

Siemens Energy AG
Att: Mr Christian Bruch, Chief Executive Officer
Otto-Hahn-Ring 6
Munich, 81739
Germany

Brussels, 18.02.2021

RE. QUESTIONS ABOUT SIEMENS ENERGY AG'S RECENT STATEMENTS REGARDING WESTERN SAHARA

Dear Mr Bruch,

Western Sahara Resource Watch (WSRW) is privileged to present you with its compliments. We hope this message finds you well in the current phase of the COVID-19 crisis.

WSRW is highly concerned about your company's recent statements regarding Western Sahara, both at your latest AGM on 10 February 2021 as well as in the SGRE press release of 2 September 2020.

As you know, your company has recently been excluded from the portfolios of Norway's biggest private fund manager exactly because of its undermining of principles of international law and human rights in Western Sahara, along the same lines as our previous letters to Siemens AG have argued.

We appreciate your company's attempt to provide clarifications at the recent AGM, but nevertheless these have given rise to further questions that merit answers. We are concerned to see that the position taken by Siemens Energy seems to be even less informed than was previously the case of Siemens AG. To that purpose, we have included some questions below and would appreciate your response.

1. With regard to the following statement from the AGM: "Siemens Gamesa Renewable Energy (SGRE) engaged with Saharawi representatives present in the region. SGRE has not held talks with political representatives outside the government. It is not SGRE's role to engage in political debates and seek political approval for the wind farm project."
 - a. Which Saharawi representatives do you refer to?
 - b. When you state that SGRE has not held talks "outside the government", does it refer to the government of Morocco? Considering that the Court of Justice of the EU specifically refers to Western Sahara and Morocco as 'separate and distinct' territories, and considering that Morocco's claims to the territory have been rejected by the ICJ and the international community, why would your company consider political representatives that are part of Morocco's governmental structure to be representative for Western Sahara?
 - c. With regard to the last sentence of that statement: is it implied that SGRE does not view it necessary to obtain consent from the people of Western Sahara for activities in the territory?
 - d. Has SGRE "engaged" with a single Saharawi who advocates for the Saharawi people's right to self-determination? If yes, who? If yes, what did this person say in relation to your operation on their land?
2. With regard to the statement: "the participation of Siemens Gamesa in the construction of a wind farm project does not constitute an act of recognition of the Western Sahara region as part of the Moroccan territory."

Does Siemens Energy agree with the UN that Western Sahara is a Non-Self-Governing Territory, and not a region of another country?

3. With regard to these statements: “We are determined to continue and monitor developments in the field of human rights” and “Siemens Energy and SGRE continue to continuously monitor progress and developments in the region together with their customers.”
 - a. What sources, independent from the Moroccan government, will Siemens Energy rely on to monitor developments in the field of human rights in Western Sahara?
 - b. As Siemens’s customer for the projects in Western Sahara is essentially the government of Morocco, how does Siemens assess the credibility of Moroccan official institutions with regard to the situation in the territory that Morocco holds under illegal military occupation?
4. With regard to the following statement: “In terms of the peoples' right to self-determination, the installation and operation of a wind farm does not prevent the local population from enjoying this right, as the project does not cut itself off from basic services or institutions and does not destroy existing infrastructure.”
 - a. Which body of international law, according to Siemens Energy, establishes that a non-self-governing territory’s “population” is relevant when it comes to the fulfilment of the right to self-determination by a territory’s people?
 - b. If Siemens Energy agrees that a people of a non-self-governing territory has right to self-determination, why does Siemens Energy argue referring to the “local population”, who are primarily Moroccan settlers?
5. With regard to the reference to an “external legal opinion reviewed in February 2020”, which according to your statement at the AGM “reaffirmed SGRE’s position on the compliance of its activities in Western Sahara with applicable law.”
 - a. Will Siemens Energy make this legal opinion publicly available, including sharing it with the people of Western Sahara? If not, why?
 - b. Can Siemens Energy send a copy of it to us, for publication on our website?
 - c. Can Siemens explain which legal framework is meant with “applicable law”?
 - d. Who wrote this external legal opinion?
6. With regard to the statement: “As a matter of policy, Siemens Energy and Siemens Gamesa do not take positions on matters of international public law.”
 - a. In the press release dated 2 September 2020, Siemens Gamesa mentions that the Boujdour Wind Farm is located in “Southern Morocco”. Does such a position by Siemens Gamesa – which is contrary to the UN, Court of Justice of the EU, the International Court of justice – not involve a clear position on international public law?
 - b. When your company has concluded that it is in a legal position to sign an agreement with a government for a territory which is not theirs, according to the international community, the UN and international courts, does this not entail that your company has assessed international public law?

Finally, we would like to quickly comment on your statement: “Siemens Energy and Siemens Gamesa Renewable Energy recognize that this situation requires a political solution involving governments, not companies” and “the participation of Siemens Gamesa in the construction of a wind farm project does not constitute an act of recognition of the Western Sahara region as part of the Moroccan territory.”

It is obvious that the solution to the conflict in Western Sahara must be reached by governments. We think no one asks or expects Siemens Energy to solve the conflict. Our only appeal to your company is to not undermine the UN efforts to reach a solution which will provide for the right to self-determination. Your company is doing exactly that. By signing an agreement with the occupying power for energy infrastructure on occupied land, and without taking into account the wishes of the Saharawi people, your company is fundamentally undercutting the Saharawi people’s rights. When your company signs agreements with a government that has no mandate over that land, and then even framing the location as in “Morocco”, it constitutes, of course, a strong sign of support of your company’s recognition of Morocco’s baseless claims.

It has been disappointing to see that there has been no advancement in the position of Siemens Energy at the latest AGM, from the first statement of Siemens AG regarding Western Sahara in 2012. If anything, the assessment has worsened. Your company specifically states that it takes no position on international public law, while at the same time stating that the territory is part of Morocco in press releases. Your company underlines that its agreements are valid, but without explaining why. Your company claims to respect the

Saharawis right to self-determination, but seemingly only remains in dialogue with representatives of the occupying power,

We find it remarkable that an EU-based company does not deem the reasoning of the highest Court of the EU to have any bearing on its operations. In our view, Siemens Energy cannot simply close its eyes to the fact that Western Sahara is not part of Morocco. Your company is directly contributing to make it less likely that Morocco will engage to resolve the conflict in line with UN resolutions.

All efforts from the Saharawi people to convince you that your company operates on their land fall on deaf ears. It is sad to witness.

We call on Siemens Energy to follow the recent examples of companies such as Continental and Epiroc. Both have previously been suppliers to Morocco's exports of conflict minerals of the territory, a role that Siemens Energy continues to have to this date.

We have published this letter today on our website www.wsrw.org, and will post your response when we receive it.

We look forward to your reply.

Sincerely

Sara Eyckmans

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