
Your Letter to ENGIE re Proposed Desalination Facility Near Dakhla - Stakeholder Engagement

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15 February 2021 at 09:13

To: Sara Eyckmans <coordinator@wsrw.org>

Cc: Apso Lument <apsolument@yahoo.fr>, Richard Rogers <richardrogers@globaldiligence.com>

Dear Ms Eyckmans,

Again, thank you for your response to our emails of 21 and 23 January 2021.

We understand that you do not wish to take part in our engagement process as a stakeholder, nor assist us in identifying any other stakeholders whose various rights--including, but in no way limited to, the right to self-determination--may be impacted by the Project. We also understand that you have taken the liberty of making a number of unfounded assumptions regarding our professional approach and ethics.

Accordingly, in reply to your response, please accept the following clarifications:

- (1) Global Diligence is not acting in this matter as a representative of ENGIE, but rather as an independent assessor on various impacts related to the Project. As such, we do not speak for ENGIE on any issue.
- (2) We stand by our understanding of the *entire* Hans Corell Opinion of 2002, current state practice and *opinio juris*, and various other international legal principles and guidelines relevant to our assessment.
- (3) The recent decisions of the CJEU referenced in your response apply to state-to-state relations pursuant to established principles of public international law, which is not *directly* binding on private entities.

In any event, given your stated desire not to engage with us and--in particular--your stated reasons therefor, we cannot disclose any further information at this point. Should you at any time wish to reconsider your position, we would be open to cooperating with your organization in good faith and with a view to ascertaining whether members of the Sahrawi population would derive any material benefits from the Project.