sahara “Southern Morocco” as late as in September 2020. Such an approach is not refraining from taking a position on questions of international law, but rather ignoring international law completely.

4. ‘It does not involve physical removal of natural resources.’ Wind farms are fundamentally different from, say, mines, which extract finite resources in an irreversible way. The wind in Western Sahara, in contrast, is a renewable source of energy, and the operation of wind farms in no way diminishes it. Siemens wrote to WSRW in October 2016. “We like to recall that the Boujdour project is a wind farm with no exploitation nor depletion of any non-renewable resources in that territory.”

First, from the perspective of public international law, Morocco has no right to exploit resources – renewable or not – inside the internationally recognised borders of Western Sahara.

Second, all currently operational wind farms are providing energy to industrial end-users in the territory that are in the business of extracting finite resources, and several future projects are reported to follow suit. As such, the renewable sector in the territory facilitates Morocco’s ongoing plunder of Western Sahara.

5. Obtaining consent is impossible. After years of asking whether Siemens had obtained the consent from the people of Western Sahara, Siemens Gameas stated in April 2020 that their external legal assessment had confirmed “the impossibility around seeking consent of the population in an area where an administrative power exercises sovereignty de facto.”

There is a lot to unpack in that sentence. First, the concept ‘de facto sovereignty’ does not exist in international law. The usage of the term ‘de facto’ is exactly to disassociate it from ‘de jure’ and does not address Morocco’s legal relationship to the land.

Second, it is not clear what is meant with ‘administrative power’. The UN has assigned each Non-Self-Governing territory with a relevant ‘administering power’. The only country bearing such an obligation in Western Sahara is Spain. The concept of a de facto administering power does not exist in international law: either administration is carried out legally or illegally, but never ‘de facto’.

Third, it is not the people in Western Sahara that must express consent, but the people of Western Sahara. There is a fundamental difference: today’s population of the territory consists overwhelmingly of Moroccan settlers, whereas the people of the territory live scattered under occupation, in refugee camps in Algeria or as residents in other countries. The difference is also explicitly spelled out by the EU Court of Justice on 29 September 2021.

Fourth, the UN has recognised Polisario as the representation of the people of Western Sahara and Polisario represents the Saharawi people in every aspect of their right to self-determination, including the economic dimension. This was also underlined by the EU court on 29 September 2021. For instance, Polisario represents Western Sahara before the UN Economic Commission for Africa. Foreign companies can contact the Saharawi authorities at their administrative offices in the Saharawi refugee camps and in Western Sahara, or through their representatives in many countries, e.g. Spain or Germany.

6. The company has received an “external legal assessment.” Are these legal opinions public? Who wrote them? What were the terms of reference? Do the legal opinions assess the legal status of the territory, the legality of Morocco’s presence in the territory and the right to self-determination? If such opinions are not public for the Saharawi people or third parties to analyse, in WSRW’s opinion, they have no relevance.

7. It is in accordance with applicable laws. ‘The formulation of Siemens Gameas’s corporate strategy […] will be guided by the relevant legal framework’, stated Siemens in 2020 when asked about the company’s involvement in Morocco’s wind farms in Western Sahara. The notion of “applicable legal frameworks” is a classic in companies’ responses on the matter, but they never actually explain what legal framework they are referring to.

Which country’s laws? How can Moroccan law govern contracts for projects in a territory that has a separate and distinct status from Morocco, located outside of its internationally recognised borders?

The erection and maintenance of energy infrastructure in Western Sahara can only be delivered by the Saharawi authorities in line with the rule of consent. Any permits and authorisations delivered under Moroccan law have no legal validity in Western Sahara. Siemens’ operations in the territory take place in a legal vacuum and undermines the sovereign rights of the Saharawi people over their national territory and their natural resources.

8. The rulings of the Court of Justice of the EU relate to state practice, not companies. The right to consent is universally accepted. The principle of relative effect of treaties – i.e. a treaty does not create obligations or rights for a third party without its consent – is a general principle of contract law that exists in every legal system, be it international or domestic.

9. There are no international sanctions. Companies understand the opportunities offered by the absence of corporate regulation in international law. “We are not aware of any international sanction regime that would impede such investments in Western Sahara,” Enel wrote. Despite the moral and legal objections linked to the energy infrastructure in Western Sahara, there are no international sanctions in place, as the EU has imposed in Crimea. However, foreign investors do not need international sanctions to respect the sovereign rights of the Saharawi people under international law.
Investors turned off

Investment in the construction of power plants generally occurs through public-private partnerships, which always involve one of the government energy agencies (usually ONEE or Masen). Investments can, however, be wholly public (usually through the ONEE) or wholly private. In Morocco, funding for such projects comes from the ordinary government budget, the Hassan II Fund for Economic and Social Development, the Energy Efficiency Fund, the Energy Development Fund (FDE), ONEE’s own funds, and the government-owned Energy Investment Corporation (IEE). Saudi Arabia and the United Arab Emirates are known donors of the FDE, a financing institution created in 2009.

Morocco also receives financial support from several institutions, such as the German Development Bank (KfW), African Development Bank (AFDB), European Investment Bank (EIB) and the European Union. And some of these institutions have been clear that they will not fund projects in Western Sahara. The EIB, KfW, the World Bank and the EU have explained that they will not finance Moroccan energy projects located in the territory. AFDB has never responded to letters from WSRW.

This clear and strict separation holds true for all our financings, see also the PV I programme where we provide financing only for the Noor Ouarzazate project, but not for the two sites Boujdour and Laayoune. KfW wrote to WSRW: Funding from the European Commission and the EIB for Morocco’s renewable energy projects have also only been awarded to the sites in Morocco proper.

Instead, Moroccan private banks seem to have entered the scene to offer their support. Banque Populaire Centrale (BCP) bragged about its support to Foum El Oued “in the south” of Morocco in its Corporate Social Responsibility report. BCPM has also allocated funds. The Albarid Bank, Banque de Financement et de l’Investissement (BFI) reportedly also “unlocked” 88 million Moroccan Dirham for Aftissat.

The Noor PV I programme, constructing two solar plants in occupied Western Sahara, was financed through Masen’s issuance of green bonds to the tune of 1.15 billion Dirham (USD118 million), at the advice of law firm Norton Rose Fullbright, a company previously engaged to defend phosphate exports from the territory. The bonds are underwritten by Al Barid Bank. Attijariwafa Bank, public pension fund Caisse Marocaine de Retraite et reinsurance company Société Centrale de Réassurance.

Noor Ouarzazate project, but not for the two sites Boujdour and Laayoune. KfW wrote to WSRW: Funding from the European Commission and the EIB for Morocco’s renewable energy projects have also only been awarded to the sites in Morocco proper.

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King of the mill

“From an ownership standpoint, the very existence of SNI is a challenge to Morocco’s Constitution, of which article 36 forbids “conflicts of interest [and] all practices contrary to the principles of fair and free competition.” In a country where the king is the supreme administrative and judiciary authority, are his corporations really held to the same standards as the others?”

Le Monde, 10 February 2015

The king of Morocco is not only the political, judicial, military and religious leader of the country, he is also a businessman, controlling companies that operate in large-scale and lucrative markets. During his reign, the king of the Poor – a title bestowed on Mohammed VI by the French press when he took power in 1999 – has accumulated a massive wealth. The problematic conflicting role of the royal family – both regulator and owner – is visible in numerous business sectors, including the renewable energy sector.

The royal family is the majority owner of Al Mada (“outlook” in Arabic), formerly known as the Société Nationale d’Investissement, or SNI, and often referred to as the royal holding. Al Mada is the largest stakeholder in the Moroccan economy, and fully owns the renewable energy company Nareva.

Near all wind parks currently operational and under construction in Western Sahara are in the portfolio of the king’s company Nareva. The king himself appoints the heads of the public agencies that manage the renewable energy projects, and that - crucially - issue tenders and contracts, as well as personally chairs high-level meetings on the topic.

The king sets the targets for the renewable sector and decrees legislation regarding renewable projects.

A leaked cable from the US embassy in Rabat, dated December 2009, comments on the far-reaching commercial interest and influence of the king and his advisors in the Moroccan economy, an observation that still applies. A former US Ambassador described it as “the appalling greed of those close to King Mohammed VI”, a phenomenon that “seriously undermines the good governance that the Moroccan government is working hard to promote.”

The royal family controls sectors such as finance, energy, agri-culture, property and telecom. Most of the royal wealth is generated through former SNI, currently Al Mada, whose revenues have at times equaled as much as 8% of Morocco’s annual GDP. Maximising profits for its royal shareholders is hard to reconcile with increasing purchasing power of ordinary citizens from an economic point of view. The result is a rather dysfunctional market economy, where money trickles up from the people to the king.

Nareva is born out of this structure. The company was created by Omnim Sud Africaine Group (ODNA), an industrial and financial group owned by the king to manage its activities in the energy and environmental sector. SNI absorbed Nareva in 2010. Ever since Nareva’s creation in 2006, the conquest of the internal renewable energy market has been a constant priority for SNI. ‘Our war chest for all renewable energy projects: the next year, Masen’s name was adver-tised on its own webpage, notes that it is in charge, together with ONEE, of “implementing the Royal vision for renewable energy.”

Nareva today owns a substantial number of the wind farms in Morocco proper, but also all operational and planned wind farms in Western Sahara, with the exceptions of the very small CIMAR plant and the planned gigantic Harrattan project. Through Nareva, the Moroccan king thus owns practically all current and planned wind farms in the territory he holds under military occupation, in violation of international law.

The king has a major influence in the two public agencies in charge of the country’s energy market:

The king appoints the Director General of ONEE, the sole Moroccan operator of electricity supply and, up to 2019, the exclusive launcher of tenders and contracts. Today, Nareva is run by Sad El Kadi, a former executive of Al Mada, and former CEO of Sonasid: a steel manufacturer company partially owned by Al Mada and one of the end-users of the energy generated by the Aftissat wind farm.

The king also appoints the head of Masen – itself created by royal decree. Since the inception of Masen in 2009, that position has belonged to Mustapha Bakkoury, considered an eminent member of Morocco's political elite. Bakkoury has also served as the Secretary-General of the Party of Authenticity and Modernity from 2012 to 2015 – a party founded in 2008 by his close friend Fouad El Himma, advisor to the king and one of the most influential men in the kingdom. However, in late 2020, Bakkoury took a fall from grace, as the king – while chairing a high-level meeting on renewable energy at the Palace – blamed him for renewable projects not being implemented fast enough.

Masen, originally dubbed the Moroccan Agency for Solar Energy, was created by the king to lead solar projects. In 2015, Mohammed VI issued a royal instruction to make Masen the central body for all renewable energy projects: the next year, Masen’s name was changed to Moroccan Agency for Sustainable Energy, as part of a profound restructuring of the sector.

“This is an important turning point for the Kingdom, which is on the way to become one of the most committed emerging countries to the development of wind and solar energy.”

General Electric Renewable Energy. 30.09.2021 upon the announce-ment of a contract with the Moroccan King’s company Nareva in occupied Western Sahara.

Le Monde, 10 February 2015
Silent UN climate body

Morocco includes projects in Western Sahara in its reporting under the Paris Agreement. The UN body UNFCCC does seemingly nothing to prevent it.

Like other parties to the Paris Agreement, Morocco has set its Nationally Determined Contributions (NDCs) a national plan highlighting climate actions, policies and measures governments aim to implement in response to climate change. However, in its submissions to the registry that is maintained by the UNFCCC secretariat. Morocco has included its projects in occupied Western Sahara. The reports are available at the UNFCCC website.91

Morocco’s first NDC submission of 2016 relies heavily on the ‘National Wind Plan 2020’ and the ‘National Solar Plan 2020’. Combined, these two programmes alone account for 40% of Morocco’s envisioned emission-reduction through the listed unconditional actions. Both these programmes, as initially conceptualised, include a significant share of projects in Western Sahara. The same applies to the solar and wind plans towards the 2030 horizon, as included in Morocco’s submission. In addition, several other listed “national” actions are highly likely also being deployed in part in Western Sahara, such as importing supposedly “cleaner” LPG to replace other fossil fuels, make industrial firms more energy efficient and allow for privately owned wind farms. In 2021, Morocco submitted an update to its 2016 NDC that specifically includes the 40 MW Dakhla wind-powered desalination farm.92

As implied through the adjective ‘National’, an NDC is to correspond to a national territory – that’s where emissions count. In October 2021, WSRW asked the UNFCCC whether it was acceptable for a State Party to report on actions taken outside of its national territory. In August 2018 the UNFCCC responded that “the secretariat does not have a mandate to review or assess content of NDCs submitted by Parties”. Yet on the UNFCCC’s website the express purpose of the secretariat is described as “reviewing climate change information reported by Parties”.93

WSRW asked UNFCCC to clarify what its “review” is to address and whether it accepts that State Parties report progress toward their NDCs resulting from actions that are implemented outside of their national territory, as well as inside a Non-Self-Governing Territory without consent of the people of that territory.94 In July 2020, the Deputy Executive Secretary of the UNFCCC responded again that “the secretariat continues to not have a mandate to assess the content of Nationally Determined Contributions submitted by Parties”.95

There are two grave consequences to the UNFCCC secretariat’s apparent lack of concern for Morocco’s dishonest reporting.

First, Morocco is allowed to artificially inflate its climate ambitions, which would be less impressive if it were to report only on actions it would undertake on a national level – as every other State Party to the UNFCCC is expected to do. The image of a climate champion is obtained, at least in part, through rolling out projects that serve its colonial ambitions in the territory it brutally occupies. At the moment, Morocco is regarded as one of seven countries whose NDCs are considered “almost sufficient” to reach the 1.5°C Paris objective and one of only 17 countries that have submitted an NDC with higher ambitions in 2021 than in 2016.96

How would Morocco score if it were to report only its contributions on a national level? Second, Morocco has without impediment used the UN climate meetings – the Conference of the Parties to the UNFCCC (COP) – as a platform to showcase its energy infrastructure projects on occupied land. The invasion of Western Sahara was part of the opening speech of COP21 hosted by Morocco in Marrakesh, coming a day after Morocco’s national holiday in celebration of that very invasion.97 The official COP21 twitter account and COP21 website – both controlled by the Moroccan government as organisers of COP21 – were rife with Moroccan propaganda on Western Sahara. The UN Secretary-General himself asked UNFCCC to intervene regarding the erroneous map depicting Western Sahara as part of Morocco.98 Morocco also introduced a COP21 label for climate-friendly projects, which were accordingly by the Comité de pilotage de la COP21 whose members have been appointed by the king of Morocco.99 Several projects in occupied Western Sahara today bear the COP21 label – creating the appearance that such projects have received some form of approval by the UNFCCC. The secretariat did not respond to WSRW’s question as to whether it accepts Morocco’s use of its name to accord a “COP21” label to projects in occupied Western Sahara. Subsequent COP meetings have provided Morocco with welcome opportunities to advertise its renewable projects, including those in occupied Western Sahara. Morocco is reportedly keen to attract investments at COP26 in Glasgow in 2021.100

It is not the first time that the UNFCCC secretariat has been drawn into greenwashing the brutal occupation. In 2012, the Moroccan company Nareva, wholly owned by the Moroccan king himself, had requested carbon credits from the UN Clean Development Mechanism (CDM) for the Foum El Oued wind farm.101 However, the certifying company DNV turned down the proposal before it had been presented to COP for approval. A DNV spokesperson stated that the firm originally believed that the wind farm was to be built in southern Morocco, but after a while began to suspect that this was not the case. “It was therefore fairly simple on our part. In January 2012 we disclosed that we would be negative to the project”, the spokesperson told the media.102

UNFCCC’s selective blindness regarding Morocco’s renewable energy projects in occupied Western Sahara seems to extend to other UN agencies. Since 2018, UNESCWA, the UN Economic and Social Mission for Western Asia, has published two reports that extensively cover Morocco’s renewable sector, ignoring the fact that a number of projects mentioned in the reports are located in Western Sahara.103 WSRW reached out to UNESCWA in 2018 and 2020, but the UN organisation never responded.104 Meanwhile, the UN Global Compact is turning a blind eye to the creative reporting of its participants, obscuring their activities in occupied Western Sahara. Siemens Energy’s progress report lists all countries in the world where the company has installed wind turbines, but fails to mention Western Sahara.105 Enel started replacing “Western Sahara” with specific location names, such as Bouskoura, in 2018.106 The only time the UN Global Compact has seemingly intervened in the matter, was when Vigeo Eiris had to correct its progress report in 2018. In it, the company had claimed that “Vigeo Eiris were not found to have breached any of the 10 Principles of the United Nations Global Compact”. This incorrect statement was amended after a month, following a WSRW complaint.107

Morocco expels Vice-President

On 6 November 2016, Suèlima Beirouk was detained by the Moroccan police as she was leaving Marrakech airport and to attend the COP22 conference in that city. Beirouk, herself a Saharawi diplomat from the Western Sahara republic, had been invited to attend the conference in her capacity as Vice-President of the Pan-African Parliament, having served as a member of the preparatory committee for the previous conference in Paris.

“They prevented me from entering the COP they did not allow me.” Beirouk said.

“It is not Morocco who gives the accreditations, it’s the UN. She was not accredited”, said Morocco’s ambassador to the UN. A day after his statement, it was revealed that Beirouk was in fact accredited by the UN.108

Beirouk was reportedly held by Moroccan police for 75 hours without food or water, before being expelled from the country. The UNFCCC secretariat stated it was seeking clarifications from the Moroccan authorities.109 But it never revisited the issue.
Neighbourly connections

- Morocco-UK Interconnection (expected)
The construction of an undersea cable from Morocco to the UK. The cable would be operational before 2030.

- Morocco-Portugal Interconnection (expected)
  There is presently a cooperation on the construction of a 1,000 MW undersea cable from Morocco to Portugal. Both governments are committed to this project, as the Portuguese Secretary of State for Energy said. The 250 km-long cable will come with a price tag of 270 million, reportedly to be financed by European and African funds. The cable is expected to be operational before 2030.

- Morocco-Spain Interconnection
  The first undersea interconnection cable between Morocco and Spain was laid in 1998, while the second was commissioned in the summer of 2016. Combined they have an exchange capacity of 1,400 MW. In early 2019, the governments of Spain and Morocco signed a memorandum of understanding to build a third 500 MW cable. In charge of the project are Spain’s grid operator Red Eléctrica de España (REE) and ONEE. “The construction of the third link between Spain and Morocco will allow the integration of renewable energy, mainly photovoltaic, into the European system,” said REE, adding that the photovoltaic power would come from Morocco’s ambitious development plan of solar energy, which consequently will reduce the marginal price of electricity in the Spanish market.” Spain and Morocco have also signed a second collaboration agreement “to establish a strategic partnership on energy, which objectives will be focused on the integration of networks and energy markets: the development of renewable energy and energy efficiency.”

- Morocco-Algeria Interconnection
  Morocco’s first international interconnection was commissioned in 1958 with Algeria. The two 225 kV lines were extended by a 400 kV line in 2008. Current exchange capacity is at 1,500 MW.

- Morocco-Mauritania Interconnection
  The construction of transmission lines from Dakhla to Mauritania are under study. A first step in that direction would require Dakhla’s connection to the rest of the Moroccan “national” grid. “It should also be noted that the development of this project will subsequently enable the creation of new interconnections with neighboring countries and participate in regional integration”, ONEE’s director-general stated.

Increasing grid connectivity between Morocco and Europe, through Spain and Portugal, is one of the key aspects that both sides will need to work on in the next few years, as these constitute bridges between Europe and Africa in electricity exchanges.

Western Sahara to Morocco
There is today a 400 kV transmission line connecting Western Sahara to Morocco. But that is set to increase. In February 2021, ONEE’s director-general Abderrahim El Hafi told an investment of a billion Dirham for strengthening the electricity grid in “the southern provinces”.” ONEE launched this project with the objective of ensuring the evacuation of renewable energies under development in these provinces, with an additional capacity of 800 MW. El Hafi told the media.

The project consists of constructing a second 400 kV connection between Agadir and El Aaiun, requiring, among other things, extending the Hagounia substation commissioned in 2016 just south of the border between Morocco and Western Sahara. Work is carried out in two phases, which will be completed during the first half of 2023. The contract for the construction of a 127-km extra high voltage line connecting El Aaiun to Hagounia was awarded to the French company VINCI and its Moroccan partner Medicable.

ONEE’s tenders for the construction of the additional transmission lines, connecting Hagounia to Agadir (via Tan Tan), are still open. The project has received financial backing from the African Development Bank. “Concretely, the work related to the strengthening and securing of the Moroccan electricity grid aims to increase the evacuation capacity of renewable energies from production centers (photovoltaic power plants, wind farms) that are developed or under construction onto large distribution centers. In addition, these projects also aim to develop regional energy exchanges, strengthening the country’s electricity supply security”, ONEE’s submission to AfDB reads.

Specifically referring to the Noor PV II programme and the future wind farms “in the south”.

WSRW sent a letter to the AfDB on 3 May 2021, asking whether the Bank was aware of the full scope of the project, namely connecting the renewable energy plants in occupied Western Sahara to Morocco’s electricity grid. AfDB has not responded.
There is a real risk that the EU in the future will depend on Moroccan energy projects in occupied Western Sahara to fill its own energy needs.

In June 2021, the EU and Morocco announced they had reached a Green Partnership, with the aim of strengthening their cooperation in the fight against climate change and advancing their energy transition. The first results of the Partnership will be announced at COP26. It is the Union’s first such Partnership, considered a part of the EU Green Deal. The Union’s roadmap to becoming climate neutral by 2050. Upon announcing the Green Deal, the EU Commission stated that its goals would be impossible to achieve alone, and that the Union will need to use its diplomacy, expertise and finances to establish climate partnerships, including in the EU’s Southern Neighbourhood. Apart from reaching its climate objectives, the partnership-approach would also help in drawing partner countries out of the influence sphere of competitor powers. North Africa is in this context considered an area of strategic importance for China, where its influence could conflict with EU’s climate goals and impede political partnerships in the region. Importantly, the EU’s climate partnerships are considered to generate economic development and contribute to decreasing the migration pressure on Europe.

Morocco has been in a pole-position for such a partnership, well underway in implementing its own ambitious renewable energy strategy and arguably the North African country with strongest ties to Europe. The 2019 EU-Morocco Association Council had already identified two fields for action under the header of “Euro-Moroccan partnership for shared prosperity” cooperation on climate change, and on migration.

In 2021, the EU Commission raised its interim target on the shares of renewables in its 2030 energy consumption from 32% to 40%. The idea that the Union ought to tap into external sources to further decarbonize its energy supply has been around for some years and may very well become part of the EU’s climate partnership with Morocco.

Since the turn of the century, there have been unsuccessful attempts to turn the Saharan into Europe’s solar battery. The Desertec project, a German-industry backed plan to source 15% of Europe’s energy from North Africa by 2050, collapsed by 2014. One of Desertec’s founding partners was Siemens. The Mediterranean Solar Plan, a crown jewel of the intergovernmental Union for the Mediterranean, envisioning closer energy cooperation across the Mediterranean, was essentially dissolved in 2013 due to lack of political support. But the ambition of exporting desert energy to Europe is still on the agendas on both sides of the Strait of Gibraltar.

At the COP21 in Marrakech in 2016, France, Germany, Portugal, Spain and Morocco signed the Sustainable Electricity Trade (SET) Roadmap, which aims to identify barriers to trade in renewable electricity between the five signatory countries and suggest ways to overcome these barriers. The goal is the eventual exchange of renewable electricity between Morocco and the four European countries. Upon witnessing the signature of the Roadmap, EU Commissioner for Climate Action and Energy Miguel Arias Cañete, proudly declared that “a surplus of more than 1,000 MW can be connected to the national grid, either from Tarfaya, Boujouf, Dakhla or Lāyūmèn. This surplus will then be able to meet the other needs of the Kingdom’s provinces and/or be exported to Southern Europe, only 40 kilometres from Tanger”.

The question remains whether Morocco can be regarded as a secure provider. There is a high risk that the EU would be at the mercy of Morocco’s capricious whims. In the aftermath of the 2016 CEIU decision concluding Morocco’s claims to Western Sahara are untenable, Morocco froze its relations with the Union, including its cooperation in several multi-million Euro programmes such as counter-terrorism exercises.

Some are more occupied than others

In 2011 four Siemens’ gas turbines were exported from Russia and installed in Crimea – contrary to EU sanctions. In response, the EU Council imposed sanctions on three Russian individuals, including Russia’s deputy energy minister and the Russian company that contracted Siemens, together with a Siemens subsidiary, which installed the turbines. The EU Council stated that the action “undermined the EU’s non-recognition policy of the illegal annexation of Crimea and Sevastopol” and “support their separation from Ukraine”.

The contrast with the EU’s inaction on Western Sahara is striking.

For Crimea, the EU External Action Service, the EU’s Foreign Affairs Department, was quick to introduce a policy of differentiation consisting of a broad range of measures such as asset freezes, travel bans, and economic sanctions. To date, the EU “remains steadfast in its commitment to Ukraine’s sovereignty and territorial integrity” and “reiterates that it does not recognise and continues to condemn this violation of international law” and “illegal annexation”.

Meanwhile the EU dumps the area of Western Sahara that is under illegal Moroccan occupation into its bilateral agreements with Morocco – in disregard of rulings of the EU Court of Justice concluding that Morocco has no sovereignty over nor an internal mandate to administer the territory.

A policy paper published by the European Parliament’s Policy Department in 2015 pointed out the similarities between Russia’s annexation of Crimea and Morocco’s annexation of parts of Western Sahara “while each situation has its own characteristics, the international law governing them is the same. For keeping the European Union’s credibility, it is crucial, and therefore necessary, to treat like cases alike”, the report reads.

Questions in the European Parliament why the policy of differentiation applied to Crimea were not also applied to Western Sahara, were not responded to by the EU Commission.
Conflict bitcoins

Investors are planning to build a gigantic wind farm in Dakhla to produce digital currency. It would be as big as all other wind projects in Western Sahara so far, combined.

Bitcoin mining, the digital equivalent of a miner striking gold while digging in the ground. Bitcoin mining is performed by high-powered computers that solve complex computational math problems: the uncrackable ‘blockchains’ or digital transaction records that underpin the currency. The colossal computing capacity requires a lot of electricity and is mostly done with huge machines in aircraft hanger-sized warehouses in the cooler climates of Iceland, Canada, northern China and Russia, where it costs less to diffuse the heat generated. Not exactly a practice you would expect in the soaring heat of Western Sahara – or in Morocco, which outlawed cryptocurrencies in 2017.

However, in 2018, private equity firm Brookstone Partners announced that it was raising cash to develop the first phase of a 900 MW wind farm to fuel cryptocurrency mining in Dakhla – a location, according to Brookstone, that has potential for mining cryptocurrencies and managing data using clean energy. Bitcoin’s biggest problem is indeed its enormous carbon footprint. The global annual footprint of Bitcoin is now at 76.26 megatonnes of carbon dioxide, comparable to the total emissions of Greece.

Earlier in 2018, Brookstone had founded the company Harmattan Energy (formerly Soluna Technologies) to develop the wind farm. The latter stated it had obtained the ‘exclusive rights’ to develop the wind farm through its acquisition of A.M. Wind, which had started developing the site in 2009. The former parent company of A.M. Wind, German wind energy developer Altus AG, has confirmed to WSRW that it has sold its Moroccan subsidiary to Harmattan in 2018. The company claims to no longer be involved in the Dakhla project.

Now aware of the controversial location of the planned wind farm, Harmattan published a defence of its choice of location, entitled ‘A Note on Dakhla, Morocco’, in October 2018. The paper is marred with historical and factual fallacies and without reference to the Saharawi people’s right to self-determination. WSRW’s rebuttal and questions about the paper were not responded to. Nor was WSRW’s letter to Brookstone.

The Oslo-based global certification company DNV (formerly DNV GL) which had an assignment for the project, withdrew from the project upon it being revealed in Norway. In 2020, DNV issued a press release stating that it “will not enter into new contracts for business in Western Sahara” and that “ongoing projects will be ended within a few months, the last wind measure assessment by the end of 2021.”

In early 2020, Moroccan media reported that Harmattan had received a green light from the Moroccan authorities to break ground for the first phase of its envisioned mastodon wind farm. Harmattan has reportedly obtained additional permits, for which it had retained the Moroccan advisory company Afrique Advisors. Siemens Gamesa and Vestas confirmed to WSRW they have been consulted by Harmattan regarding a single turnkey engineering, procurement and installation contract for the project. Siemens Gamesa stated it had not yet decided to take part in any bid, whereas Vestas answered in vague terms that it ‘follows local and international law’ without clarifying further. Other manufacturers of wind turbines that Harmattan claims to have consulted, General Electric and Goldwind, have not replied to WSRW’s query.

Data filed by the publicly traded Mechanical Technology Inc, another Brookstone affiliate, in 2020, confirm that the Moroccan Ministry for Energy approved the Harmattan Dakhla project in 2019. In the process, the company relied on assistance from the law firm DLA Piper, and lobbying of a current Board member, former US Ambassador to Morocco Dwight L Bush.

Mott MacDonald, a global engineering firm, provided technical consultancy from 2018 to 2019. Brookstone Partners stated that Mott MacDonald had audited the project as a viable one.

In late 2020, Harmattan announced the financial mobilisation for the start of construction work on phase one – 36 MW – in 2021. According to the company, this stage required an investment of $100 million. The future 900 MW wind farm, over 10,000 hectares, will be built in several phases over a period of 6 years and has a reported price tag of US $2.5 billion. The project will be developed in a modular fashion called Pods, with each Pod comprising 12 MW of power generation, a storage system, and a 6-MW cryptocurrency mining or blockchain computing center.

The planned and controversial bitcoin energy project in Western Sahara is scheduled to be of the same size as all other existing and planned projects in the territory combined. This picture shows the fences surrounding ACWA Power’s solar plant Noor Boujdour.
Coming up next?

In addition to the current onshore wind and solar projects, Morocco is also looking into tapping the potential of offshore wind and geothermal energy.

Geothermal energy

In 2020, the Moroccan Ministry of Energy and Mines hosted a workshop on the potential of geothermal energy in Morocco. The workshop revealed the results of a research programme that ONHYM had kicked off in 2012, with the purpose of identifying the most promising sites for geothermal energy production. Attendees, which included the country’s leading agencies in the field of renewable energy, such as Masen, ONEE and ONHYM, learned that there were two areas with high potential: the northeast of Morocco proper, and the “Tarfaya-Laayoune-Dakhla basins in southern Morocco” - the latter in reality corresponding to the area of Western Sahara that is under Morocco’s occupation. A technical committee was set up to develop a roadmap outlining the potential of geothermal energy in Morocco in several sectors.

Later in 2020, Morocco’s Economic, Social and Environmental Council described geothermal resources as “underexplored”. It noted that “the coastal basins in the Southern Provinces correspond to a vast geothermal field, where the first works made it possible to highlight five geothermal zones: Bir Gandouz, Dakhla – El Argoub, Boujdour – Lamsid, El Marsa – Laâyoune – Tarfaya and Essemara. This potential can be used in the areas of heating of premises and / or greenhouses, aquaculture and balneotherapy. The Boujdour – Lamsid area is the most interesting; it could, according to the first estimates, be used for the production of electricity via binary cycle power plants.”

Morocco’s interest in the geothermal potential lies in dual use: for the production of electricity, and also for its direct, practical use in a number of sectors, such as agriculture, tourism and aquaculture. In agriculture, geothermal energy is commonly used for greenhouse heating, while soil heating is used for extending the growing season. Another common application of geothermal energy is aquaculture pond heating, to obtain optimal temperatures for fish farming – thus increasing production.

Over the last decade, Morocco has stepped up the expansion of agriculture and aquaculture in occupied Western Sahara. Undoubtedly, these sectors will become more efficient and profitable if the geothermal potential of the territory is tapped into.

In 2019, Gesto Energy, a Portuguese company focused on energy consulting and renewable energy project development, announced on its website that it had been selected to “identify and study areas with geothermal potential in the provinces of south of Morocco in an area of more than 140,000 km², corresponding to Moroccan Sahara”. Maps on the firm’s web page leave little doubt: the area matching the study spans practically the entire part of Western Sahara presently under Moroccan military control.

Gesto’s contract pertaining to the study was signed with ONHYM, Morocco’s National Office for Petroleum and Mines. In December 2019, the company reported that its team had collected samples of water and gas in Western Sahara, referring to the location as southern Morocco.

Gesto Energy holds interests in countries like East Timor, Angola and South Africa, which are all known supporters of the Saharawi right to self-determination. WSRW has asked Gesto to provide data that might have been collected to the Saharawi authorities and to the UN. The company never responded.

The offshore potential

A World Bank 2020 publication has underscored the potential of offshore wind energy in Western Sahara relative to Morocco. Assessing the options for offshore turbines with floating and fixed foundations, Morocco’s own capacity was estimated at an already impressive 200,000 MW. But that increased dramatically with the addition of Western Sahara: 538,000 MW. Following an exchange with WSRW, the World Bank removed all maps and documents relating to the study which had lumped Western Sahara in with Morocco.
To engage with all private companies that supply energy —

To immediately terminate current projects and cancel further plans in the territory. No energy project in occupied Western Sahara, no matter how “sustainable”, should take place without the consent of the people of the territory. Such activity contributes to the violation of international law, entrenches the Moroccan occupation and further hampers UN-led efforts to reach a solution to the conflict.

— Taking into account the EU Taxonomy Regulation, to stop referring to its projects in Western Sahara as “sustainable”. All energy projects, in that they have been imposed on the territory by the neighboring country of Morocco in disregard to the right of self-determination of the people of Western Sahara, constitute a violation of the Saharawi people’s human rights.

— To immediately publish all produced risk assessments, legal opinions and social impact assessments, including their terms of reference, pertaining to projects in Western Sahara.

— To inform staff working on renewable projects in Western Sahara about the legal, insurance and personal risks related to working in the territory via a null and void contract.

To shareholders of the involved companies:

— To engage with all private companies that supply energy infrastructure to Western Sahara and request that further engagements be immediately halted, as they are not taking place in accordance with the right to self-determination of the Saharawi people.

— Based on the lack of progress in their position on the Saharawi people’s right to self-determination, despite a decade of engagement from civil society and shareholders, to immediately exclude Siemens Energy, Siemens Gamesa and Enel SpA from portfolios and investment universes.

— To immediately initiate engagement processes with the more recently involved companies ENGIE, Voltalia and General Electric.

— To request that all social impact assessments and legal opinions, including their terms of reference, be immediately published.

— To avoid qualifying companies as “sustainable” or “green” if they fail to respect basic social standards or human rights, in line with the EU Taxonomy Regulation. Companies ignoring the Saharawi people’s right to self-determination should not be considered green or sustainable.

To audit companies:

— To reject any verification, validation or certification of projects located in the occupied territory of Western Sahara, unless the express and prior consent of the people of the territory through their UN recognised representation Polisario, can be proven.

— To companies carrying out social impact assessments:

— To reject undertaking such studies, as they lend legitimacy to an illegal occupation. As long as the Saharawi people have not consented to an operation or a related study on their land, it is grossly unethical to undertake a social impact assessment commissioned by a company that has disregarded the Saharawi people’s fundamental rights.

— To immediately publish all social impact assessments already undertaken, as well as their terms of reference.

To law firms providing legal assessments to involved companies:

— To immediately publish all legal opinions already written, as well as their terms of reference.

— To refuse to enter into agreements concerning operations in Western Sahara under Moroccan contracts, unless the express and prior consent of the people of the territory through its UN recognised representative body, Polisario, can be proven.

To Climate Bonds Initiative:

— To establish a routine ensuring that it will only facilitate funding of projects that are legal and set up in accordance with basic international law and human rights.

— To refuse further Moroccan projects in occupied Western Sahara and to double-check the actual geographical location of all future verifiers’ reports for projects initiated by governments that militarily occupy other territories in violation of the UN Charter.

— To remove or rectify the current erroneous reporting by Masen on its website, which is not in accordance with the position of the UN.

— To reply to requests from civil society.

To the Government of Morocco:

— To comply with the terms of the 1991 UN-administered ceasefire agreement and allow for the organisation of a referendum on the status of Western Sahara, including an option for independence, so that the people of the territory can exercise their right to self-determination.

— To comply with International Humanitarian Law and refrain from undertaking infrastructure projects in a territory under occupation, without the consent of the Saharawi people.

— To allow international observers - including the UN and international climate and human rights organizations - to travel to the occupied territory independently and unimpeded.

To the United Nations/UNFCCC:

— To employ a consistent approach vis-à-vis the territory, taking into account the UN’s categorisation and treatment of Western Sahara as a Non-Self-Governing Territory without a legal administration in place, over which Morocco holds neither sovereignty nor an international mandate. WSRW recommends that the UNFCCC secretariat unequivocally adhere to the UN position on Western Sahara and reject Morocco’s reporting on projects in the territory as part of its NDCs under the Paris Agreement. The UNFCCC should ensure that Morocco does not market any projects in Western Sahara at the COPs.

— To help Saharawis participate in and contribute to international climate talks and processes.

— To, as long as climate projects in the territory of Western Sahara are reported on, grant Polisario the same access as Morocco to UN climate talks and negotiations, given that the UN recognises Polisario as the representation of the people of Western Sahara.

To the European Union:

— To ensure that the aspiration of importing energy does not override its overarching obligations under international law to not recognise Morocco’s occupation of Western Sahara, and to put in place the necessary safeguards to exclude the import of energy from occupied Western Sahara.

— To ensure that all constituent institutions prevent EU funding of any energy infrastructure projects in occupied Western Sahara.

— To abide by the rulings of the Court of Justice of the European Union that qualify Western Sahara as separate and distinct from Morocco, and implement a policy of differentiation across all policy domains, including renewable energy.

...
“We have engaged with the companies but found that they have not carried out comprehensive human rights due diligence of the projects and their business partners in Morocco occupied Western Sahara [...] The companies are involved in wind farms projects in occupied Western Sahara partnering with Moroccan authorities and private sector and neither the companies nor their partners have consulted and obtained the consent of the Saharawis as required by international law. The companies intend to continue with these projects. Storebrand cannot via its investment contribute to a situation that can legitimize violation of international law.”

Tulio Machado-Helland, Head of Human Rights at Storebrand Asset Management, Norway’s largest private asset manager, upon the exclusion of Siemens Energy, Siemens Gamesa and Enel SpA from their investment universe in 2021.

Notes

5 This radical change came about when Spain had introduced the CO2 taxation system set forth by the EU, and when Morocco’s coal-fried Salt power plant became operational. The EU set up an investigation into Spain’s purchase, as Morocco’s energy is not subject to the emission rights system, making it more competitive and cheaper than Spain’s own producers. However, it is impossible to discern which purchased electron was generated in the Salt plant, and other technologies – such as solar – have certainly become part of Morocco’s electricity mix. See El Periódico de la Energía, 18.12.2019, 2019 – el primer año que España compra más electricidad ... que España compra más electricidad, https://elperiodicoenergia.com/2019-el-primer-ano-que-espana-compra-mas-electricidad-a-marrocos-de-que-lo
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10 Financial Times, 24.01.2019, Morocco’s pivot to Africa hints at a new post-colonial order, https://www.ft.com/content/liaf201a6-8a8d-11e8-80ad-2b65ddf
11 Erste Asset Management, Quarterly Engagement Report Q1 2018, https://cdn0.erstegroup.com/content/dam/etam/eam/corporate-environmental/regul
“The Court’s conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.”

International Court of Justice, 16 Oct 1975