For the attention of: Biljana Radonjic Ker-Lindsay,  
Head of Civil Society Engagement Unit  
European Bank for Reconstruction and Development, via CSO@ebrd.com

London, 22 Jan 2019

Re: EBRD 2015 Strategy for Morocco

Dear Miss Radonjic Ker-Lindsay,

We are writing from Western Sahara Campaign UK to enquire about recent EBRD support to the Moroccan bank Banque Marocaine de Commerce Exterieur (BMCE).

It has come to our attention that the EBRD’s board has approved a loan of up to EUR 10 million to Banque Marocaine de Commerce Exterieur (BMCE) to on-lend to private sector borrowers (including SMEs) for sustainable energy investments.

We presume that in the wider scope of information available to the EBRD on the Moroccan bank, BMCE’s presence and operations in the occupied territories of Western Sahara must have been included. Specifically, the bank’s encouragement and promotion of SME’s in the renewable energy sector in the occupied territory. For your ease of reference, below is a link to a BMCE report where they outline their activities in the occupied capital of Western Sahara, El Aaiún (or “Laayoune” in the document) on page 25: https://www.ir-bmcebankofafrica.ma/sites/default/files/Articles_files_2018-09/RSE%20XG%20NA%20ANG%2017%209%202018_0.pdf

When the EBRD invited groups representing the wider civil society to comment on its country strategy for Morocco three years ago, one of our partner organisations, Western Sahara Resource Watch highlighted a number of issues to be considered in a letter dated 16 January 2015. The questions raised were kindly addressed by the EBRD, and the country strategy for Morocco from 2015 remains live on the EBRD’s website, alongside the input from civil society groups like ours.

Since that contact, the European Court of Justice has ruled on four different occasions that EU-Morocco agreements for trade, fisheries and aviation cannot apply to Western Sahara, as the territory is ‘separate and distinct’ from Morocco.

Given that the EBRD’s country strategy for Morocco of 2015 states that ‘The Bank does not intend to invest in the Western Sahara in the course of this Country Strategy period’
(a decision we applaud), we kindly ask you to reply to our organisation with a response to the following questions:

1. Is the country strategy for Morocco of 2015 still relevant? (As per the EBRD’s website).
2. When (if at all) is the EBRD planning to issue a new country strategy for Morocco?
3. Taking into account the decisions of the ECJ in 2016 and 2018, ruling that that EU-Morocco agreements cannot be applied to Western Sahara as the territory is ‘separate and distinct’ from Morocco, does the EBRD consider its strategy applicable to the territory of ‘Morocco’ as defined by the ECJ, or does the strategy also apply to areas outside of the internationally recognised borders of Morocco?
4. In line with the current country strategy, what are the mechanisms that the EBRD has put in place to ensure that the funds loaned to BMCE will not end up funding projects in the occupied territory that Morocco holds under military occupation?

For your information, Western Sahara Campaign UK have also sent a letter to BMCE today regarding this matter. Please find a copy of that letter attached to this email.

We look forward to hearing from you,

Yours sincerely,

Beccy Allen
Committee Member
Western Sahara Campaign UK
www.wsahara.org.uk