

Text of letter sent to Kosmos on 15 January 2009:

Mr. James C. Musselman
Chairman and Chief Executive Officer
Kosmos Energy, LLC
8401 N. Central Expressway
Suite 280
Dallas, Texas 75225
United States

Dear Mr. Musselman,

Further to my letter to you of 16 June 2006 regarding the signature by Kosmos Energy LLC ('Kosmos') of a Moroccan license purporting to authorize petroleum exploration in areas offshore of the territory of Western Sahara, I am writing again in response to news that a vessel operated by Fugro-Geoteam, a Norwegian-based unit of Dutch oil services group Fugro, has been engaged by Kosmos to conduct seismic surveys off the coast of Western Sahara.

As I noted in my previous letter to you – to which I have yet to receive a response – these activities are in direct violation of international law. Morocco is not recognized by the UN as an administering power in Western Sahara, and therefore has no right to authorize or undertake activities related to the exploration and exploitation of the natural resources of Western Sahara.

The International Court of Justice confirmed in 1975 that there is no tie of territorial sovereignty between Western Sahara and the Kingdom of Morocco. Morocco's presence in the territory is the result of an illegal invasion in 1975 and the ensuing occupation. A string of UN Security Council resolutions has deplored the invasion, and called for Morocco to withdraw from the territory.

No country recognizes Morocco's sovereignty over any part of the territory of Western Sahara. On the contrary, more than seventy countries have recognized the Saharawi Arab Democratic Republic (SADR) as the sovereign authority over the territory of Western Sahara. The SADR was admitted as a member of the Organization of African Unity (OAU) in 1982, and is a full founding member state of the African Union (AU).

At the request of the UN Security Council, the then-United Nations Assistant Secretary-General and Legal Counsel, Mr Hans Corell, issued a legal opinion in January 2002 relating to the legality of actions taken by Moroccan authorities to enter into contracts with foreign entities for the exploration of mineral resources in Western Sahara. In the opinion, Mr Corell found that if

'exploration and exploitation activities were to proceed in disregard of the interests and wishes of 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'.
(UN Document S/2006/161)

It has come to our attention that Kosmos Energy has engaged Fugro-Geoteam to conduct seismic data acquisition activities, and that those activities are currently underway. The SADR, as the recognized sovereign authority for Western Sahara, has jurisdiction over, as well as the exclusive right to regulate and authorize, marine scientific research within its territorial waters. It also has the discretion to withhold its consent for such activities where those activities have 'direct significance' for the exploration and exploitation of natural resources, both living and non-living.

To my knowledge, no attempt has been made by Kosmos Energy to contact, inform or seek authorization for the aforementioned seismic data acquisition activities from or by the SADR as the rightful sovereign authority and representative of the people of Western Sahara. If such efforts had been made, your company would be aware that its activities are in direct conflict with the rights granted by the SADR Petroleum Authority to other commercial interests pursuant to petroleum licenses entered into in 2005. Further information regarding these licenses is available at <http://www.sadroilandgas.com>.

Finally, I note the public commitment of Kosmos to carrying out its business according to the highest international business standards. This commitment is seriously jeopardized by ongoing activities in Western Sahara's waters. Over recent years, a number of companies operating in Western Sahara pursuant to commercial arrangements with the Kingdom of Morocco have withdrawn their operations. For example, French company Total withdrew in 2004, as did Kerr-McGee in 2006 following the decision by the Norwegian Government Petroleum Fund to divest its interests in the company. In doing so, the Fund noted that Kerr-McGee's presence in Western Sahara constituted 'a particularly serious violation of fundamental ethical norms'.

In light of the above, it is my responsibility to inform you that the Government of the SADR, including the SADR Petroleum Authority, reserves the right to use all available means, including legal avenues, to prevent and seek reparation in respect of any unauthorized activities relating to the natural resources of Western Sahara.

I look forward to your prompt response.

Yours faithfully,
Emhamed Khadad,

SADR Petroleum Authority
Advisor to the HE Mohamed Abdelaziz, President of the SADR.

Member of the Polisario leadership.

cc. Mr Hans Meyer
Managing Director
Fugro-Geoteam