Regarding transports of petroleum products to Western Sahara

Dear Mr. Tanner

terre des hommes schweiz is privileged to present you with our compliments. We are writing with regard to continuous transports of petroleum products by your company from terminals in Spain into occupied Western Sahara.

We wish to recall you of the mail we sent to your company 22 July 2019, which remains unanswered.

terre des hommes schweiz is a ZEWO certified organisation in development corporation based in Basel. We have been supporting projects for youth for 60 years. Currently we are active in five countries each in Latin-American and Africa, amongst others we have been supporting projects in Sahrawi refugee camps in Algeria (Tindouf) for many years.

As trade with interests in the territory involves several political, ethical and legal concerns, our organisation would like to hear your company’s opinion on such matters. Our allied association Western Sahara Resource Watch (WSRW) is about to publish a story on the transports into the territory on its website, and your answer will appear in that article.

After the tanker Wisby Cedar was sold to Atlas Sahara SA in 2021, renamed to Cedar, and placed under your company’s management, we have observed 5 such transports.

As you probably know, Morocco illegally annexed part of Western Sahara by military force in 1975 in violation of the basic right to self-determination of the people of Western Sahara. This military invasion was condemned by the United Nations General Assembly and to this day, Western Sahara remains listed by the UN as a Non-Self-Governing Territory, pending a decolonization process. On international rankings, such as by Freedom House, Western Sahara scores lowest in the world on political freedoms. Leading human rights defenders from Western Sahara, including the general-secretary of the association that would normally take
part in monitoring foreign controversial business operations on their land, are currently serving life-time sentences in Moroccan jails.

In line with the International Court of Justice, the Court of Justice of the European Union has outlined, in five separate rulings, that the Government of Morocco does not have any legal basis, sovereignty or international mandate to administer the territory. The recent court rulings of the Court of Justice of the European Union have also made it clear that in the event of an entity undertaking business in Western Sahara, consent must be obtained from the people of Western Sahara. It stated that the two territories of Morocco and Western Sahara are ‘separate and distinct’.

At a time in history when international law is under intense pressure, it is problematic that companies like yours contribute to undermine these principles, through direct facilitation of an illegal occupation.

We would appreciate a response to the following two questions:

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 free and genuine consent of the people of Western Sahara with regard to activities or projects in their land – as put forth by several UN Treaty bodies and the EU Court of Justice – what steps, if any, has ABC Maritime AG taken to obtain the consent of the people of Western Sahara prior to transporting petroleum products into the territory?

2. Will ABC Maritime guarantee that no further transports will be made to Western Sahara?

We are convinced that it is not in the interest of ABC Maritime AG to become associated with continued occupation and war in Western Sahara, and urge your company to immediately take all measures to prevent further export incidents.

WSRW is going to publish an overview of the petroleum exports into Western Sahara approximately 20 March, and we look forward to a response from your company prior to 17 March 2022.

Looking forward to hearing from you.

Sincerely,

Sylvia Valentin, Advocacy and Campaigning
sylvia.valentin@terredeshommes.ch