

Equinor
Att: Eldar Sætre, CEO



Oslo, 21.04.2020

REGARDING GAS DELIVERY FROM KÅRSTØ TO OCCUPIED WESTERN SAHARA

The Norwegian Support Committee for Western Sahara is privileged to present you with our compliments. We are writing to enquire about yesterday's arrival of gas to occupied Western Sahara from the port in Kårstø.

On 20 April 2020, the vessel *Gas Cerberus* (IMO 9507740) arrived the city of El Aaiun in occupied Western Sahara with LPG gas from Kårstø. From what we understand, the tanker had picked up its cargo at Statpipe Gas Terminal, Jetty number 3, in Kårstø, on 12 April.

Our association has followed the trade in and out of the occupied territory on a daily basis for the last decade. This is the first time we observe a shipment of gas from Norway directly into occupied territory.

The trade is highly controversial.

The Norwegian government urges companies not to engage in such business. In April last year, Norway's Minister of Foreign Affairs stated in the Norwegian parliament that the government of Norway agrees with the decisions of the Court of Justice of the EU: international law requires the prior consent of the Saharawi people on matters relating to business in Western Sahara.

<https://www.stortinget.no/no/Saker-og-publikasjoner/Sporsmal/Interpellasjoner/Interpellasjon/?qid=75435>

The Norwegian government is clear that its bilateral agreements with Morocco do not apply to Western Sahara.

"The clear advice from the Ministry of Foreign Affairs is that Norwegian businesses should not be undertaken in Western Sahara. We do not recognise Morocco's annexation of this territory. On this matter, we use the same terminology as the UN. This is the only territory where we give explicit advice on not carrying out business activity", Deputy Minister Bård Glad Pedersen told NRK on 18 March 2013.
<http://radio.nrk.no/serie/dagsnytt/npub12014814/18-03-2014>

This latter clarification came when NRK revealed that Aker Solutions had supplied equipment for a rig that were to be used in Western Sahara. Companies like Aker Solutions, Yara, Mesta, Cermaq and a

number of shipping companies in Norway specifically reject taking part in business opportunities and trade with Western Sahara due to matters of international law and human rights. If you would like clarifications regarding how these companies and others considered the aspects of international law, corporate responsibility and the Norwegian government's advice on the matter, please do not hesitate to contact us. In the matter of Cermaq in 2010, the Ministry of Trade expressed its clear expectations to the company.

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

In line with the International Court of Justice, the Court of Justice of the European Union has outlined, in four separate rulings, that the Government of Morocco does not have any legal basis, sovereignty or international mandate to administer the territory. The recent court rulings of the Court of Justice of the European Union have also made it clear that in the event of an entity undertaking business in Western Sahara, consent must be obtained from the people of Western Sahara. It stated that the two territories of Morocco and Western Sahara 'separate and distinct'.

Through contributing with gas supplies to Moroccan interests in Western Sahara, Equinor today contributes to entrenching the Moroccan approach to the conflict through critical Moroccan industries on the ground.

We would appreciate an immediate response to the following questions

1. Can Equinor confirm its sales of gas from the Kårstø plant to occupied Western Sahara onboard the abovementioned vessel?
2. What kind of due diligence did Equinor carry out prior to this export incident?
3. Was this particular shipment part of a larger supply agreement?
 - a. If Equinor holds an agreement of sales of gas to a client operating in Morocco - of which this transport took part – does this agreement *explicitly* extend to providing supplies to Western Sahara?
 - b. If 'no' at 3a, why was a shipment to Western Sahara carried out under this agreement?
 - c. What is Equinor's position on possible re-export of Equinor products from Morocco to Western Sahara?

- d. Did Equinor carry out due diligence prior to the agreement being made with its client to ensure that the gas exported to Morocco was for the Moroccan market alone – and not for reexport to Western Sahara?
- e. What kind of ongoing monitoring have been made to ensure that Equinor gas products have not been reexported from Morocco to Western Sahara?
4. On 22 March 2020, we observed the vessel *Emmanuel* (IMO 9580182) arriving El Aaiun in Western Sahara from the port in Stenungsund, Sweden. We know that Equinor supplies to Stenungsund.
 - a. Did Equinor have a stake in that shipment?
 - b. Does Equinor, as a matter of policy, carry out due diligence on its clients' human rights policies and practices?
5. As a corollary of the internationally recognized right to self-determination of the people of Western Sahara, and given the legal requirement of obtaining the free, prior and informed consent of the people of Western Sahara with regard to activities or projects in their land – as put forth by several UN Treaty bodies and the EU Court of Justice – what steps, if any, has Equinor taken to obtain the consent of the people of Western Sahara to export gas to Western Sahara?
6. Will Equinor guarantee that it will follow the advice from the Norwegian government, and not undertake more transports to Western Sahara?

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

A copy of this mail is sent to:

- The Standing Committee on Foreign Affairs and Defence of the Norwegian Parliament, and its chair, Anniken Huitfeldt
- Ministry of Foreign Affairs, Section for the Middle East and North Africa
- Jan-Tore Fosund, director-general, Ownership Department, Ministry of Trade, Industry and Fisheries
- Trine Lise Sundnes, Head of department for international affairs, Norwegian Confederation of Trade Unions
- Sigmund Lier, mayor, Municipality of Tysvær
- Knut Thorvaldsen, Director-general, Norwegian Oil and Gas Association
- Randi Viksund, Head of communication, Gassco
- Nicolas H. Vafias, President, Stealth Maritime Corp SA

Sincerely

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