

Vestas Wind Systems A/S
Hedeager 44
8200 Aarhus N
Denmark

31 March 2020

To the attention of Mr Henrik Andersen
CEO and President of Vestas

Regarding energy project in occupied Western Sahara. Seeking answers for publication.

Dear Mr Andersen,

Western Sahara Resource Watch (WSRW) and Global Aktion are writing to you with regard to a claim made by blockchain computing company Soluna that it has consulted Vestas in relation to the procurement and construction of its envisioned 900 MH wind farm in Dakhla.¹

Soluna located Dakhla in Morocco. That is not correct. Dakhla is located in the south of the part of Western Sahara that Morocco has kept under military control since 1975.

Consequently, if Vestas would be accorded the EPC contract that Soluna mentions in its white paper, it would risk becoming part of a protracted conflict.

Western Sahara is regarded by the United Nations as a Non-Self Governing Territory which still awaits decolonisation, and one without a legally accepted administering power in place. The people of Western Sahara, the Saharawi people, have been accorded the right to self-determination - a right restated in now more than 100 UN resolutions - but the exercise thereof is continuously being blocked by Morocco. The war between Morocco and Frente Polisario has resulted in a military division of the territory and a ceasefire being monitored by a UN Mission. Meanwhile, Morocco continues to trample the most basic human rights of Saharawi that live under the yoke of the occupation. Approximately 170.000 Saharawi refugees that fled during the war continue to live in inhumane conditions in Algerian refugee camps, located in the most inhospitable part of the Saharan desert.

The United Nations' legal opinion on economic activities in Western Sahara notes that two legal prerequisites be fulfilled in order for trade activities inside or affecting occupied Western Sahara to be permissible under international law: they must be in accordance with the wishes and to the benefit of the Saharawi people. This means that the Saharawi people must consent to, and subsequently benefit from, any commercial and export activity in respect of Western Sahara's abundant natural resources.

That the Saharawi people have a right to free, prior and informed consent to any economic activity in their homeland, has been recalled in recent years by the UN Treaty Bodies on Economic, Civil and Cultural Rights and on Civil and Political Rights.² Since 2016, the Court of Justice of the European

¹ Soluna's white paper on its Dakhla wind power project can be accessed here: https://www.soluna.io/wp-content/uploads/2019/02/Soluna_white_paper_v1.2_20190211_FINAL.pdf

² UN Economic and Social Council, 22 October 2015, E/C.12/MAR/CO/4*. Available via: https://wsrw.org/files/dated/2015-12-09/cescr_morocco_2015_eng.pdf. Also, UN Human Rights Committee, 1

Union has reiterated that in four consecutive rulings - all concluding that Morocco has no sovereignty over or any international mandate to administer Western Sahara, and that the people of the territory ought to consent to any economic activity affecting their territory for it to be lawful.

In that framework, it should be clear that engaging in projects in Western Sahara comes at high risks. In recent years, the UN-recognised political representation of the people of Western Sahara, the Polisario Front, has initiated legal proceedings against companies involved in the taking of the land's resources. A ship transporting phosphate rock out of the territory was detained in South Africa in May 2017. The High Court of South Africa ruled in February 2018 that the ownership of the cargo rested in the Saharawi Government, and that Morocco's state-owned phosphate company was not entitled to sell the commodity. The operator of the involved vessel took in an estimated loss of US \$3.5 million during the 370 days that the ship was kept in detention. Today, there are pending court cases against companies and investment firms in France and New Zealand, and Polisario threatens to continue on that path.

Denmark does not recognise Morocco's self-proclaimed sovereignty over Western Sahara. In fact, the Danish Parliament has issued a warning to Danish companies not to get involved in Western Sahara.³ Given the Danish neutral stance vis-à-vis the Western Sahara conflict, it is surprising to note that a Danish company is in the running to obtain the right to construct infrastructure in the occupied territory of Western Sahara. Consequently, our organisation would be thankful for an answer to the following questions.

1. Is the information provided by Soluna correct, that Vestas is in the running to obtain the single turnkey EPC contract for their Dakhla wind farm?
2. Is Vestas aware that the project site is in fact located in occupied Western Sahara?
3. How does Vestas assess the potential acquisition of the bid, which would lead it to construct infrastructure on occupied land, with its position on socially responsible investment?

We do not believe it is in Vestas' interest to be associated with such business. We sincerely hope that you will refrain from undertaking activities on disputed land. WSRW is currently writing a report about Morocco's plans for wind energy projects in the territory it illegally occupies. We would be grateful for your response before 25 April 2020. A reference to your reply will be made in the mentioned report, planned to be published in June this year. We will be more than happy to provide you with any additional information that you may require to study this matter more closely. Thank you for your consideration and we look forward to hearing from you.

Kind regards,

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December 2016, CCPR/C/MAR/CO/6. Available here:
<http://ccprcentre.org/files/documents/CCPR:C:MAR:CO:6.pdf>

³ Danish Parliament, 31 May 2016, V 79 om Vestsahara,
<https://www.ft.dk/samling/20151/vedtagelse/v79/index.htm?fbclid=IwAR2oON0zJK5UxxerKQib7D5QEVhE9NC7MVxJq1K3uZDXqpaasWzZ2Zc29rs>