

Worley Ltd.

Att: Chris Ashton, Chief Executive Officer

Level 17, 141 Walker Street

North Sydney, NSW 2060

Australia

Brussels, 05.05.2022

RE. WORLEY LTD'S BUSINESS ACTIVITIES IN OCCUPIED WESTERN SAHARA

Dear Mr Ashton,

We at Western Sahara Resource Watch, Australia Western Sahara Association, Australian Unions for Western Sahara and Western Sahara Campaign – New Zealand, are again privileged to write to you. We refer to our previous letter of 27 December 2021, inquiring into the relation of Worley's subsidiary Intecsea's to the Nigeria-Morocco Gas Pipeline (NMGP) project, which will run through occupied Western Sahara. Regretfully, our questions were left unanswered.

We note that Worley has published a press release on its website on 26 April 2022, removing all doubt about the company's connection to the NMGP project. Worley states that it has "been awarded a contract to provide main front-end engineering design (FEED Phase II) services for the Nigeria-Morocco Gas Pipeline (NMGP) project. The engineering study is progressing in accordance with the initial project planning." The NMGP project is described as a 7,000 km long gas pipeline that is promoted by Morocco's *Office National des Hydrocarbures et des Mines* and the Nigerian National Petroleum Corporation. The pipeline will "cross 11 west African countries and extend to Europe". The route of the pipeline is depicted in the image to the right – a screenshot taken from Worley's webpage on 28 April 2022. The text further clarifies that part of the work under the contract will indeed be managed by Intecsea BV, while several other divisions of Worley's structure are involved for other elements.¹



Location of the Nigeria-Morocco Gas Pipeline

On its website, Worley boasts of having "a system of governance and operational controls in place to instill and reinforce a culture of acting lawfully, ethically and responsibly".² We don't see how that squares with taking on an engineering project for a pipeline that will run through occupied Western Sahara, without the consent of the people of the territory, and that is promoted by the occupying power, Morocco. While we trust that Worley has at least taken note of our previous correspondence, it is perhaps of use to reiterate some of the main facts pertaining to the status of Western Sahara.

- To date, the United Nations consider it a Non-Self-Governing Territory that is yet to complete decolonisation: a colony. A UN Mission (MINURSO) is present in the territory. The right to self-determination remains the cornerstone principle governing the UN's actions vis-à-vis the territory.
- The International Court of Justice has rejected Morocco's claims to the territory, confirming that there are no ties of sovereignty between the territory of Morocco and that of Western Sahara, and

¹ Worley, 26 April 2022, Providing FEED services for a gas pipeline in West Africa, <https://www.worley.com/news-and-media/2022/feed-services-for-natural-gas-pipeline-in-west-africa>

² Worley, Operating responsibly, <https://www.worley.com/sustainability/operating-responsibly>

that the people of the territory – the Saharawi people – have a right to self-determination.³ Morocco's invasion was in blatant disrespect of the ICJ and of the UN General Assembly and Security Council.

- A UN-brokered ceasefire arrangement of 1991 - foreseeing an independence-referendum that both warring parties agreed to – was unilaterally broken by Morocco in November 2020, which led to resumed armed conflict in the territory.
- A 2002 UN Legal Opinion, issued at the request of the UN Security Council concluded any economic activity in the territory would be in violation of international law if not undertaken in accordance with the wishes and the interests of the people of the territory.⁴
- The Court of Justice of the European Union has issued several rulings since 2015, all concluding that Morocco has no sovereignty or administering mandate over Western Sahara. As Western Sahara is “separate and distinct” from any country in the world, including Morocco, the CJEU argued that the people of the territory ought to consent for their territory to be lawfully affected by economic arrangements between third parties.
- The UN Treaty Body on Economic, Social and Cultural Rights⁵ and the UN Human Rights Committee⁶ have both emphasized the need of obtaining the Saharawi people's “prior, free and informed consent to the realization of developmental projects and [resource] extraction operations” in Western Sahara.
- Western Sahara is considered one of the most unfree territories in the world, on par with North Korea, Syria, Tibet and South Sudan.⁷ The gruesome human rights situation has been documented by Human Rights Watch, Amnesty International, and different UN bodies. Many Saharawis have fled their homeland during the war with Morocco, to find shelter in the Algerian desert. Here, nearly 200,000 Saharawis continue to live as refugees, surviving in harsh climatic conditions and dwindling humanitarian support.

In view of the above, we'd be grateful for your response to the following questions:

1. At the time of signing the contract, was Worley aware that the pipeline trajectory will run through the territory of Western Sahara, and that the people of Western Sahara have not granted their consent to the project?
2. Given the non-consent of the people of Western Sahara, does Worley consider it appropriate to be involved in a project that hinges on implementation in their territory?
3. Given the map on Worley's webpage, depicting Western Sahara as part of Morocco, and given the claim by Worley in its press release that the NMPG pipeline will cross 11 countries – not 12 - what is Worley's assessment of the status of Western Sahara under international law?
4. Who has contracted Worley for the study? Is it the Moroccan national Office for Hydrocarbons and Mines (ONHYM)?

It is not the first time Worley's name emerges in relation to occupied Western Sahara. through a 50/50 stake in the joint-venture JESA, Worley co-owns with the Moroccan state-owned phosphate company OCP an integrated fertilizer platform and a new phosphate wharf in occupied Western Sahara. JESA is also the project owner of the Fom El Oued Technopole project, located in the occupied territory. We regret not having received any response to our questions on these matters sent in December 2019, March 2021 and December 2021. We'd still appreciate your take on the following:

5. Has Worley obtained the consent of the people of Western Sahara for its projects in the territory?
6. What actions is Worley planning to undertake in relation to the projects it has acquired in Western Sahara?

³ International Court of Justice, Advisory Opinion of 16 October 1975, Western Sahara, <https://www.icj-cij.org/files/case-related/61/6197.pdf>

⁴ UN Security Council, 12.02.2002, Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council, S/2002/161, <https://undocs.org/S/2002/161>

⁵ 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

⁶ 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

⁷ Freedom House, 2022, Global Freedom Scores, <https://freedomhouse.org/countries/freedom-world/scores?sort=asc&order=Total%20Score%20and%20Status>

7. Does Worley plan to realize more projects in Western Sahara?

To partner with a Moroccan governmental institution or state-owned companies for projects – wholly or in part - in occupied Western Sahara, is to provide tacit support to Morocco's untenable position in the conflict. As such, it further hinders an already challenged UN peace process, adds insult to injury for the people of Western Sahara – suffering the consequences of a non-resolved conflict and occupation – and flies in the face of ESG and CSR principles.

We urge Worley to reconsider its participation in such projects, and to end its association with the continued military occupation of what is considered the last colony in Africa.

An article on Worley's contract for the NMGP project will be published on WSRW's website, as will this letter.

Thank you for your consideration of our concerns, and we look forward to your response. Naturally, we remain at your disposal should you have any further questions.

Sincerely,

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