

BNP Paribas

Att: Jean-Laurent Bonnafé, Chief Executive Officer

16 Boulevard des Italiens

Paris, 75009 France

Brussels, 16.12.2021

RE. BNP PARIBAS' BUSINESS ACTIVITIES IN OCCUPIED WESTERN SAHARA

Dear Mr Bonnafé,

We at Western Sahara Resource Watch are privileged to present you with our compliments. We are writing to enquire about BNP Paribas' banking services in occupied Western Sahara.

We have several questions relating to the legal aspects of operating in the territory and would be most grateful for your views on the matter, as it would allow us to accurately reflect BNP Paribas' position on this controversial matter on our website.

The homepage of BNP Paribas' subsidiary in Morocco, BMCI, lists one agency in El Aaiún (Laâyoune) and one in Dakhla.

Both cities are however located in Western Sahara, which is not part of Morocco. This was again confirmed in the most recent arrest of the General Court of the European Union in September this year. In its fifth ruling on Western Sahara, the Court repeated its conclusions of previous rulings: Western Sahara is a territory that is separate and distinct from Morocco, and the latter has no sovereignty or administering mandate over the territory. Accordingly, any EU-Morocco agreement can only lawfully affect the territory through the express consent of the people of Western Sahara, who's representative body is the Frente Polisario.

The EU Court echoed the Opinion of the International Court of Justice, which could find no evidence of any ties of sovereignty between the two territories and reaffirmed the Saharawi people's right to self-determination.¹ It is this cornerstone principle of self-determination that is central to the approach of the United Nations of the conflict, treating Western Sahara as a Non-Self-Governing Territory - a colony - without an administering power appointed to it. Both the UN Treaty Body on Economic, Social and Cultural Rights² and of the UN Human Rights Committee³ have emphasized in recent years the need of obtaining the Saharawi people's "prior, free and informed consent to the realization of developmental projects and [resource] extraction operations".

To date, 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, in addition to credible international organisations such as Human Rights Watch, Amnesty International, and others. While its military presence in threequarters of the territory has no legal foundation, Morocco continues to exploit the territory's resources as its own, drawing Moroccan citizens into the territory with job opportunities and as such outpopulating the original inhabitants, the Saharawis. The resources not only offer Morocco a

¹ International Court of Justice, Advisory Opinion of 16 October 1975, Western Sahara, <https://www.icj-cij.org/files/case-related/61/6197.pdf>

² 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

³ 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

financial incentive to continue obstructing the UN-mediated peace talks, through involving international companies and businesses they also help in creating an air of normalcy around its occupation.

It is in this respect that BNP Paribas' presence becomes of concern. Partnering with Morocco for economic activities in the occupied part of Western Sahara, helps creating an image of acceptability to an unacceptable situation. It effectively convolutes the UN's efforts to decolonise Western Sahara, and as such contributes to the continued insecurity and instability of the wider Maghreb region – a process that has now seemingly begun.

Accordingly, we'd be most grateful if you could answer the following questions to get a better understanding of BNP Paribas' position on offering banking services in occupied Western Sahara.

1. Has BNP Paribas secured the consent of the people of Western Sahara for establishing banking services in the territory?
2. If not, which institution granted BNP Paribas the right to operate in Western Sahara?
3. Does BNP Paribas provide loans to Moroccan business entities or projects in occupied Western Sahara?

We would be grateful for your response, preferably before 15 January 2022. For the sake of transparency, we wish to clarify that we will report about BNP Paribas' presence in occupied Western Sahara on our website and welcome the opportunity to reflect your views on the matter.

We are convinced that it is not in the best interest of BNP Paribas to be associated with the continued occupation and resumed armed conflict in Western Sahara, and thus encourage you to reconsider your presence in the territory, as long as the conflict has not been settled in line with international law. Please do not hesitate to contact us should you require any further information to fully assess the above-outlined concerns: we'll gladly oblige.

Sincerely,

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