

To Andreas Sohlen-Pao,
chairman,
BW Group Ltd
and BW Gas Epic Kosan Ltd.



Oslo, 30.09.2021

REGARDING BWEK'S GAS SHIPMENTS TO OCCUPIED WESTERN SAHARA

The Norwegian Support Committee for Western Sahara is privileged to write to you.

We are writing to enquire about BWEK's shipments of gas into the occupied parts of the non-self-governing territory of Western Sahara, in your capacity as chairman of BW Epic Kosan (BWEK, formerly Epic Gas), and chairman of BWEK's largest shareholder BW Group Ltd. We refer to an earlier letter that we sent you on 24 November 2020 in the matter of *Epic Manhattan's* voyage to Western Sahara. The latter correspondence sent also on 24 December 2020, 7 January 2021, 30 May 2021 and 22 September 2021. No answer has been received.

From 1 January 2019 to 29 September 2021, we have recorded a total of 41 vessels of butane arriving occupied Western Sahara. Of those, 23 are of the BWEK fleet. Details of most of the Epic vessels are reported on our websites www.vest-sahara.no and www.wsrw.org. They have also been largely covered in Finansavisen and NRK, as well as addressed in the Norwegian parliament.

We are highly concerned about the role that BWEK is today playing in the shipping of gas to the territory held under military occupation, and your company's apparent disregard both of principles of international law and of the recommendations of the Norwegian government and the Norwegian Shipowners' Association. We regret that your company fails to respond to letters from civil society.

As you perhaps know, Morocco illegally annexed the territory of Western Sahara by military force in 1975 in violation of international law and of the basic right to self-determination of the people of Western Sahara. This military invasion was condemned by the United Nations General Assembly and to this day, Western Sahara remains listed by the UN as a Non-Self Governing Territory, pending a decolonization process. On international rankings, such as by Freedom House, Western Sahara scores lowest in the world on political freedoms. Leading human rights defenders from Western Sahara, including the general-secretary of the association that would normally take part in monitoring foreign involvement on their land, are currently serving life-time sentences in Moroccan jails.

In line with the International Court of Justice, the Court of Justice of the European Union has outlined, in five separate rulings, that the Government of Morocco does not have any legal basis, sovereignty or international mandate to administer the territory.

The latest ruling, issued yesterday, 29 September 2021, also made it clear that in the event of an entity undertaking business in Western Sahara, consent must be obtained from the people of Western Sahara, through its representative body Polisario Front. It stated that the two territories of Morocco and Western Sahara are 'separate and distinct'.

The Government of Norway agrees to this position. The Minister of Foreign Affairs in 2019 stated that «Jeg var veldig klar på hvordan vi fortolket de vedtakene EU-domstolen har fattet. Vi er helt på linje med de vedtakene, og vi snakker her om saharawienes rettigheter. Vår oppfatning er veldig tydelig at hvis ikke de rettighetene blir ivaretatt, kan dette – som jeg også sa – være i strid med folkeretten dersom dette ikke er i samsvar med det de ønsker.»ⁱ

Through contributing with gas supplies to Moroccan interests in Western Sahara, BW Group/BWEK has contributed to entrenching the Moroccan approach to the conflict through Moroccan settlers and industries on the ground. No effort is seemingly made by your company to make sure that your operations are in accordance with the wishes of the Saharawi people (see the conclusions of the 29 September 2021 judgement of the EU Court of Justice).

We expect that companies operating in Norway respect the UN Guiding Principles on Business and Human Rights, and that exporters of gas from Norway only will partner with shipping companies making serious efforts in this regard. On that basis, and as we mentioned to you in our unanswered letter one year ago, we ask for your understanding that since your company's fails to address the rights of the Saharawi people, we will proceed to contact companies involved in exports of gas from the North Sea. We have this year been in contact with 22 license holders of exports of Norwegian gas from Kårstø and Teesside, and several of them have a well-developed position on the issue on Western Sahara. We will address these companies, enquiring how they relate to the use of a shipping company that fails to relate to basic standards of human rights.

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

1. As a corollary of the internationally recognized right to self-determination of the people of Western Sahara, and given the legal requirement of obtaining the free, prior and informed consent of the people of Western Sahara with regard to activities or projects in their land – as put forth by several UN Treaty bodies and the EU Court of Justice on 29 September 2021 – what steps, if any, has BWEK/BW Group taken to ascertain that the company has obtained the necessary consent of the people of Western Sahara to transport gas into the territory?

2. Will BWEK/BW Group make steps to guarantee that no such transports are carried out by your fleet into the occupied territory until a solution to the conflict has been found or until consent has been achieved from representatives of the people of the territory?

We are convinced that it is not in the interest of neither BW Group nor BWEK to become further associated with the continued colonization and occupation of Western Sahara, and urge you to immediately clarify that you have no intention of continuing such transports.

We will address the matter Odfjell SE. Our colleagues in Denmark will address the matter of BWEK's operations with J.Lauritzen A/S.

We also would like to underline the clear position of the Norwegian Seafarers' Union and a copy of this letter is sent to its president, Mr. Johnny Hansen. A copy of this letter is furthermore sent to Norwegian Ministry of Foreign Affairs and to the Norwegian Shipowners' Association.

We will make sure to raise this with the new Foreign Affairs Committee of the Norwegian parliament once that has been constituted. Notice that all Norwegian political parties have the same position on the conflict and there is a political consensus supporting the Norwegian government's advice to abstain from undertaking business operations in the territory.

Looking forward to hearing from you as soon as possible.

Sincerely

/sign/

Erik Hagen

Director, Norwegian Support Committee for Western Sahara

erik@vest-sahara.no

ⁱ <https://www.stortinget.no/no/Saker-og-publikasjoner/Publikasjoner/Referater/Stortinget/2018-2019/refs-201819-04-02?m=7>