CDM: FORM FOR SUBMISSION OF A “LETTER TO THE BOARD” (Version 01.2)

This form should be used only by project participants and other stakeholders for submitting a “Letter to the Board” in accordance with the latest version of the Modalities and procedures for direct communication with stakeholders.

<table>
<thead>
<tr>
<th>Name of the stakeholder submitting this form (individual/organization):</th>
<th>Western Sahara Resource Watch</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address and contact details of the individual submitting this form:</td>
<td>Address:</td>
</tr>
<tr>
<td></td>
<td>Telephone number: +47 45265619</td>
</tr>
<tr>
<td></td>
<td>E-mail address: <a href="mailto:info@vest-sahara.no">info@vest-sahara.no</a></td>
</tr>
<tr>
<td>Title/Subject (give a short title or specify the subject of your submission):</td>
<td>The UNFCCC Clean Development Mechanism and Western Sahara</td>
</tr>
<tr>
<td>Please mention whether the submitter of the form is:</td>
<td>☐ Project participant</td>
</tr>
<tr>
<td></td>
<td>☑ Other stakeholder, please specify Non-Governmental Organisation</td>
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<td>Specify whether you want the letter to be treated as confidential?:</td>
<td>☐ To be treated as confidential</td>
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<td>☑ To be publicly available (UNFCCC CDM web site)</td>
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</table>

Please choose any of the type(s) below to describe the purpose of this submission.

- ☐ Type I: 
  - ☐ Request for clarification
  - ☐ Revision of existing rules
    - ☐ Standards. Please specify reference
    - ☐ Procedures. Please specify reference
    - ☐ Guidance. Please specify reference
    - ☐ Forms. Please specify reference
    - ☐ Others. Please specify reference

- ☑ Type II: Request for Introduction of new rules

- ☑ Type III: Provision of information and suggestions on policy issues

Please describe in detail the issue on which you request a response from the Board, including the exact reference source and version (if applicable).

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1. DNAs and DOEs shall use the respective DNA/DOE forms for communication with the Board.
2. As per the applicable modalities and procedures, the Board may make its response publicly available.
Dear Mr. Duan:

We thank you for the reply to our letter of this May 12, conveyed through Mr. Andrew Howard in his letter of August 14.

Even though CDM board has of yet not been in a situation in which it has to decide on registering a CDM project in Western Sahara, Western Sahara Resource Watch continues to have grave concerns about future possible CDM funded projects in the territory, as well as the process by which such projects are received and potentially approved. We respectfully recommend that the Clean Development Mechanism must not provide funding for any activities in that part of Western Sahara which continues to be illegally held by the Kingdom or Morocco, and that there must necessarily be in place transparent, functioning measures to ensure the early rejection of requests for approval of such projects, lest they be used to legitimize an occupying presence in the territory. We recommend CDM to issue a statement declaring that future requests for CDM validation in the illegally occupied parts of Western Sahara be rejected until the conflict has been solved.

In addition to the Siemens wind energy project mentioned in the previous letter, and according to the UNFCCC validation webpage, yet another project located in Western Sahara is known to have been submitted for CDM funding. This project, titled “Greenhouse Gas Emission in the Fish Meal Industry in Morocco - Central Steam Production Plant”, is set to construct a consolidated steam generation facility for the fish processing industry at the city of El Aaiun, Western Sahara.

Furthermore, we see that two more projects are in the pipeline from CDM Morocco, one to generate energy for the cement industry, and another for the phosphate industry. See a summary of these plans on our webpages: http://www.wsrw.org/a105x2352

Quite apart from the fact of United Nations’ funds being expended in an area which the UN organization has deemed to be occupied and has worked since 1961 to assure for its people their right of self-determination, there are at least four objectionable aspects of such projects as they would receive CDM funding. First, the tendering of the projects for possible funding by a UN agency itself lends a greater appearance of acceptability to Morocco’s presence in Western Sahara. We note, for example, that details for the first of these projects, in the CDM Project Design Document Form incorrectly state the location of the facility to be in Morocco, even though the UN does not recognise the territory as part of Morocco. This document can be downloaded from the UNFCCC’s own website. Second, any approval of the projects would result in a transfer of UN funds to Morocco, with the result of indirectly or directly funding the construction of physical infrastructure inside occupied Western Sahara. In other words, Morocco as occupier is enriched by such funding in the event should it be actually provided. Third, such projects have the result of securing or entrenching Morocco’s presence in Western Sahara by the construction of permanent industrial works.

Fourth, such projects contribute to Morocco’s taking of natural resources from Western Sahara, contrary to international humanitarian law. A project to consolidate steam boilers in an effort to reduce greenhouse gases would make more economically efficient the fish processing industry which operates in the waters of Western Sahara, even after the European Parliament ended its fisheries arrangements on the coast of the territory in December 2011. Similarly, should the projects for cement and phosphate production be accepted, they would support businesses activity which the UN Legal Counsel in 2002 specifically stated to be in violation of international law in matters of mineral resource exploitation in Western Sahara.

In our letter of May 12 we proposed reforms to the vetting of CDM projects. In the case of Western Sahara, it may be that the soundest approach to prevent the funding of projects in occupied Western Sahara would be a definitive and principled refusal to consider them.

We call again for improvements to the Clean Development Mechanism vetting guidelines. We suggest such improvements will have application beyond Western Sahara, to requests for funding from states involved in international conflicts or ones presenting serious violations of international humanitarian law. As we have noted, the draft Guidelines for Completing the Project Design Document form for Carbon Capture and Storage CDM Project Activities could include criteria to identify projects in international conflict zones and areas which the UN has designated as non-self-governing for self-determination purposes.

Version 01.2/ 8 February 2012
We recommend again that the terms of reference for the CDM Accreditation Team and Accreditation Panel be amended to ensure a capacity for independent gathering of evidence about the impacts and desirability of a project from peoples in a proposed project area, independent of applicant organizations.
Please provide any specific suggestions or further information which would address the issue raised in the previous section, including the exact reference source and version (if applicable).

[replace this bracket with text, the field will expand automatically with size of text]

If necessary, list attached files containing relevant information (if any)

- [NB! The formatting of this word file does not seem to allow entering more than a 1 page letter. Please find a copy of our entire letter attached. Thank you for letting us know if the completion of this form is not done adequately. Sincerely, Sara Eyckmans]

Section below to be filled in by UNFCCC secretariat

Date when the form was received at UNFCCC secretariat 10 January 2013
Reference number 2013-214-S

History of document

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Nature of revision</th>
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<tr>
<td>01.2</td>
<td>08 February 2012</td>
<td>Editorial revision.</td>
</tr>
<tr>
<td>01.1</td>
<td>09 August 2011</td>
<td>Editorial revision.</td>
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<td>01</td>
<td>04 August 2011</td>
<td>Initial publication date.</td>
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</tbody>
</table>

Decision Class: Regulatory  
Document Type: Form  
Business Function: Governance
Mr. Maosheng Duan  
Chair, Executive Board  
Clean Development Mechanism  
UNFCCC Secretariat  
Martin-Luther-King Strasse 8  
D 53153 Bonn  
Germany

The UNFCCC Clean Development Mechanism and Western Sahara

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Taking into consideration the several potential CDM projects that could be presented before the CDM in the coming years, we respectfully ask whether the CDM will issue a statement declaring, already now, that it will not consider providing any funding for activities in that part of Western Sahara which continues to be illegally held by the Kingdom or Morocco.

We request this matter be placed before the CDM Executive Board at its next meeting. Please let us know about its disposition at your earliest convenience, and we look forward to hear whether you will issue a statement on the matter.

Yours sincerely,

Erik Hagen
Chair, Western Sahara Resource Watch
tel +47 45265619
info@vest-sahara.no
www.wsrw.org
c: His Excellency Christopher Ross,  
Personal Envoy of the UN Secretary-General for Western Sahara

c: His Excellency Wolfgang Weisbrod-Weber, Special Representative of the Secretary-General,  
United Nations Mission for the Referendum in Western Sahara, MINURSO

c: His Excellency Mohamed Abdelaziz, President of the Saharawi Arab Democratic Republic  
Secretary-General, Frente Popular de Liberación de Saguía el Hamra y Rio de Oro

c: UN Global Compact

c: Dr. Felix Ferlemann, Chief Executive Officer of the Wind Power Division, Siemens AG