

Siemens Gamesa Renewable Energy

Att: Jon Lezamiz Cortazar, Global Head of Public Affairs

Parque Tecnológico de Bizkaia, Edificio 222

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Spain

Brussels, 20.08.2021

## RE. SHIPMENTS OF SGRE WINDMILL COMPONENTS TO OCCUPIED WESTERN SAHARA

Dear Mr Lezamiz Cortazar,

We are reaching out in relation to several shipments of Siemens Gamesa Renewable Energy (SGRE) windmill components from the ports of Motril and Bilbao, since late June this year, with destination Western Sahara. Specifically, we are referring to the transports aboard the following vessels:

- *Johannes* transporting equipment from Motril, Spain, arriving El Aaiún on 29 June, discharging, leaving back for Motril on 2 July;
- *Johannes* departing from Motril, Spain, arriving at El Aaiún 10 July, discharging, left 13 July for Bilbao, arrival 18 July;
- *Aramis* departing from Motril, Spain, arriving at El Aaiún on 13 July, discharging, left 15 July for Motril, arrival 18 July;
- *Johannes* departing from Bilbao, Spain, on 21 July, before picking up blades in Tangiers, Morocco, arriving in El Aaiún on 4 August;
- *Aramis* departing from Motril, Spain, arriving in El Aaiún on 24 July, discharging, left 29 July for Motril arrival 3 August (via Las Palmas).

In addition, we expect that *Breb Countess* coming from Iskenderun, Turkey, arriving Dakhla on 5 July, is also related to SGRE supplies.

We assume that these parts are delivered to the territory as part of the firm order SGRE received through one of its affiliates in September 2020, “for supplying wind turbines to the consortium between Nareva and ENEL Green Power for the Boujdour wind farm, located in the South of Morocco, with a total capacity of 301 MW”.<sup>1</sup>

1. Can you confirm that the above listed shipments of windmill parts are destined for the 300 MW Boujdour wind farm in occupied Western Sahara, to be constructed as part of Morocco’s Integrated Wind Power Programme?

In addition, we refer to several key-questions included in our previous correspondence – including our letter of 18 February 2021. We thank you for your reply of 7 April 2021, but regrettably several pressing issues remain unanswered. We take the liberty to raise them again:

2. SGRE has on several occasions referred to an “external legal opinion reviewed in February 2020” which would have “reaffirmed SGRE’s position on the compliance of its activities in Western Sahara with applicable law”.
  - a. Will SGRE make this legal opinion available for the public, including the people of Western Sahara? If not, why?
  - b. Can SGRE explain which legal framework is meant with “applicable law”?
  - c. Who authored the legal opinion?
3. In your letter of 7 April 2021, you write that “in terms of the right to self-determination of people, the installation and servicing of a wind farm under SGRE’s scope of work does not prevent local

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<sup>1</sup> <https://www.siemensgamesa.com/en-int/-/media/siemensgamesa/downloads/en/investors-and-shareholders/inside-information-communications/2020/20200902-ip-boujdour-eng-def.pdf>

population from such right”, adding that the project does not take away anything from the “local population”, that “the equipment supplied by SGRE is not contrary to the interests of the local population” and that the “local population shall benefit” from SGRE’s “contribution”. We submit that the population in Western Sahara consists largely of Moroccan settlers and military, while the people of the territory are today a minority in their own homeland, with larger numbers now residing outside of the territory (in refugee camps and elsewhere).

- a. Which body of law, according to SGRE, establishes that a non-self-governing territory’s “population” is relevant when it comes to the fulfilment of the right to self-determination of the people of that very territory?
  - b. If SGRE agrees that a people of a non-self-governing territory has a right to self-determination, why does it argue referring to the “local population”, who are primarily Moroccan settlers?
  - c. What is the legal relevance of potential benefits of a project, when no consent was sought or obtained from the people with the sovereign rights to the territory?
4. In your letter of 7 April 2021, you write that “SGRE engages with local civil society organizations, Saharawi people representatives present in the region in this case”.
  - a. Given that the UN recognises the “Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro”, or POLISARIO, as “the representative of the people of Western Sahara”, and SGRE asserts to support the position of the UN, why would SGRE opt to engage with other entities “in the region”?
  - b. How does your statement align with the statement given at the Siemens Energy AGM of February this year, that “SGRE has not held talks with political representatives outside the government”?
  - c. Which Saharawi people representatives do you refer to?
5. Regarding the following statement, both made at the Siemens Energy AGM of February this year and repeated in your letter of 7 April this year, that the “SGRE refrains, as a matter of policy, from taking positions or making judgments on questions of international law as well as political matters”:
  - a. When SGRE concluded that it was in a legal position to enter into an agreement with a government for a territory over which it has no sovereignty – according to the UN and international courts – does this not entail that your company has taken a position on international law?
6. SGRE states it supports the position of the UN “which has consistently called on the parties involved to reach a mutually acceptable political solution”. Can SGRE explain how entering into business deals with a company owned by one of the parties to the conflict – for the development of infrastructure in the conflict zone – contributes to encouraging that party to find a solution?

Finally, we wish to repeat our disappointment regarding SGRE’s participation in the construction of energy infrastructure in the territory. It is highly damaging for the UN peace process and in disregard of the Saharawi people’s right to self-determination. We demand that all such projects be terminated immediately, and that no further shipments are made to the territory, unless permission has been given by UN-recognised representation of the Saharawi people.

WSRW’s report on Morocco’s renewable energy projects in occupied Western Sahara will be published in the month of October. We’d be grateful for your response to the above questions prior to 3 September 2021, so that we can accurately reflect your views.

Sincerely

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Coordinator

Western Sahara Resource Watch

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