

Kerr-McGee Corporation in occupied Western Sahara - Oil Blocking Path to Freedom?

Kerr-McGee is exploring for oil in the territorial waters of Western Sahara, which Morocco has illegally occupied since 1975. The people of Western Sahara, led by Polisario, are struggling for self-determination and independence. Morocco is refusing to implement a U.N. peace plan that includes a referendum which would let the people of Western Sahara choose between independence and integration into Morocco. Exploitation of oil in the area would be illegal. An international divestment campaign has been launched against Kerr-McGee and has already forced all of its subcontractors to abandon work in the area.

Kerr-McGee in Western Sahara

Kerr-McGee Corporation entered into a “reconnaissance permit” to explore for oil and gas with the Moroccan state oil company in September 2001 for the Boujdour area offshore of occupied Western Sahara. The permit was renewed in October 2003 and October 2004 and could well be extended again. The contract is to evaluate the potential for hydrocarbons (oil and natural gas) through collection and analysis of seismic data. The contract covers 27 million acres, 350 miles along the coast and 200 miles offshore. Oil companies with exploration contracts usually hope it will lead to an exploitation contract. According to press reports, Kerr-McGee plans to invest at least \$2 million in the Boujdour area.

Key Points

- Morocco illegally occupies Western Sahara and has refused to allow a self-determination referendum
- The International Court of Justice has ruled the people of Western Sahara have the right to self-determination and the UN does not recognize Morocco as the legal administrative power
- The people of Western Sahara, led by Polisario, are struggling for self-determination and independence
- No country has officially recognized the annexation of Western Sahara by Morocco while the Polisario led SADR government has been recognized by more than 70 states (including most recently by South Africa in September 2004)
- Kerr-McGee’s contract provides recognition to Morocco’s illegal occupation
- Discovery of exploitable oil or gas will only make Morocco more determined to block a free and fair referendum

Legal Status of Western Sahara and Kerr-McGee’s operations

The International Court of Justice ruled that the people of Western Sahara have the right to self-determination including independence. In January 2002 UN Under-Secretary General for Legal Affairs Hans Corell, in an opinion on the legality of the Kerr-McGee contract and a similar one signed by Total, wrote that Western Sahara is a non-self governing territory and Morocco is not the legal administrative power. Corell concluded that while the contracts are not in themselves illegal, “if further exploration and exploitation [production] activities were to proceed in disregard to the interests and wishes of the people of Western Sahara, they would be in violation of the principles of international law applicable to mineral resource activities in Non-Self-Governing Territories.” Equally importantly, the Kerr-McGee contract is unethical. The contract

provides legitimization to Morocco’s occupation and has boosted its confidence about annexing Western Sahara in violation of international law and of a number of UN Security Council and General Assembly resolutions. Since signing the contract the Moroccan government has hardened its position against allowing any outcome except annexation.

International Campaign

For the last three years there have been campaigns against companies conducting oil exploration in Western Sahara including Kerr-McGee (U.S.), Total (France) and three of Kerr-McGee’s subcontractors TGS-Nopec (Norway), Thor Offshore Services (Denmark) and the Fugro Group (Netherlands). After a protest and divestment campaign that resulted in a falling share price, TGS-Nopec withdrew in 2003. Facing similar campaigns Fugro, Thor and Total withdrew, leaving Kerr-McGee as the only remaining oil company in occupied Western Sahara. One of Norway’s main private investment funds, Skagen Vekst, divested from Kerr-McGee, selling shares worth \$4.6 million. The government-owned Norwegian Petroleum Fund is currently considering selling its shares of Kerr-McGee thought to be worth \$7.1 million.

What you can do

Divest from Kerr-McGee: Get institutions you are involved with, such as a church, university or pension fund to divest (sell) their shares in Kerr-McGee. When divesting, be sure the sellers issue a press release and write to Kerr-McGee explaining why.

Write Kerr-McGee: Even if you do not own share in Kerr-McGee, write the company and tell them to withdraw from Western Sahara until such time as the people of that territory have been able to exercise their right to self-determination and a proper legal authority exists to grant exploration and exploitation rights.

Organize: Form a committee in your church, school or community to support the right of the people of Western Sahara to self-determination and Independence.

Write President Bush, Secretary of State Condoleezza Rice and your congressional delegation: Write to key public officials supporting the right of the people of Western Sahara to self-determination, urge them to pressure Morocco to implement the UN peace plan and oppose the exploitation of the resources of occupied Western Sahara including the Kerr-McGee contract.

U.S. Policy

The U.S. does not recognize Morocco's sovereignty over Western Sahara. But the U.S. has effectively sided with Morocco by selling weapons to the country, signing a free trade agreement and refusing to put any pressure on Morocco to allow the self-determination referendum to proceed. The Kerr-McGee license was signed in the presence of the then U.S. Ambassador to Morocco, Margaret Tutwiler.

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Visit the websites of Western Sahara Solidarity organizations: ARSO (Western Sahara Referendum Support Association) www.arso.org, Richard Knight www.richardknight.com, Western Sahara Online www.wsahara.net, News about Western Sahara <http://groups.yahoo.com/group/Sahara-update/>.

Background on Western Sahara

Formerly Western Sahara was a colony of Spain. In 1975 the International Court of Justice ruled that the people of Western Sahara were entitled to self-determination including independence. That same year a UN mission determined that the people of Western Sahara were “categorically” for independence and opposed to the territorial claims of Morocco and Mauritania. But when Spain pulled out in 1976 it divided the territory between Morocco and Mauritania. Polisario, formed in 1973 to oppose Spanish colonialism, rejected this action and declared the Saharawi Arab Democratic Republic (SADR) at the time of Spain's withdrawal. Much of the population of Western Sahara fled the territory to Polisario run refugee camps in Algeria where they continue to live to this day. Polisario, which led an armed struggle against Spain, turned its military efforts against Morocco and Mauritania. In July 1978 there was a coup in Mauritania. Two days later Polisario declared a unilateral cease-fire with Mauritania and in 1979 that country formally abandoned its claim to Western Sahara. Morocco immediately asserted sovereignty over the portion of Western Sahara previously claimed by Mauritania. A UN General Assembly resolution in 1980 reaffirmed “the inalienable right of the people of Western Sahara to self-determination and independence” and expressed “deep concern... at the aggravation of the situation prevailing in Western Sahara because of the continued occupation of that Territory by Morocco.” The SADR is a founding member of the African Union and is recognized by some 70 countries, including South Africa. The UN negotiated a settlement plan and in 1991 a cease-fire between Morocco and Polisario went into effect. A referendum was to be held the following year giving the people of Western Sahara a choice between independence and integration into Morocco. A United Nations Mission for the Referendum in Western Sahara (MINURSO) was formed and a UN Secretary-General's Special Representative appointed. But Morocco has continued its occupation and refused to allow the referendum to be held.