

Xiajiang Goldwind Science Technology Co., Ltd.
No. 107 Shanghai Road
Economic & Technological Development Zone
Urumqi
Xinjiang



27 March 2020

To the attention of Mr Wu Gang
President of Goldwind

Regarding energy project in occupied Western Sahara. Seeking answers for publication.

Dear Mr Gang,

Western Sahara Resource Watch (WSRW) is writing to you with regard to Goldwind being mentioned by Soluna as one of the companies it has consulted in relation to the procurement and construction of its envisioned 900 MH wind farm in Dakhla.¹

Soluna locates Dakhla in Morocco. That is not correct. Dakhla is located in the south of the part of Western Sahara that Morocco has kept under military control since 1975.

Consequently, if Goldwind would be accorded the EPC contract that Soluna mentions in its white paper, it would risk becoming part of a protracted conflict.

Western Sahara is regarded by the United Nations as a Non-Self Governing Territory which still awaits decolonisation, and one without a legally accepted administering power in place. The people of Western Sahara, the Saharawi people, 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 Morocco and Frente Polisario has resulted in a military division of the territory and a ceasefire being monitored by a UN Mission. Meanwhile, Morocco continues to trample the most basic human rights of Saharawi that live under the yoke of the occupation. Approximately 170.000 Saharawi refugees that fled during the war continue to live in inhumane conditions in Algerian refugee camps, located in the most inhospitable part of the Saharan desert.

The United Nations' legal opinion on economic activities in Western Sahara notes that two legal prerequisites be fulfilled in order for trade activities inside or affecting occupied Western Sahara to be permissible under international law: they must be in accordance with the wishes and to the benefit of the Saharawi people. This means that the Saharawi people must consent to, and subsequently benefit from, any commercial and export activity in respect of Western Sahara's abundant natural resources.

That the Saharawi people have a right to free, prior and informed consent to any economic activity in their homeland, has been recalled in recent years by the UN Treaty Bodies on Economic, Civil and

¹ Soluna's white paper on its Dakhla wind power project can be accessed here: https://www.soluna.io/wp-content/uploads/2019/02/Soluna_white_paper_v1.2_20190211_FINAL.pdf

Cultural Rights and on Civil and Political Rights.² Since 2016, the Court of Justice of the European Union has reiterated that in four consecutive rulings - all concluding that Morocco has no sovereignty over or any international mandate to administer Western Sahara, and that the people of the territory ought to consent to any economic activity affecting their territory for it to be lawful.

In that framework, it should be clear that engaging in projects in Western Sahara comes at high risks. In recent years, the UN-recognised political representation of the people of Western Sahara, the Polisario Front, has initiated legal proceedings against companies involved in the taking of the land's resources. A ship transporting phosphate rock out of the territory was detained in South Africa in May 2017. The High Court of South Africa ruled in February 2018 that the ownership of the cargo rested in the Saharawi Government, and that Morocco's state-owned phosphate company was not entitled to sell the commodity. The operator of the involved vessel took in an estimated loss of US \$3.5 million during the 370 days that the ship was kept in detention. Today, there are pending court cases against companies and investment firms in France and New Zealand, and Polisario threatens to continue on that path.

China do not recognise Morocco's self-proclaimed sovereignty over Western Sahara. Given China's neutral stance vis-à-vis the Western Sahara conflict, it is surprising to note that a Chinese company is in the running to obtain the right to construct infrastructure in the occupied territory of Western Sahara. Consequently, our organisation would be thankful for an answer to the following questions.

1. Is the information provided by Soluna correct, that Goldwind is in the running to obtain the single turnkey EPC contract for their Dakhla wind farm?
2. Is Goldwind aware that the project site is in fact located in occupied Western Sahara?
3. How does Goldwind assess the potential acquisition of the bid, which would lead it to construct infrastructure on occupied land, with its position on socially responsible investment?

We do not believe it is in Goldwind's interest to be associated with such business. We sincerely hope that you will refrain from undertaking activities on disputed land. WSRW is currently writing a report about Morocco's plans for wind energy projects in the territory it illegally occupies. We would be grateful for your response before 25 April 2020. A reference to your reply will be made in the mentioned report, planned to be published in June this year. We will be more than happy to provide you with any additional information that you may require to study this matter more closely. Thank you for your consideration and we look forward to hearing from you.

Kind regards,

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² UN Economic and Social Council, 22 October 2015, E/C.12/MAR/CO/4*. Available via: https://wsrw.org/files/dated/2015-12-09/cescr_morocco_2015_eng.pdf. Also, UN Human Rights Committee, 1 December 2016, CCPR/C/MAR/CO/6. Available here: <http://ccprcentre.org/files/documents/CCPR:C:MAR:CO:6.pdf>