

GE Renewable Energy

Att: Chrissy Borskey, Global Government Affairs & Policy Leader

204 Rond-point du Pont de Sèvres

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France

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RE. GE'S INVOLVEMENT IN OCCUPIED WESTERN SAHARA

Dear Ms Borskey,

Thank you for your letter dated 20 October 2021 in response to our questions regarding GE's involvement in the Aftissat Wind Farm sent on 5 October.

GE's commitment to human rights is certainly laudable, but it also makes its involvement in occupied Western Sahara all the more remarkable. As you will know, the right to self-determination is the chapeau of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, given added weight in international law *inter alia* through the Charter of the United Nations. The right of the people of Western Sahara to self-determination is internationally recognised and has been emphasized by the International Court of Justice, the EU Court of Justice, numerous UN Resolutions and legal opinions of both the UN and the African Union.

As such, we fail to understand why the approval of a "regional investment committee", installed by a government that has no sovereignty over or international mandate to administer the territory, has any relevance – regardless of the alleged ethnicity of officials whose mandate was obtained through elections organised by authorities with no mandate or legal basis to be present in the territory. In this context, we refer to the most recent annual report of Freedom House, which ranks the territory as one of the worst in the world in terms of political rights and freedoms, alongside countries such as Syria, North Korea and Sudan. Freedom of association – considered a foundational principle by GE – does not exist in the Western Sahara. In fact, to organise around or advocate for self-determination is considered treason and as such a ticket to prison.

In your letter, you state that "We believe that the construction of renewable energy infrastructure will offer benefits to the local population". It is of note that today's population of Western Sahara consists in majority of Moroccan settlers, encouraged to move to the territory due to employment opportunities created through projects like yours. The people of the territory – a fundamentally different legal concept than 'local population' – have been outspoken about their socio-economic discrimination under Moroccan occupation. Several Saharawis are at present serving lifetime sentences in Moroccan jails for that reason.

We thank you for engaging in dialogue. However, your response did not address our key-question, and has given rise to additional questions. We'd be grateful for your answers.

1. Has GE secured the consent of the people of Western Sahara in relation to the contract covering Western Sahara?
2. With regard to your statement that the "regional investment committee", which includes "an elected representative of the Sahrawi people".
 - a. Is GE of the opinion that Morocco has a legal basis to organise elections in Western Sahara?
 - b. If yes to the above, how has GE come to this conclusion?
 - c. On what basis would a regional investment committee's approval overrule the right of the people of Western Sahara to self-determination, and accordingly, their right to consent to infrastructural projects on their land?
3. Can GE clarify the relevance of the potential benefits to a local population in a context where the people of the territory have not been asked whether they want the project in the first place?

We are convinced that GE would not wish to be associated with such practices. If the company is serious about its human rights commitments, we'd expect it to immediately withdraw from this particular project. Please do not hesitate to get in touch if you'd require any further information on the matter and thank you in advance for your consideration. We look forward to your reply.

Sincerely

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