

ThyssenKrupp AG

Att: Mr. Michael Ridder, Spokesperson – Head of Content Strategy

PO Box 45063

45143 Essen

Germany

Brussels, 07.03.2021

RE. THYSSENKRUPP'S ACTIVITIES IN WESTERN SAHARA

Dear Mr Ridder,

Thank you for your response of 22 February to our inquiry about thyssenkrupp's activities in Western Sahara sent on 9 February 2021.

We appreciate your clarifications about thyssenkrupp's previous engagements in Western Sahara. While the company is at present not actively involved in any further activities in Bou Craa or on the CIMSUD/HeidelbergCement factory, and is not otherwise active in the territory, we do have a question regarding thyssenkrupp's policy on the matter.

We gather that the absence of embargoes or export restrictions, which you highlight, lend an air of normalcy to business activities in the territory. Yet while there are no political sanctions in place yet, the law on the matter is settled: Western Sahara is not Morocco, the latter has no mandate to administer the territory, and the people of Western Sahara have a right to self-determination: the right to decide on the status of the land and its resources. This is clearly expressed in the rulings in of the EU Court of Justice. The principle of relative effect of international treaties, derived from the general principle of law of the relative effect of conventions, applies to any contractual relation – whether under Moroccan law or any other domestic law.

We do not believe that thyssenkrup wishes to be associated with the continued colonisation, annexation, occupation, and grave human rights violations by Morocco in Western Sahara. Doing business with Morocco in the territory feeds its intransigence to genuinely engage in UN-led efforts to resolve the conflict.

While Morocco continues to occupy Western Sahara and to close contracts with foreign interests in relation to the territory, grave human rights violations are committed against the Saharawi people. On 3 March 2021, Freedom House released its annual 'Freedom in the World' report. It ranks Moroccan-occupied Western Sahara at the very last place in the entire world, together with Syria, in terms of lack of political rights.¹ A surprise to no one following the situation closely.

We would be grateful if you could clarify whether thyssenkrupp, as a matter of policy, will consider to avoid entering into contracts in Western Sahara in the future unless such contracts have received the explicit approval of the representation of the people of the territory.

Thank you in advance for your consideration, and we look forward to hearing from you.

Sincerely

Sara Eyckmans

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¹ <https://freedomhouse.org/countries/freedom-world/scores?sort=asc&order=Total%20Score%20and%20Status>