

ACWA Power

Attn: Mr. Marco Arcelli, Chief Executive Officer

P.O. Box 301221

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Riyadh 11372

Brussels, 29.07.2025

## REGARDING ACWA POWER'S POTENTIAL GREEN STEEL PROJECT IN OCCUPIED WESTERN SAHARA

Dear Mr. Arcelli,

Western Sahara Resource Watch (WSRW) presents you with its compliments. We are writing in relation to the Moroccan government's announcement in March 2025 that ACWA Power had been selected to develop a green hydrogen plant "in the southern provinces", intended for the production of green steel.<sup>1</sup>

A press release on the matter stated that the projects would be implemented in Laâyoune-Sakia El Hamra, Dakhla-Oued Eddahab, and Guelmim-Oued Noun.<sup>2</sup> As you may be aware, the former two "regions" correspond almost entirely to the territory of Western Sahara, which Morocco has illegally occupied since 1975. Given that most of the land made available for such large-scale energy projects lies within occupied Western Sahara, there is reason to believe that the project in question may be located there.

In light of this, we respectfully request clarification on the exact location of the plant. We would appreciate your response to the questions below, ideally before 13 August 2025, as we are preparing an upcoming publication that will include references to ACWA Power's activities in the territory. Your comments will help ensure our reporting is accurate and balanced.

Allow us to reiterate the relevant legal and political context. Western Sahara is recognised by the United Nations as a Non-Self-Governing Territory without an administering power. The International Court of Justice has confirmed that Morocco holds no sovereignty over the territory, and the people of Western Sahara retain the inalienable right to self-determination.<sup>3</sup> In 1988, the UN was able to broker a ceasefire arrangement between Morocco and the Western Sahara liberation movement, Polisario, in which both parties agreed to hold a referendum on self-determination.<sup>4</sup> To that goal, a UN mission (MINURSO) has been deployed to the territory, but it has not been able to organise a referendum as Morocco continues to block any effort that offers a choice beyond integration. In November 2020, the ceasefire collapsed after the Moroccan army seized a section of the UN buffer zone to break up a Saharawi protest.<sup>5</sup>

While well over a hundred of UN Resolutions, and rulings by the International Court of Justice, the European Court of Justice<sup>6</sup> and the African Court on Human and People's Rights<sup>7</sup>, all underline that Morocco has no sovereignty or administering mandate over Western Sahara, Morocco continues to militarily control about three-quarters of the territory. Incentivized by its exploitation of the territory's resources, Morocco has little interest to genuinely take part

<sup>1</sup> Kingdom of Morocco, Head of Government, 06.03.2025, "The head of government chairs a steering committee meeting on the 'Morocco offer' for green hydrogen", <https://www.cg.gov.ma/en/node/12240>

<sup>2</sup> Kingdom of Morocco, 07.03.2025, "Govt. Head Hails Green Hydrogen Investor Selection as 'Promising,' Aligned With Royal Vision", <https://www.maroc.ma/en/news/govt-head-hails-green-hydrogen-investor-selection-promising-aligned-royal-vision>

<sup>3</sup> International Court of Justice, Western Sahara, <https://www.icj-cij.org/case/61>

<sup>4</sup> The "settlement proposals" are included in the Report of the UN Secretary General on Western Sahara of June 1990, available here: [https://minurso.unmissions.org/sites/default/files/unsg\\_report\\_18\\_june\\_1990.pdf](https://minurso.unmissions.org/sites/default/files/unsg_report_18_june_1990.pdf)

<sup>5</sup> WSRW, 19.11.2020, Saharawi gov calls for halt of all activity in Western Sahara over war, <https://wsrw.org/en/news/saharawi-gov-calls-for-halt-of-all-activity-in-western-sahara-over-war>

<sup>6</sup> All Rulings can be accessed at the site of the EU Court of Justice, <http://curia.europa.eu>.

<sup>7</sup> African Court on Human and People's Rights, 22.09.2022, Ruling on Application N° 028/2018 <https://www.african-court.org/cpm/storage/app/uploads/public/632/e0f/3ad/632e0f3ad580e748464681.pdf>

in the UN-mediated peace process. Meanwhile, the lingering conflict continues to have a high human and humanitarian cost: over 170,000 Saharawis are stuck in refugee camps in neighbouring Algeria, surviving in harsh desert conditions and dwindling humanitarian aid. Saharawis who live under the yoke of Morocco's occupation are victims of serious human rights violations that have been reported by the UN Human Rights Committee, UN Working Group on Arbitrary Detention, the UN Special Rapporteur on Human Rights Defenders, in addition to credible international organisations such as Human Rights Watch, Amnesty International, and others. In 2023, the UN High Commissioner for Human Rights recently lamented the fact that his Office has not been allowed to visit Western Sahara for the last eight years.<sup>8</sup> Year after year, Western Sahara is ranked among the worst countries and territories in terms of political rights and civil liberties, on par with countries and territories like North Korea, Syria, Afghanistan and Crimea.<sup>9</sup>

The status of the territory comes with repercussions for business activities. As established in 2002 by the UN Legal Counsel at the request of the Security Council, any economic activity in the territory would be in violation of international law if not undertaken in accordance with the wishes and the interests of the people of the territory.<sup>10</sup> We also refer to the conclusions of the UN Treaty Body on Economic, Social and Cultural Rights<sup>11</sup> and of the UN Human Rights Committee<sup>12</sup>, which have both emphasized the need of obtaining the Saharawi people's "consent to the realization of developmental projects and [resource] extraction operations".

Since 2015, in ten consecutive rulings, the Court of Justice of the European Union has reiterated that Western Sahara is "distinct and separate" from Morocco and that no trade or development agreement involving the territory may proceed without the express consent of the Saharawi people, as represented by the Polisario Front. This will impact the possibility of exporting green hydrogen derivatives to European markets.

In this context, we respectfully ask the following:

1. Is the land allocated for ACWA Power's planned green hydrogen and green steel project located in Morocco proper or in Western Sahara?
2. If the project is to be implemented in Western Sahara:
  - a. What steps, if any, has ACWA Power taken to obtain the consent of the people of Western Sahara, who hold the sovereign rights over the territory?
  - b. How does ACWA Power assess the legal and ethical validity of land allocations made by Moroccan authorities in a territory they do not legally administer?
  - c. How does ACWA Power evaluate the potential implications of its operations on the UN peace process, which aims to resolve the conflict through the exercise of the Saharawi people's right to self-determination?

We also take this opportunity to express our regret that ACWA Power did not respond to our earlier letters dated 3 July 2013, 29 November 2016, and 5 June 2020, all of which sought clarification regarding your firm's involvement in renewable energy projects in Western Sahara: the Noor Laayoune and Noor Boujdour solar plants. We sincerely hope for a change in this pattern and look forward to engaging in constructive dialogue with your team.

Thank you in advance for your consideration of our concerns. We would highly appreciate a response.

Sincerely,

Sara Eyckmans

Western Sahara Resource Watch

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[www.wsrw.org](http://www.wsrw.org)

<sup>8</sup> OHCHR, 07.03.2023, GLOBAL UPDATE: HIGH COMMISSIONER OUTLINES CONCERNS IN OVER 40 COUNTRIES, <https://www.ohchr.org/en/statements-and-speeches/2023/03/global-update-high-commissioner-outlines-concerns-over-40-countries>

<sup>9</sup> Freedom House, <https://freedomhouse.org/countries/freedom-world/scores>

<sup>10</sup> UN Security Council, 12.02.2002, Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council, S/2002/161, <https://undocs.org/S/2002/161>

<sup>11</sup> UN Economic and Social Council, 22.10.2015, Concluding Observations on the fourth periodic report of Morocco, E/C.12/MAR/CO/4\*, §6, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMAR%2fCO%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMAR%2fCO%2f4&Lang=en)

<sup>12</sup> UN Human Rights Committee, 01.12.2016, Concluding Observations on the sixth periodic report of Morocco, §10, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/MAR/CO/6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/MAR/CO/6&Lang=en)