



To: **Mr. Shailendra Roy**, Executive Vice President
(Power)
Larsen & Toubro Ltd
Via: shailendra.roy@larsentoubro.com

Copenhagen, 30 June 2020

Re: Larsen & Toubro and Western Sahara

Dear Mr. Roy,

We, at Western Sahara Resource Watch, present you with our compliments. We are writing to you regarding Larsen & Toubro's construction of power infrastructure in the Non-Self-Governing Territory of Western Sahara.

We are currently writing a news story for our website www.wsrw.org regarding the matter, and we are getting in touch with some questions below regarding the construction of substations and transmission lines in Dakhla by your company.

On Larsen and Toubro's website, a press release dated 27 November 2017 states that L&T was awarded a contract by Morocco's Office National de l'Electricité et de l'Eau Potable (ONEE) for "the construction of a 225/60kV Substation at Dakhla (Morocco) with associated 60kV overhead lines and underground cables."

<https://www.intecc.com/homepage/common/p265.htm>

However, the above-mentioned city of Dakhla is not located in Morocco, but in the part of the territory of Western Sahara that Morocco has illegally occupied since 1975. Western Sahara is regarded by the United Nations as a Non-Self Governing Territory, which still awaits decolonization, and one without a legally accepted administering power in place. Its people, the Saharawi, have been accorded the right to self-determination - a right restated in now more than 100 UN resolutions, but the exercise thereof is continuously being blocked by Morocco. The war between the Kingdom of Morocco and Frente Polisario has resulted in a military division of the territory and a ceasefire that is being monitored by the UN.

Meanwhile, Morocco continues to trample the most basic human rights of Saharawis that live under the yoke of its occupation.

<https://www.washingtonpost.com/politics/2020/03/12/video-contradicts-moroccos-justification-brutal-beating-western-sahara/>

Approximately 200.000 Saharawi refugees continue to live in inhumane conditions in Algerian refugee camps, located in the most inhospitable part of the Saharan desert, due to the illegal occupation.

The United Nations, the International Court of Justice and the Court of Justice of the European Union all state that Morocco does not have any legal basis, sovereignty or international mandate to administer the territory. Legal opinions from the United Nations, as well as separate court rulings from the EU Court of Justice also state that economic

activities in Western Sahara have a paramount legal prerequisite to be fulfilled in order for trade activities inside or affecting occupied Western Sahara to be permissible under international law: consent must be sought from the Saharawi people. This means that the Saharawi people must consent to any commercial activity taking place on their occupied homeland.

We would be grateful if you could provide an answer to the following questions from our association:

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 prior, free and informed consent of the people of Western Sahara with regard to activities or businesses in their land – as put forth by several UN Treaty bodies and the EU Court of Justice – what steps has L&T taken to obtain the consent of the people of Western Sahara through their political representative, the Polisario Front, when constructing energy infrastructure in the occupied territories of Western Sahara?
2. In L&T's website, the Western Sahara city of Dakhla is erroneously located in Morocco. <https://www.Intecc.com/homepage/common/p265.htm> This is in contradiction of the legal opinion and cartography of the UN. Will this error be rectified to be in line with the UN position?
3. How has L&T assessed the ethical and legal risks involved in constructing energy infrastructure to an entity that may use these to illegally extract natural resources from occupied land?
4. Does L&T today have any obligations to carry out maintenance on the 60/22 KV substation after its construction is finalised? If yes so, what do these obligations consist of?
5. Is L&T planning to carry out any other projects in Western Sahara?

Western Sahara Resource Watch is convinced that it is not in the interest of Larsen & Toubro to have become associated with the continued colonization and occupation of Western Sahara. Constructing energy infrastructure in Western Sahara on behalf of the Government of Morocco risks to help legitimize the Moroccan military occupation of the territory, and will thus hinder the peace process.

We look forward to hearing from you soon.

Sincerely,

Morten Nielsen
Western Sahara Resource Watch