

Profit-Driven US and British Oil Companies Set to Violate International Law in Western Sahara

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Several global energy companies are interested in oil resources in Western Sahara (AA)

Kosmos Energy, a US oil and gas exploration firm, along with UK oil exploration company, Cairn Energy, are planning to begin searching for oil reserves off the shores of a territory known as Western Sahara.

However, according to Sahrawi representatives, the companies have no authorisation from the people of Western Sahara, a United Nations designated non-self-governing territory larger than the UK that has been subject to occupation by neighbouring Morocco since it invaded in 1975. The Moroccan government maintains that its civilians peacefully reclaimed Western Sahara by marching into the territory, but scholarly work has long since falsified this account.

The UN has been planning to organise a referendum on self-determination in Western Sahara since 1991 but for now Morocco has successfully blocked the plans and retains control of the territory which it claims as its “southern provinces” and calls Moroccan Sahara.

Kosmos has held rights to explore Western Saharan waters since 2006, when it signed an agreement with Morocco’s state oil company, the Office National des Hydrocarbures et des Mines (ONHYM).

The agreement was renewed in 2011 and, at Kosmos’s direction, a drill ship named Atwood Achiever is currently on its way from South Korea to Western Saharan waters in order to commence oil exploration in a block known as Cap Boujdor in November.

In a letter dated 19 September and addressed to Kosmos’s Senior Vice President, William Hayes, which has been seen by Middle East Eye, the Sahrawi Centre for Media and Communication – a campaigning group made up of indigenous Sahrawi and based in the territory’s capital Laayoune – condemned international energy companies planning to drill for “joining hands with Morocco” and “consolidating its sovereignty over Western Sahara.”

“Formally, it is illegal for international companies to operate in the land and coastal waters of Western Sahara without the consent of its people and without them being consulted and benefiting from these business operations,” the letter stated.

“Such illegal business is also a direct threat to the whole peace settlement as it puts at stake the right of self-determination by ignoring international law and legality,” the Sahrawi group claimed.

However, the Sahrawi are not alone in believing that oil exploration in Western Sahara without authorisation from the Sahrawi would be illegal under international law. In 2002, the UN Under-Secretary-General for Legal Affairs, Hans Corell gave a [legal opinion](#) which agreed with the Sahrawi.

“If further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the international law principles applicable to mineral resource activities in non-self-governing territories,” Corell wrote.

A number of previous attempts by oil companies to drill in Western Saharan waters have been abandoned, due to the legal status of the territory and subsequent divestment by shareholders. Kosmos, however, appears resolute and French oil major Total also has plans to drill next year.

Kosmos has defended its decision by arguing that while it does not have the authorisation of the Sahrawi, its activities will be beneficial to them.

“We believe that, if exploration is successful, responsible resource development in Western Sahara has the potential to create significant long-term social and economic benefits for the people of the territory,” Kosmos wrote in a statement on the issue in February.

But the UN’s Corell has made clear on multiple occasions that this is not sufficient to make the drilling lawful. In 2008, he issued a clarification of his original legal opinion that described it as “formulated in such a manner that it would be crystal clear that Morocco had no authority to engage in exploration or exploitation of mineral resources in Western Sahara if this was done in disregard of the interests and wishes of the people of Western Sahara.”

Speaking to the Financial Times on 17 September, Corell said that “the more resources are found in Western Sahara and its maritime zone, the less will be the incentive for Morocco to fulfil the UN resolutions and international law.”

Neither Morocco’s ONHYM nor the Moroccan government responded to requests for comment.

The Sahrawi population is divided into those still living in the occupied territory, and the thousands who fled from the Moroccan army in 1975 and became refugees living in camps in South-West Algeria.

Sahrawi living in the refugee camps are also highly critical of the drilling.

“Kosmos and Cairn plan to participate in the looting of our country,” said Kamal Fadel a representative of the Sahrawi government in the camps, the Sahrawi Arab Democratic Republic (SADR).

“This is a shameful act by Kosmos and Cairn that puts their greed before the respect of legality and human rights, and it helps perpetuate the illegal occupation of our homeland, encouraging Morocco to continue to obstruct UN efforts to resolve the conflict,” Fadel told MEE.

International firms in other sectors besides energy have also engaged in potentially illegal resource exploitation in occupied Western Sahara.

Last October, the Canadian agricultural firm Agrium Inc. [organised a deal with the Moroccan](#) state phosphate company Office Chérifien des Phosphates (OCP) for Western Saharan phosphate.

Despite international pressure, more than \$10 mn of phosphate rock mined by Morocco's OCP in Western Sahara were loaded onto a freighter and shipped to Vancouver for use by Agrium as a result of the deal.

In December, the European Union also approved a four-year accord with Morocco, allowing EU boats - the majority of them Spanish - to fish in Western Saharan waters. Demonstrations were held in Laayoune by some Sahrawi but were met with a harsh response from Moroccan security forces.

"A significant oil or gas find in Western Saharan waters will only increase Morocco's unwillingness to recognise the territory's international right to self-determination," said Jacob Mundy, assistant professor of Peace and Conflict Studies at Colgate University, in New York.

"The danger in all of this is the Security Council's lack of interest in the Western Sahara situation generally," Mundy told MEE.

"Having watched Morocco plunder the territory's fisheries and minerals for years, it is difficult to imagine the Western Saharan independence movement remaining passive in the face of these new offshore developments."

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