

GreenGo Energy Group A/S

Att.: CEO, Karsten Nielsen

Frydenlandsvej 30

DK-2950 Vedbæk

Denmark

info@greengoenergy.com

kn@greengoenergy.com

Bruxelles and Copenhagen

07.04.2024

RE. GREENGO ENERGY'S INVOLVEMENT IN THE IN OCCUPIED WESTERN SAHARA

Dear Mr Karsten Nielsen,

Western Sahara Resource Watch is privileged to present you with our compliments. We hope this message finds you well.

We are writing to you because it has come to our knowledge that on your website it is announced that GreenGo Energy has opened an office and established a business in that of Morocco occupied Western Sahara.

As you will know, Dakhla is not located in Morocco, but in Western Sahara - a Non-Self-Governing Territory that is yet to complete decolonisation. The UN, which has a Mission on the ground (MINURSO), considers the territory to be a colony. In 1975, the International Court of Justice confirmed that there are no ties of sovereignty between the territory of Morocco and that of Western Sahara, and that the people of the territory - the Saharawi people - have a right to self-determination.¹ Nevertheless, Morocco invaded and went on to annex three quarters of the territory, in blatant disrespect of the ICJ and of the UN General Assembly and Security Council. Though the UN was able to broker a ceasefire arrangement in 1991 - foreseeing an independence-referendum that both warring parties agreed to - Morocco has continued to obstruct the process to this very day. Morocco's violation of the ceasefire arrangement in November 2020 led to resumed armed conflict in the territory.

The right of the Saharawi people to self-determination is backed internationally. Nevertheless, they continue to suffer the yoke of a brutal occupation: many of them live as refugees in the inhospitable Algerian desert, while their kin left behind are subjected to some of the most gruesome human rights violations.

The status of the territory comes with repercussions for business activities. As established in 2002 by the UN Legal Counsel at the request of the Security Council, any economic activity in the

¹ International Court of Justice, Advisory Opinion of 16 October 1975, Western Sahara, <https://www.icj-cij.org/files/case-related/61/6197.pdf>

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.² In five consecutive rulings, the Court of Justice of the European Union has concluded that Morocco has no sovereignty over Western Sahara, nor any international mandate to administer it, as the territory is separate and distinct from Morocco. As a consequence, the Court ruled, EU agreements with Morocco cannot be extended to Western Sahara in a lawful manner, unless with the explicit consent of the people of the territory – the latter being the natural corollary of the people of Western Sahara’s right to self-determination.³ The UN Treaty Body on Economic, Social and Cultural Rights⁴ and the UN Human Rights Committee⁵ have both emphasised the need of obtaining the Sahrawi people’s “prior, free and informed consent to the realisation of developmental projects and [resource] extraction operations”.

The construction of infrastructure by an occupying power - which is Morocco’s status in relation to Western Sahara - not only violates the right of a non-self-governing people to self-determination. It also constitutes a violation of International Humanitarian Law (IHL) which prohibits extending an occupation - beyond security of the occupied place and the well-being of its inhabitants - through building infrastructure to secure the occupation or provide for an illegal settler (immigrant) population. We are convinced that this is not something any company would want to be associated with.

Whatever form of business GreenGo Energy wants to get involved in, it is in our opinion, this will be a violation of international law and will only help to undermine a political solution to the conflict, but also undermine the right of the indigenous population to self-determination, over their territory and their fundamental rights for the Saharawi people.

We would be grateful for your response to the following questions:

1. What steps has GreenGo Energy taken to ensure it has the consent of the people of Western Sahara through their UN-recognised representation, the Frente Polisario⁶, for its participation in the construction of renewable energy infrastructure on the Saharawi people’s land?
2. Why does GreenGo Energy choose to refer to the location of its office in “Morocco”?
3. What legal mandate or status does GreenGo Energy believe that Morocco has over Western Sahara?

We look forward to answers to the above questions.

It is our hope that it is possible for us to meet and we can enter into a dialogue about the problematic nature of having activities in an occupied territory such as Western Sahara.

A copy of this letter is sent to the Danish Ministry of Foreign Affairs.

Sincerely

² 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>

³ The Rulings for cases T-512/12, T-180/14, C-266/16, T-275/18 and combined cases T-344/19, T-356/19 and T-279/19 can be accessed at the site of the EU Court of Justice, <http://curia.europa.eu>.

⁴ 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

⁵ 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

⁶ UNGA Resolution 34/37, §7: “Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro”, or POLISARIO, as “the representative of the people of Western Sahara”.

Erik Hagen

Board member Western Sahara Resource Watch

hagenerik@gmail.com

Morten Nielsen

Global Aktion - Denmark

morten@globalaktion.dk