

WSRW REPORT — APRIL 2023

P FOR PLUNDER

**Morocco's exports of
phosphates from occupied
Western Sahara**

International fertilizer companies import controversial phosphate rock from Western Sahara, under illegal Moroccan occupation. This report uncovers which of them were involved in the trade in 2022.

2023 With
data
from
2022



WSRW

WESTERN SAHARA
RESOURCE WATCH

A group of Saharawi refugees in October 2023 demonstrated against the Australian company Incitec Pivot which had bought a cargo of conflict minerals from a mine on their land, from the occupation government.



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Front page
The world's largest conveyor belt transports phosphate rock from Bou Craa mines to the coast.

Design
Lars Høie

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Photos
Berserk Productions (P1), Saharawis Against the Plunder (P2), Emmaus Stockholm (P12), Aleksandra Schnell (P14), Matthew Galloway/Jon Wilson (P25), Andres Putting/Ekspress Meedia (P30), WSRW.org (P33, 35), Mohamed Dchira (P39).

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Western Sahara Resource Watch (WSRW) is an international organization based in Brussels. WSRW, a wholly independent non-governmental organization, works in solidarity with the people of Western Sahara, researching and campaigning against Morocco's resource plundering of the territory.

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List of abbreviations
DWT Deadweight tonnage
IMO International Maritime Organization
OCP Office Chérifien des Phosphates SA
UN United Nations

Executive Summary

All life on the planet, and so all agricultural production, depends on phosphorus, P. The element is found in phosphate rock and turned into fertilizers. For the people of Western Sahara, their P does not grow into benefits. It's rather the opposite.

For the tenth year in a row, Western Sahara Resource Watch publishes a detailed, annual overview of the companies involved in the purchase of phosphates from occupied Western Sahara. The illegally exploited phosphate rock is one of the Moroccan government's main sources of income from the territory it holds contrary to international law. The Saharawi people have been consistently outspoken against the trade, both in the UN, generally, and to specific companies.

The list we present in this report is complete for calendar year 2022, naming all shipments of phosphates from occupied Western Sahara. A total of 23 vessels departed the territory with 1.23 million tonnes of phosphate rock, a slight decrease from the 1.4 million tonnes of 2021. To compare, Morocco's average export from the occupied territory during the years 2012-2018 was 1.8 million tonnes.

Morocco has since 2021 carried out large investments in the port and in the Bou Craa facilities. Since the occupation began in 1975, Morocco has only sold raw phosphate rock. In a few years from now, the phosphates will also be exported in a more valuable, processed form. This will further make the trade more lucrative in the future. Morocco's income from the Boucraa mine has risen significantly since 2021, particularly as a consequence of Russia's invasion of Ukraine. It is hard to know the exact value of the trade, but WSRW guesses it could be in the range of 327.7 million to 655.5 million USD for the year 2022.

The massive exports to Mexico that began in July 2021, continued throughout 2022. The Mexican imports constituted 41.6 % of all rock exported from the occupied territory in 2022. The importer in Mexico in 2018 announced that it had stopped such imports due to its "commitment to overall social responsibility", and now fails to respond to mails. The imports to India, Mexico and New Zealand constitute over 92 percent of the entire trade with Western Sahara conflict minerals.

It is disappointing to observe Incitec Pivot having taken in another shipment into Australia, the first such shipment in 6 years to the country. The company failed to respond to a request from WSRW. Incitec had seemingly phased out such purchases in 2016, but as it never announced a complete stop, WSRW has maintained the company under observation since. It is positive that neither China Molybdenum nor EuroChem repeated their imports.

In New Zealand, Ravensdown apparently continues to explore ways to avoid Western Sahara rock, which is commendable. Ballance Agri-Nutrients shows the opposite trend, with a continued high level of imports.

After vessels transporting Western Saharan phosphate were detained in Panama and South Africa in 2017, still no shipment has gone via Cape of Good Hope or through the Panama Canal.

WSRW calls on all companies involved in the trade to immediately halt all purchases and all shipments of Western Sahara phosphates until a solution to the conflict has been found. Investors are requested to engage or divest unless action is taken.

The Controversy



Morocco's claim to Western Sahara has been rejected by the International Court of Justice.¹ To date, the UN considers Western Sahara to be a Non-Self-Governing Territory – a colony – without an administering power. According to the UN, the 'permanent sovereignty over natural wealth and resources' is a 'basic constituent of the right to self-determination'.²

The UN Legal Office has analysed the legality of petroleum exploration and exploitation in Western Sahara, a resource extraction activity that is of a similar nature to phosphate mining. The UN concluded that "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."³

The UN Treaty Body on Economic, Social and Cultural Rights⁴ and the UN Human Rights Committee have both emphasized the need of obtaining the Saharawi people's "consent to the realization of developmental projects and [resource] extraction operations".⁵

A series of rulings in the European Court of Justice, the latest of 29 September 2021, affirms the Saharawi people's right to consent, and establishes that this consent must be obtained from the legal representative of that people, the Polisario Front.⁶

Yet, only weeks after the 1975 invasion of the territory, the phosphate rock of the Bou Craa mine in Western Sahara was being exported to fertilizer companies overseas. The Bou Craa mine is managed by the *Office Chérifien des Phosphates SA* (OCP), now known simply as OCP SA, Morocco's national phosphate company and today responsible for one of that country's main sources of income from Western Sahara.

Phosphates de Boucraa S.A. (Phosboucraa) is a fully owned subsidiary of OCP. Its main activities are the extraction, beneficiation, transportation and marketing of phosphate ore of the Bou Craa mine, including the operation of a loading dock and treatment plant located on the Atlantic coast at El Aaiún. OCP puts its production

capacity in Western Sahara at 2.6 million tonnes annually and estimates the Bou Craa reserves at 500 million tonnes.⁷ Bou Craa contributes around 8% of OCP's total extracted volumes, and around 20% of its total export of phosphate rock.⁸ OCP claims that the Bou Craa mines represent only 2% of all phosphate reserves exploited by Morocco.⁹ The exceptionally high quality of Western Sahara's phosphate ore makes it a much coveted commodity for producers of fertilizers.

However, that tale could be coming to an end. The Bou Craa phosphate deposit consists of two layers. OCP's own reports from 2014 and 2016 contradict themselves whether only the top layer is being exploited, or if the mining has already proceeded to the second layer, which is of lower quality.¹⁰ What is clear, is that Morocco has practically sold all of the high quality phosphate that ought to have been available to the Saharawi people upon realizing their right to self-determination.

OCP claims that Phosboucraa is the largest private employer in the area, citing 2,029 employees in 2019¹¹ – and 75 percent are said to be "locals" (without specifying whether they are Saharawis or settlers).¹² It also alleges that Phosboucraa is a major provider of economic viability and well-being of the region's inhabitants. OCP equally boasts the social impact of Phosboucraa, in terms of providing pensions to retirees, medical and social advantages to employees, retirees and their families, etc.¹³ OCP presents the purported economic and social benefits as a justification for its exploitation of phosphate mines outside of Morocco's long-settled, internationally recognized borders.¹⁴

Morocco uses the Bou Craa phosphates for its political lobby-work to gain the support of other countries for its illegal occupation. An official Moroccan government document leaked in 2014 literally states that Western Sahara's resources, including phosphate, should be used "to implicate Russia in activities in the Sahara". The document goes on to say that "in return, Russia could guarantee a freeze on the Sahara file within the UN."¹⁵

“Western Sahara has been under Moroccan occupation since 1975 and is on the United Nations’ list of non-self-governing territories that should be decolonised. The UN’s legal counsel stated in January 2002 that exploration of mineral resources in Western Sahara without local consent would be in breach of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.”

Swedish government pension fund, AP-Fonden, upon exclusion of PotashCorp and Incitec Pivot from its portfolios.¹⁶

“Agrium’s purchase of phosphates from Western Sahara by means of a long-term contract with OCP constitutes an unacceptable risk of complicity in the violation of fundamental ethical norms, and thereby contravenes KLP’s guidelines for responsible investment.”

Norwegian insurance company KLP regarding its divestments from Agrium Inc.¹⁷

“The company’s exploitation of phosphates in Western Sahara is considered to violate the UN Charter article 73, the Hague Convention article 55, the Corell Opinion and therefore also UNGP principle 12 and OECD MNE art. 40”

MP Pension, Denmark. Decision to exclude OCP from investment universe, 17 January 2019.¹⁸

“Operations in occupied territory (Western Sahara)”

Fonds de Compensation commun au régime général de pension, Luxembourg, 23 November 2018, in reference to exclusions of all involved fertilizer importing companies.¹⁹

“Human rights violations in Western Sahara”

PGB Pensioenfonds, the Netherlands, third quarter of 2015, upon excluding OCP SA from its portfolios.²⁰

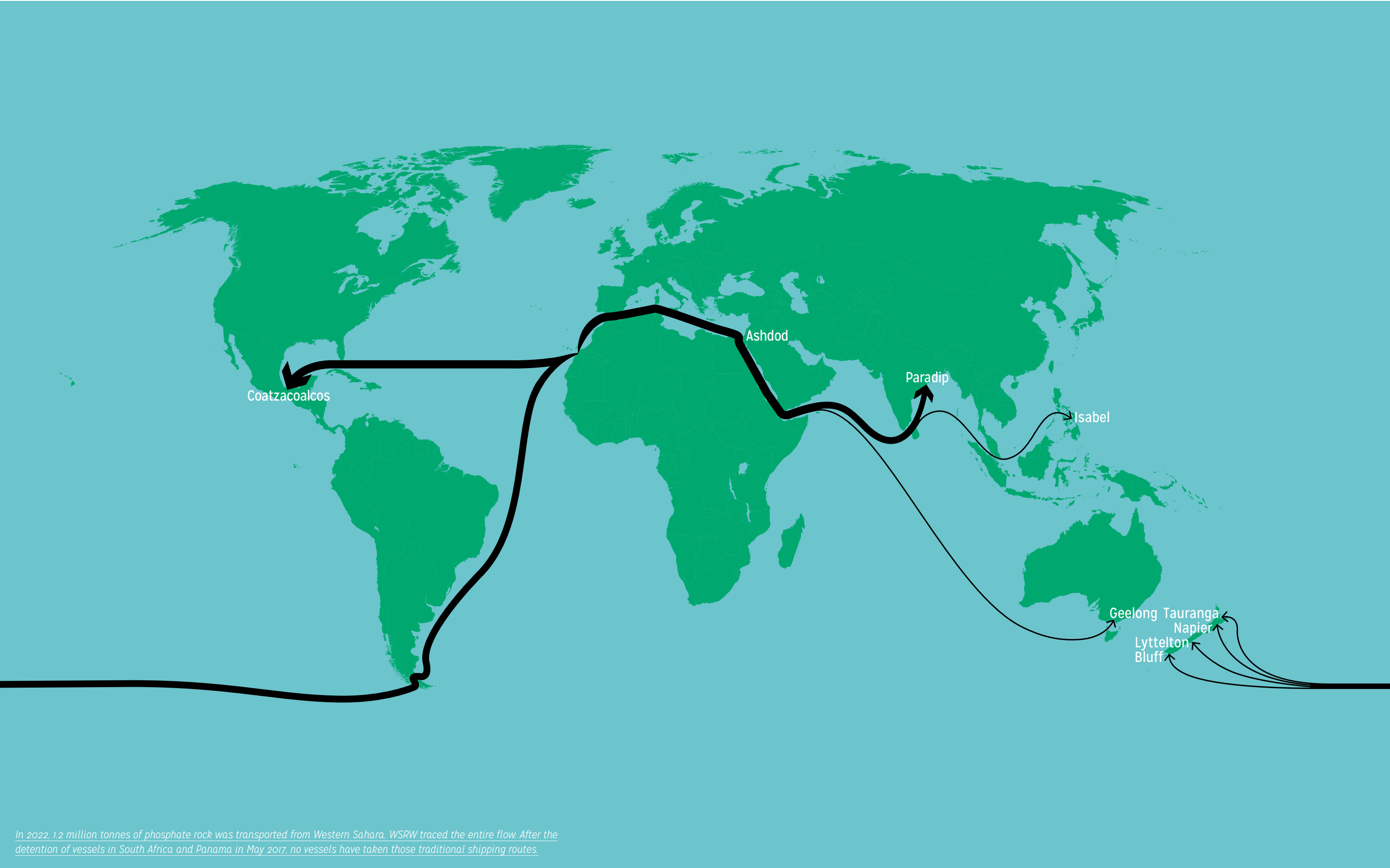
“Nutrien is excluded for breaches of international norms through its continued sourcing of phosphate rock from occupied Western Sahara, without the consent of the Sahrawi people.”

Nykredit Realkredit Group, Denmark, explaining its exclusion of Nutrien, April 2018.²¹

“The Council does not believe that the company has been able to show that the business is consistent with the interests and wishes of the local population. Based on an assessment that further dialogue will not be productive, the Council has recommended that the AP Funds divest Agrium.”

Swedish Ethical Council, 9 April 2015, explaining why all Swedish government funds have now divested from Agrium Inc.²²

The Shipments, 2022



The Exports

	2022	2021
Estimated exported amount of phosphate	1,231,400 tonnes	1,417,000 tonnes
Estimated value of exported phosphate	\$ 655.5 million	\$ 349.1 million
Estimated value of largest single shipment from the territory	\$ 33 million	\$ 15.1 million
Estimated value of smallest single shipment from the territory	\$ 2.93 million	\$ 2.8 million
Number of ships that departed with phosphate from the territory	23	26
Average amount of phosphate exported in each ship	53,500 tonnes	54,500 tonnes
Estimated average value of phosphate exported in each ship	\$ 28.5 million	\$ 13.4 million
Estimated average annual phosphate price of Bou Craa rock (per tonne)	\$ 532.32	\$ 246.6

Methodology

This report is based on data gathered through continuous vessel tracking.

The amounts of phosphate loaded into ships were ordinarily calculated to be 97% of the ship's overall cargo (and bunker fuel and stores) capacity expressed in deadweight tonnes (DWT). Ships were tracked and confirmed to have arrived at stated destinations. Where possible, estimated loaded amounts were checked against official documents in importing countries.

WSRW believes that it has detected, tracked and accounted for all vessels departing from El Aaiún harbour for 2022. However, WSRW cannot exclude a possibility that one or more vessels have gone undetected.

Adjusted price estimates

WSRW has for the 2012-2020 editions of the P for Plunder report, most likely, applied a price estimate for Bou Craa phosphate rock that was too low. For lack of better sources, WSRW until 2020 applied the value of phosphate rock as referred to by Index Mundi. However, data obtained through the years suggests the price for Bou Craa rock to be substantially higher than the average international market price.

From the 2021 edition of the P for Plunder report onwards,

we have added 100% to the Index Mundi price. The average Index Mundi price for phosphate rock in 2022 was 266.16 USD per tonne. As such, in this report, the price for phosphate rock from Bou Craa is calculated at an average of 532.32 USD per tonne.

WSRW still considers this to be a guesstimate. The price of phosphates and fertilizers have increased dramatically since the Russian invasion of Ukraine.

For one shipment in 2021, we suspect the price could have been as high as 234 USD/tonne, almost double of the Index Mundi price for that month. Internal OCP documents from 2019 that were revealed online, suggested a cargo price of Bou Craa rock between 139 and 161 USD/tonne.²³ This was substantially higher than the 98.5-102.5 USD/tonne price of Index Mundi in 2019 and the 70.7-83.3 USD/tonne in 2020. The higher prices have been confirmed with sources in the importing countries.

Fluctuating export levels

In general, WSRW's calculations for recent years are confirmed in OCP's own reports.

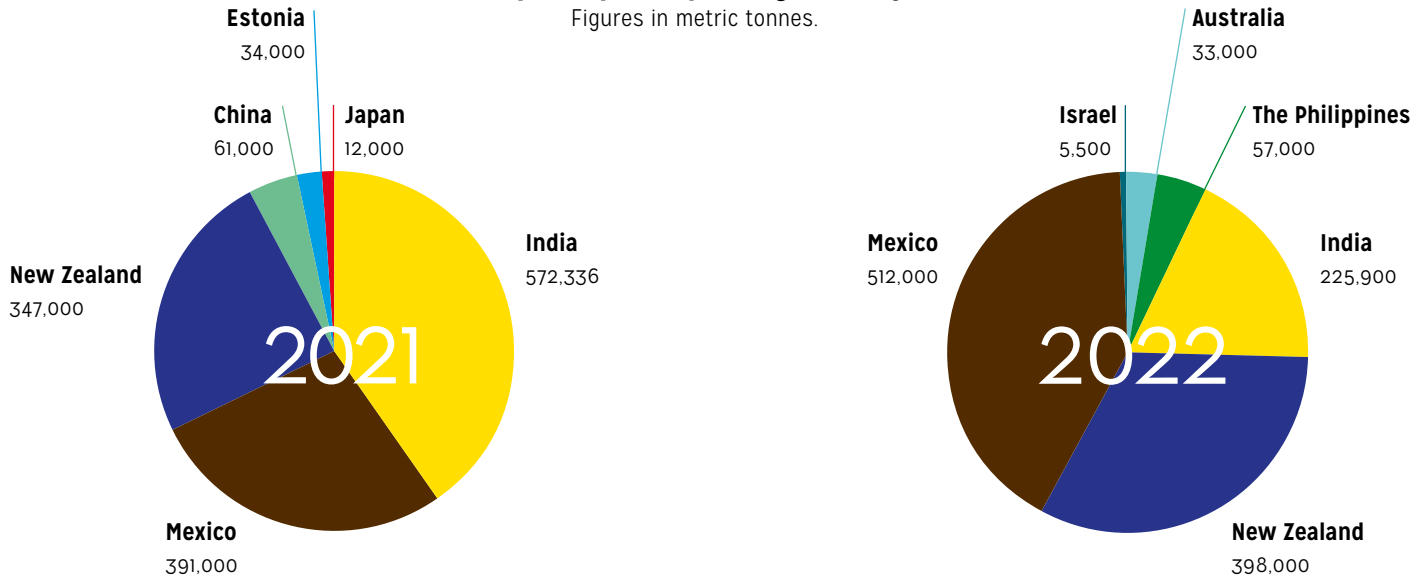
Until 2006 the export of phosphate rock averaged 1.1 million tonnes annually, considerably less than the production capacity of 2.6 million tonnes.²⁴ In the late 1970s, production

stopped for three years during armed conflict in the territory, only gradually achieving 2.0 million tonnes by the late 1990s. WSRW started daily monitoring in 2011. Our first report put OCP's exports of phosphate mined in Bou Craa at 1.8-2.2 million tonnes in 2012-2013. WSRW's projection of 2.1 million tonnes of exported phosphate rock from Bou Craa in 2014 was confirmed in the volume of "processed" phosphates as mentioned in an OCP prospectus.²⁵ After the unusually low level of exports in 2015, the 2016 volume was more in line with the levels we have observed in the past. WSRW's approximations regarding the exported volumes for 2015, 2016 and 2017 are confirmed to be in the ballpark by OCP's latest Prospectus, issued in 2018.²⁶

According to a report from the Moroccan government port agency, a 21.9% increase in phosphate exports from El Aaiún took place from 2020 to 2021.²⁷ This corresponds roughly with our shipment data, which suggests a 26.2% increase.

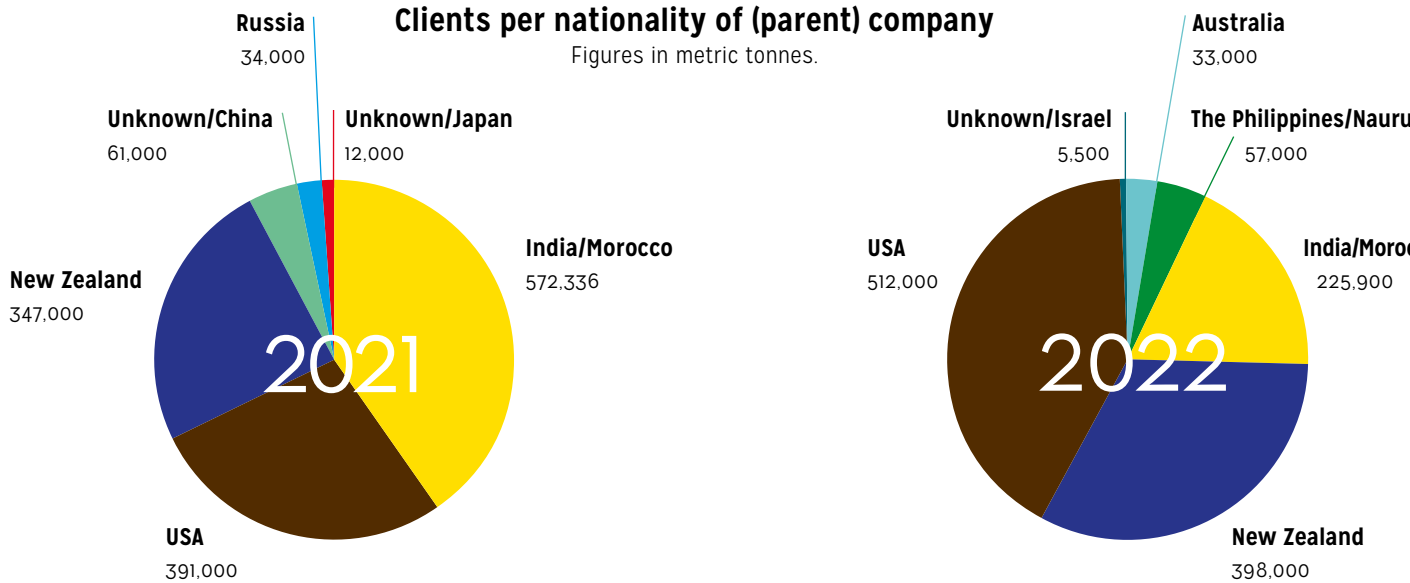
Imports per importing country

Figures in metric tonnes.



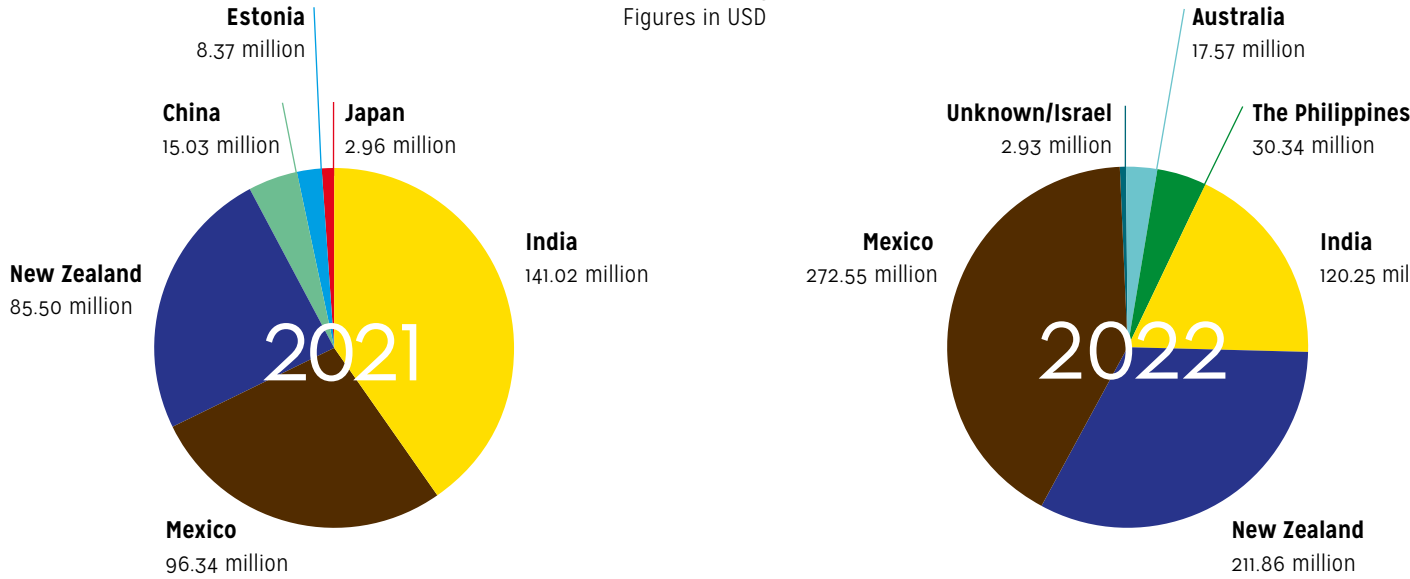
Clients per nationality of (parent) company

Figures in metric tonnes.



Value per importing country

Figures in USD



The Importers, 2022

Rank	Corporation	Home country of (parent) company	Import destination	Number of shipments	Amount of phosphate purchased (tonnes)	Value of phosphate purchased (USD)
1	Innophos Holdings Inc	USA	Coatzacoalcos, Mexico	9	512,000	\$ 272.55 million
2	Ballance Agri-Nutrients Ltd.	New Zealand	Tauranga/Bluff, New Zealand	5	297,000	\$ 158.09 million
3	Paradeep Phosphates Ltd.	India/Morocco	Paradip, India	4	225,900	\$ 120.25 million
4	Ravensdown	New Zealand	Napier/Lyttelton, New Zealand	2	101,000	\$ 53.76 million
5	Philphos	Philippines/Nauru	Isabel, Philippines	1	57,000	\$ 30.34 million
6	Incitec Pivot	Australia	Geelong, Australia	1	33,000	\$ 17.57 million
7	Unknown	Unknown (possibly Israel)	Ashdod, Israel	1	5,500	\$ 2.93 million

“Companies buying phosphate from Western Sahara are in reality supporting Morocco’s presence in the territory, since the phosphate is sold by the state-owned Moroccan company OCP and it must be assumed that the revenues generated by the operation largely flow to the Moroccan State. In its present form, OCP’s extraction of phosphate resources in Western Sahara constitutes a serious violation of norms. This is due both to the fact that the wishes and interests of the local population are not being respected and to the fact that the operation is contributing to the continuance of the unresolved international legal situation, and thus Morocco’s presence and resource exploitation in a territory over which it does not have legitimate sovereignty.”

Council of Ethics of the Norwegian government’s pension fund, upon excluding Innophos Holdings Inc. from its investment universe in January 2015.²⁸

The nationalities behind the shipments

	Number of vessels	Volume of cargos	Value of cargos
Registered owner home country			
Marshall Islands	8	413,500	220,114,320 \$
Panama	5	260,900	138,882,288 \$
Hong Kong	2	122,500	65,209,200 \$
Singapore	2	114,000	60,684,480 \$
Liberia	2	110,000	58,555,200 \$
Unknown	1	59,000	31,406,880 \$
USA	1	57,000	30,342,240 \$
Switzerland	1	55,500	29,543,760 \$
Germany	1	39,000	20,760,480 \$

Operator, nationality of controlling interest			
Greece	7	279,000	148,517,280 \$
China	3	178,300	94,912,656 \$
Unknown	3	125,000	66,540,000 \$
Thailand	3	114,000	60,684,480 \$
Japan	2	95,000	50,570,400 \$
Germany	2	93,000	49,505,760 \$
Bermuda, Chile, Cyprus, South Korea, Switzerland, USA	1 each		

Group owner, registered nationality			
China	5	293,800	156,395,616 \$
Bermuda	2	121,000	64,410,720 \$
Liberia	2	114,000	60,684,480 \$
Thailand	2	114,000	60,684,480 \$
Panama	2	110,000	58,555,200 \$
Japan	2	95,000	50,570,400 \$
Unknown	2	44,500	23,688,240 \$
Cyprus, Greece, Hong Kong, South Korea, Switzerland, Turkey	1 each		

Group owner, nationality of controlling interest			
China	5	293,800	156,395,616 \$
Greece	5	279,000	148,517,280 \$
Bermuda	2	121,000	64,410,720 \$
Thailand	2	114,000	60,684,480 \$
Unknown	3	106,500	56,692,080 \$
Japan	2	95,000	50,570,400 \$
Cyprus, South Korea, Switzerland, Turkey	1 each		

Flag			
Marshall Islands	7	397,000	211,331,040 \$
Liberia	6	330,500	175,931,760 \$
Panama	5	210,400	112,000,128 \$
Singapore	2	114,000	60,684,480 \$
Hong Kong	1	62,000	33,003,840 \$
United Kingdom	1	62,000	33,003,840 \$
Switzerland	1	55,500	29,543,760 \$

P&I Club			
Unknown	6	332,800	177,156,096 \$
Gard	5	282,500	150,380,400 \$
Britannia P&I	3	173,000	92,091,360 \$
The Swedish Club	2	113,000	60,152,160 \$
Japan P&I Club	2	95,000	50,570,400 \$
Standard Club	1	62,000	33,003,840 \$
West of England Ship Owners’ Mutual Insurance Ass	1	57,000	30,342,240 \$
UK P&I	1	55,600	29,596,992 \$
Skuld	1	55,000	29,277,600 \$
Thomas Miller Specialty	1	5,500	2,927,760 \$

Key suppliers pulled out

The 12-year long practice of Swedish companies supplying drilling equipment to the operation of the controversial Bou Craa mine in occupied Western Sahara came to an end in 2020.



EPIROC/ATLAS COPCO

“We do not have any agreements for maintenance or supply for the Boucraa mine in Western Sahara and we have no plans to supply the mine in the future”, Epiroc wrote WSRW.²⁹ This has since been verified from several sources.

Epiroc is a rather new Swedish company, established in 2018. The company was created as a result of a decision of the Swedish company Atlas Copco to split out its former business of mining equipment. At the time of the split, Atlas Copco had been selling and servicing equipment to the controversial mine in Western Sahara for several years. Its first sales to the operation took place in 2008, and the deal was revealed by WSRW only in 2013.

Though Atlas Copco and Epiroc did not comment on the matter for a long time after Epiroc’s establishment, it was a common understanding among the owners of both companies that the contract with OCP had been taken over by Epiroc, as was the case with other Atlas Copco contracts. A letter to Epiroc in November 2019 was not responded to, but when confronted by the Business and Human Rights Resource Centre, the company stated that it was “looking into this issue at present”.

Also Atlas Copco confirmed that it is not involved in the mine. “Atlas Copco has no operations in Western Sahara. The customer for the Bou Craa mine and Atlas Copco has agreed that there will be no new orders for delivery of equipment, spare parts and service to Western Sahara”, Atlas Copco wrote WSRW in an email on 18 September 2020. This was confirmed to the Business and Human Rights Resource Centre in a letter 9 March 2020. “Atlas Copco has no operations in Western Sahara. The mining equipment business is now part of a separate publicly traded company, Epiroc AB. [...] There is no service performed by Atlas Copco personnel in Western Sahara”, the company wrote.³⁰

CONTINENTAL

The German company Continental is no longer supplying OCP with key parts for its 100 km-long conveyor belt that carries phosphate rock from the phosphate mine to the coast. The exit came as a consequence of Continental’s subsidiary ContiTech not renewing its agreement with OCP. The announcement was communicated in writing to Western Sahara Resource Watch (WSRW) in February 2021.³¹

The contract, arranging for ContiTech to supply replacement parts to the conveyor installations of OCP, had already expired on 30 June 2020. Continental and OCP had been in dialogue for well over a year to renew the contract. In January 2020, the company confirmed to WSRW that talks were ongoing and that the issue of Western Sahara would be addressed in the negotiations.

WSRW had been in dialogue with Continental since 2017. Continental’s involvement in Western Sahara started in 1971, when the territory was still colonised by Spain.

OCP’s helpers at the mine



SIEMENS ENERGY

German engineering company Siemens delivered, installed and commissioned 22 wind turbines to the 50 MW Fom el Oued wind park in occupied Western Sahara in 2013. The park was commissioned by Morocco’s national agency for electricity, ONEE, and built in partnership with the Moroccan wind energy company NAREVA – owned by the King of Morocco. The Fom el Oued farm supplies nearby Phosboucraa’s energy needs. OCP today boasts that Phosboucraa is 100% wind powered.³² In other words: all energy required for the exploitation and transport of the phosphate rock in Western Sahara, is now generated by wind mills delivered by Siemens Gamesa. The green energy production is thus making Morocco’s plunder of the territory even more lucrative.³³ In 2018, the company confirmed to WSRW that it has extended the maintenance contract for the Fom el Oued park for a further 15 years.³⁴ WSRW has asked the company several times – in writing and at its AGMs – to clarify whether the people of Western Sahara have consented to their operations – a legal requirement put forth by the EU Court of Justice. The company never responds to that question, yet claims that its work is to the benefit of the “local

population”. At the same time, Siemens says it “refrains as a matter of policy from taking positions or making judgements on questions of international law”, which is hard to square with the act of engaging in business deals with a state that has no legal mandate to be in Western Sahara.³⁵

In its most recent correspondence with WSRW, Siemens Gamesa again referred to an undisclosed “external legal assessment” that supposedly concludes Siemens’ activities to be “in compliance with applicable laws”. The company will not share the document, nor will it clarify which legal framework allegedly applies to its activities.³⁶ Siemens Energy (which from 2022 has a majority ownership in Siemens Gamesa) was confronted during its AGM in 2022³⁷ and 2023 but failed to respond to the questions.

WORLEY

In 2019, the Australian company Worley Ltd took over the Energy, Chemicals and Resources Division of the American firm Jacobs Engineering Inc, and as such inherited the ownership of a 50/50 joint-venture company with OCP called JESA (Jacobs Engineering SA).³⁸ The latter is described as a Moroccan construction and engineering firm. JESA has projects in Morocco and in other African countries. JESA is also

connected to OCP’s projects in occupied Western Sahara, including through the provision of civil engineering to the Fom el Oued Technopole project near El Aaiún.³⁹ This project envisions the creation of a technological hub to advance the economic development of the “Southern regions”, in particular through the industrial development of Phosboucraa.⁴⁰ WSRW has written to the company four times, latest in May 2022, but has not received a response.⁴¹

CATERPILLAR

Trucks of the US company Caterpillar have been observed transporting phosphate rock in occupied Western Sahara. The trucks are of the type MT3300, made by a company called Unit Rig, which in 2011 was taken over by Caterpillar. An official licensed Caterpillar agency was established in El Aaiún in the occupied territory by Tractafric Equipment Corporation in 2013. Tractafric is a subsidiary of French group Optorg, which is part of the Moroccan holding agency SNI, primarily owned by the Moroccan royal family. The company claims on its website that “Laayoune” (French spelling of El Aaiun, as adopted by Morocco) is located in Morocco.⁴²

WSRW has sent letters to Caterpillar – the last in March 2023 – asking for clarifications about the company’s equipment

The Spanish company Siemens Gamesa, controlled by the German company Siemens Energy, is providing all the energy needed at Morocco’s illegal phosphate mining operation in Western Sahara. Refugee Khadja Bedati confronted Siemens during its 2018 and 2020 Annual Meetings of shareholders, but the company did not respond to her questions.

in the Bou Craa mine, but has never received any reply.⁴³

THYSSENKRUPP

The German industrial conglomerate informed in a mail to WSRW in 2021 that “thyssenkrupp Mining Technologies has refurbished three stackers and two reclaimers on the phosphate stockyard of the Bou Craa site, which involved an inspection and the engineering, supply and construction of components to be replaced to extend the operational lifetime of the machines.”⁴⁴ The company added that there are no further activities and ongoing projects regarding the Bou Craa site.

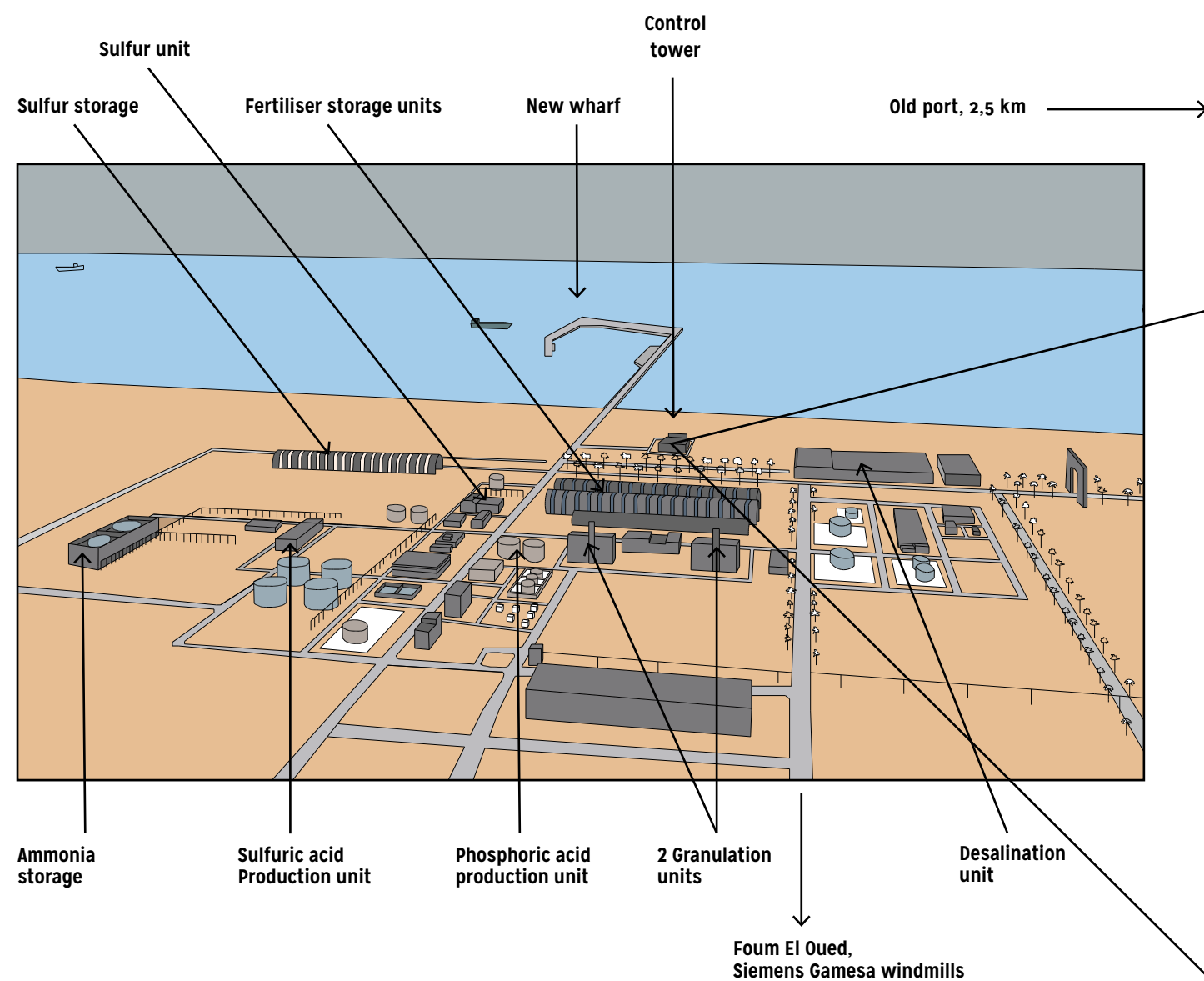
While forthcoming on past activities in the territory, thyssenkrupp does not respond as to whether it will refrain, as a matter of policy, from becoming involved again. The company’s approach seems to be that “there were no embargoes or other export restrictions on the EU for deliveries to the Western Sahara region at the time and there are still none.”

IFM

Equipment of the German automation technology company IFM electronic has been reported to be used in the conveyor belt. WSRW contacted the company three times in 2021-2022, without response.⁴⁵

New Plunder Port

Morocco is heavily investing in increasing the profits from the export of the conflict mineral. The investment includes a new, sheltered port, a wharf, and a large production unit to process the raw phosphates.



In 2016, the king of Morocco inaugurated a series of structuring projects in and near the phosphate port of El Aaiún, from where OCP currently only exports phosphate rock.⁴⁶ The overall aim is to diversify Phosphboucraa's operations, from exporting raw material to producing intermediary products and phosphate based fertilisers.

According to OCP, the USD 2.2 billion investment envisioned the construction of a chemical plant with a production capacity of one million tonnes of fertiliser per year. The facility would be equipped with a sulfuric and a phosphoric acid production unit, and a granulation unit. Parallel to that, a new port would be developed, in addition to a washing unit and storage facilities, while new extraction methods would be introduced at the mining site itself.⁴⁷

A recent official OCP document confirms that work on the new phosphate port and washing plant is currently ongoing. This is also verified from sources on the ground and satellite images. The company states it is "considering" new storage and handling capacities, a new drying plant dedicated to export and reiterates the intent of developing "a fully integrated fertiliser production unit that is expected to start operations by 2023 with a capacity of one million tonnes".⁴⁸

In 2020, OCP also reported to be rolling out a reverse flotation process in Bou Craa to enrich phosphate that is of low phosphorous content, to make it economically more viable and exploitable.⁴⁹ This corroborates earlier statements by OCP that it has proceeded to exploit deeper layers of the open-pit mine, which are said to be of lower quality.⁵⁰

Apace with the expansion of Phosphboucraa's operations, a scientific hub focussing on the development of "the southern provinces" baptised Techno-pole is also being developed in Foum El Oued on a 600 ha plot of land.⁵¹

The main company involved in the construction of the new port is **Archirodon** from Netherlands/Greece.⁵² It reported that its works for

Phosphboucraa take place in "Morocco", were to last from 2019 to 2023, through a contract worth USD 450 million. The company did not respond to WSRW letters in 2019 and 2022.⁵³ Archirodon has written letters to the Members of European Parliament at the request of the Moroccan Ambassador to Greece, asking them to reject initiatives that "challenge the territorial integrity of Morocco".⁵⁴

Other companies involved include **Eccher/DEAL** (Italy), **SYSTRA** (France), **TERRASOL** (France), **Bygging-Uddemann AB** (Sweden), **Jan de Nul Group** (Belgium), **Kataskevastiki J. Dimitriou Ltd** (Greece), **Geotehnika SARL** (Morocco), **COWI A/S** (Denmark), **Negri France** (France), **Tectone Group** (Morocco).

Other recent involvement related to the port or the exports: **Daewoo E&C and Korea Port Engineering Corp** (South Korea), **Tecalemit Flexibles** (France), **Mobilis** (France), **DV Offshore** (France), **GM Equipements** (Morocco), **DEME Group** (Belgium).

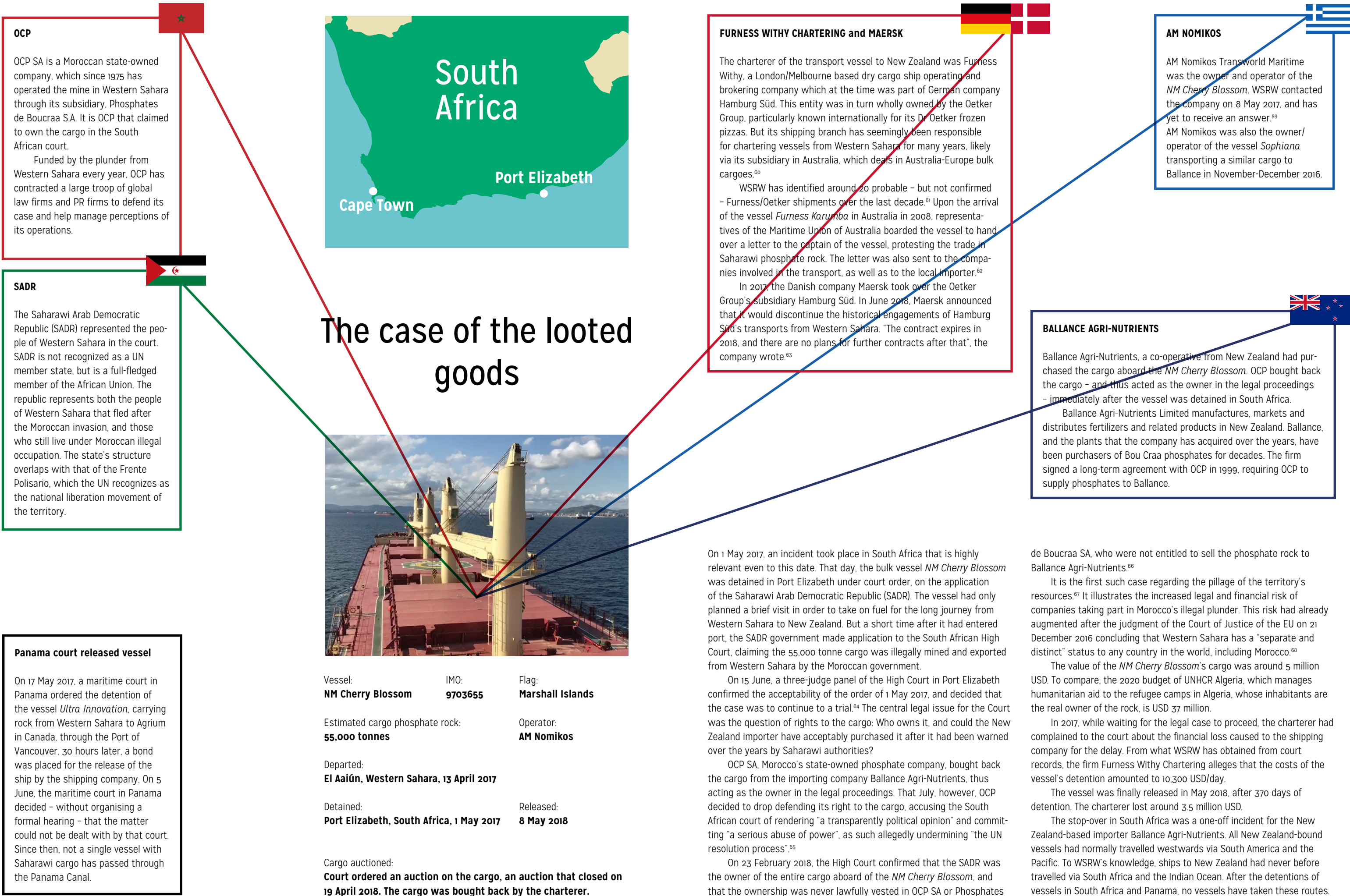
Further details on these companies can be found on WSRW's website.⁵⁵ WSRW has also recently discovered the involvement of Italian company **Bedeschi**.⁵⁶

Bygging Uddemann wrote to WSRW that it was unaware that its equipment was going to be used in Western Sahara. "We cannot control nor guarantee in which territories or countries our clients decide to use their equipment", the company told WSRW.⁵⁷ "We have delivered construction equipment on purchase basis to our Greek client (Archirodon Group) [...] for the purpose of international caisson construction works", the company told. **COWI** failed to answer questions, but confirmed it had entered into a consultancy contract in 2019 with "a private international contractor". The company shortly retorted that "we identified no legal obstacles".⁵⁸



The new fertiliser factory and port is located 2.5 kilometers south of the existing wharf. The main parts of the port structure were already in place as of 2022, whereas the foundations of some of the industrial units are about to be completed.

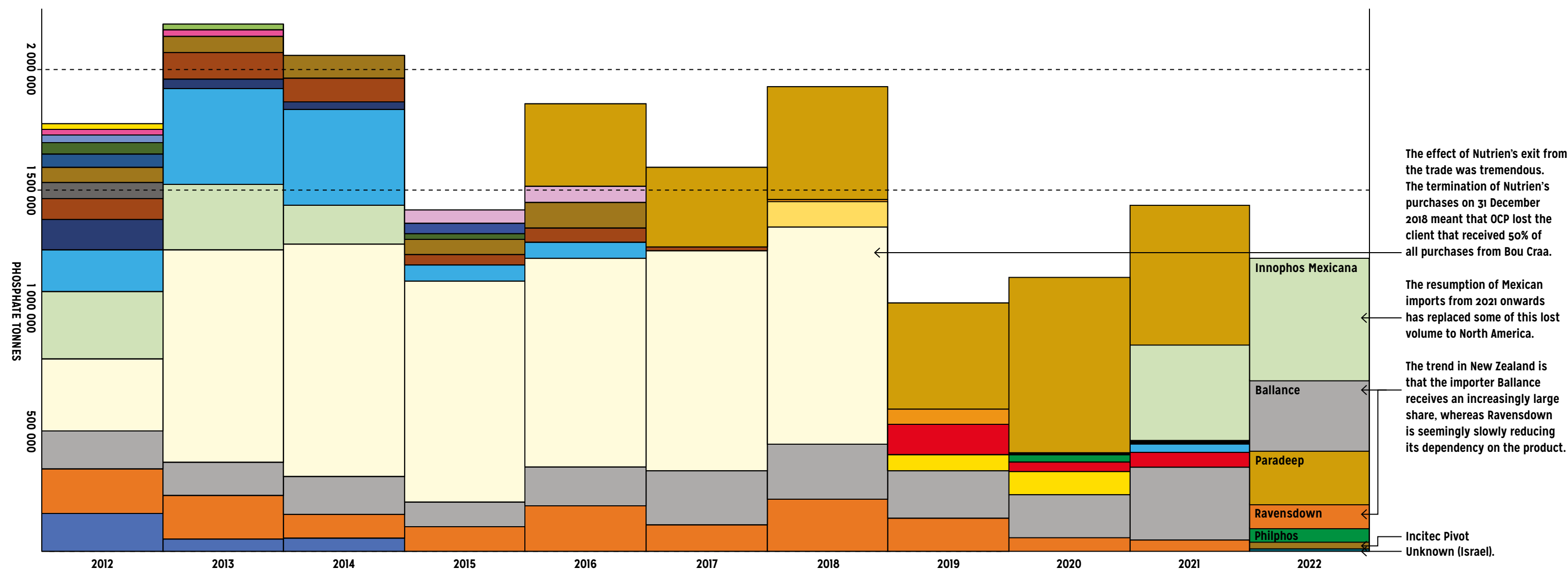
In 2021, the foundations were made of what is most likely a new control tower, near the new wharf.



A massive change has taken place in the client base since 2011.

The number of importing companies dropped from 15 in 2011 to 7 by 2022.

	Imports per company as percentage of total exports										
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Innophos Mexicana	15.7%	12.3%	7.7%							27.6%	41.57%
Ballance Agri-Nutrients Ltd.	8.9%	6.4%	7.6%	7.3%	8.7%	14.0%	11.8%	18.6%	15.8%	20.6%	24.12%
Paradeep Phosphates Ltd.					18.5%	20.7%	24.3%	42.4%	64.0%	40.0%	18.34%
Ravensdown Ltd	10.4%	8.2%	4.9%	7.1%	10.1%	6.9%	11.2%	13.3%	4.9%	3.9%	8.20%
Philphos									2.6%		4.63%
Incitec Pivot Ltd.	3.4%	3.2%	4.6%	4.5%	5.7%						2.67%
Unknown (Israel)											0.45%
Unknown (China)								12.1%	3.5%	4.3%	
EuroChem (Lithuania/Estonia)	9.8%	18.3%	19.4%	4.8%	3.7%					2.4%	
Unknown (Japan)								1.0%	0.6%	0.9%	
Unknown (Brazil)	1.4%							6.8%	8.5%		
Coromandel Ltd							0.5%	5.7%			
Impact Fertilisers Pty. Ltd.	1.8%										
ISUSA	1.4%	1.2%									
Monomeros S.A.	4.7%	4.9%	4.8%	2.9%	3.1%	1.1%					
Nutrien (incl Agrium/PCS until 2018)	16.8%	40.3%	46.8%	64.7%	46.6%	57.3%	46.7%				
Sinofert Holdings Ltd							5.5%				
Tripoliven, CA	7.1%	1.8%	1.6%								
Unknown (Argentina)	3.1%										
Unknown (India)	8.8%	2.3%	2.6%								
Unknown (Lifosa AB?)				3.2%							
Unknown (Point Comfort, USA)		1.1%									
Unknown (South Korea)	3.9%										
Unknown (Ukraine)	2.6%			1.8%							
Unknown (Venezuelan Government)				3.7%	3.7%						
Amount of total export (tonnes)	1,775,000	2,187,000	2,058,400	1,415,000	1,858,250	1,591,840	1,928,000	1,027,818	1,123,036	1,417,000	1,231,400



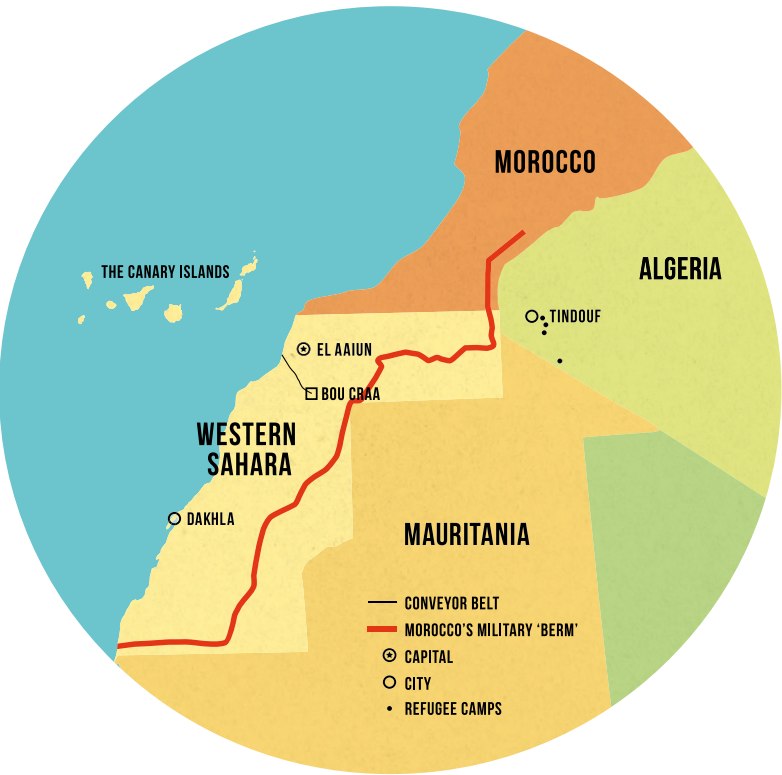
The effect of Nutrien's exit from the trade was tremendous. The termination of Nutrien's purchases on 31 December 2018 meant that OCP lost the client that received 50% of all purchases from Bou Craa.

The resumption of Mexican imports from 2021 onwards has replaced some of this lost volume to North America.

The trend in New Zealand is that the importer Ballance receives an increasingly large share, whereas Ravensdown is seemingly slowly reducing its dependency on the product.

Incitec Pivot
Unknown (Israel).

The Moroccan take-over of Bou Craa mine



Peak P
Phosphate is a vital component of the fertilizers upon which much of the global food production and food security depends. For some time now, there has been concern about the world population's reliance on a finite supply of phosphorus, and the implications of this for agricultural productivity, food prices and nutrition, particularly in developing countries. The term "peak phosphorus" has joined the concept of "peak oil" in the lexicon of 21st century scarcity. There are no substitutes for phosphorus in agriculture. Morocco, with or without Western Sahara, controls the world's biggest phosphate reserves and is the second largest producer of phosphates in the world.⁷⁵ The increasing global need for phosphate rock and fertilizers was a contributing factor in the oddly fluctuating market price of the commodity in 2008. As global food demand and food prices have increased, there has been an added demand for phosphate.

1947: Western Sahara's phosphate reserves are discovered 130 kilometres southeast of El Aaiún in a place called Bou Craa. The discovery of phosphate reserves is the first potential source of mineral revenues for the colonial power, Spain.⁶⁹

July 1962: The *Empresa Nacional Minera del Sahara* is founded in order to operate the mine, which is owned by a Spanish public industrial sector company.

May 1968: The company is renamed Fosfatos de Bucraa, S.A., also known as Phosbou-craa or Fos Bucraa.

1972: Spain starts to operate the mine. Many Spaniards find employment in the mines, as did the Saharawis, the native population of the Spanish Sahara, as the territory is known at the time.

1975: Mounting international pressure to decolonise forces Spain to come up with a withdrawal strategy from Spanish Sahara. A UN mission that was sent to Spanish Sahara in view of an expected referendum predicts that Western Sahara could very well become the world's second largest exporter of phosphates, after Morocco. Maintaining a claim to the phosphate deposits is a key consideration for the colonial power. Failing to decolonise Western Sahara properly, by allowing the people of the territory to exercise their right to self-determination, Spain strikes a deal, through the *Madrid Accords*. It illegally transfers administration over the territory to Morocco and Mauritania, while retaining a 35% share of the Bou Craa mine. No state in the world, the UN, nor the people of Western Sahara, recognises the transfer of authority from Spain to the two states. Mauritania withdraws in 1979, admitting it had been wrong to claim and to occupy the territory.

At the same time in 1975, recouping his authority after two failed coups d'état, Morocco's King Hassan II orders the Moroccan army to invade Western Sahara. The King may have hoped that this would give Morocco as much leverage to determine world phosphate prices as OPEC has over oil prices.⁷⁰

1 January 1976: The Madrid Accords come into effect and after a transition period of 16 months OCP would take over the management of the mines.⁷¹

2002: Spain sells its 35% ownership of Bou Craa.

2014: OCP files for public subscription on the Irish Stock Exchange an inaugural bond issue of USD 1.55 billion.⁷² It files a similar debt financing prospectus on the Exchange a year later.⁷³

2020: In November, Morocco violated the 1991 UN-brokered ceasefire arrangement with the Polisario Front. Armed clashes ensued. Polisario declared war a few days later, urging "all countries in the world and public and private sector to refrain from any activity of any kind in the Sahrawi Territory that has become an open war zone."⁷⁴

2023: Morocco continues to operate the mine in occupied Western Sahara. The average exports over the last years have generated an annual income somewhere in the range from 150 to 655 USD million from a mine which is not theirs.

“We bought the vessel Golden Keen with charter party attached early 2017 and regretfully West-Sahara was not excluded in the charter party we assumed. The vessel was time chartered out to a third party for the remainder of 2017, and therefore we were not in a position to stop the trade out of West Sahara on this particular vessel. For new charter contracts we enter into we include an exclusion of West Sahara. [...] We have also included in our policy to exclude cargoes from West Sahara, expanding beyond standard contract clauses.”

Golden Ocean Management AS, in February 2018, regarding a 79,000 tonnes shipment to the USA in August 2017.⁷⁶

“Being headquartered in Asia, we confess we knew nothing about Western Sahara. We have only had this one charter ... but now that we understand the issue we will not directly contract any more business out of there”

Jinhui Shipping to South China Morning Post regarding a New Zealand-bound shipment, 2008.⁷⁷

“We have a separate clause excluding trade in Western Sahara”

Seven Seas Carriers, 2015.⁷⁸

“An unfortunate mistake”

Uglands Rederi regarding a transport done by a chartering company in 2015.⁷⁹

“A regrettable situation”

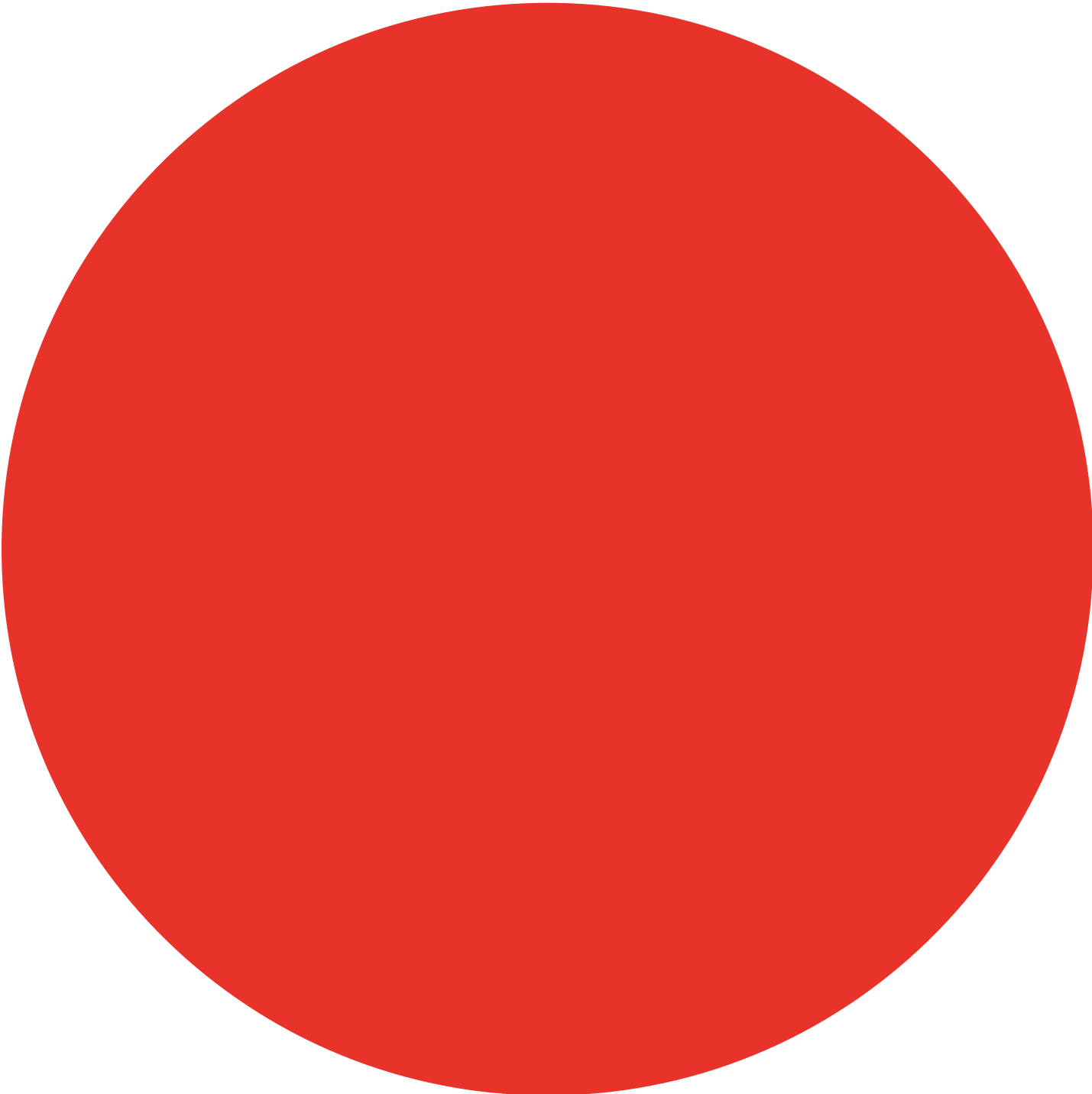
Belships ASA regarding a transport to Innophos in 2021.⁸⁰

“We have excluded Western Sahara as a territory for trade”

Spar Shipping on 10 January 2019.⁸¹

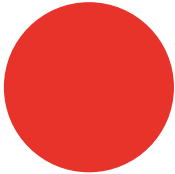
Companies involved in the trade

Eight companies and cooperatives were involved in the imports of Western Sahara phosphates rock in 2022.



1

O.C.P SA (Morocco/Ireland)



OCP SA is a Moroccan state-owned company, which since 1975 has been in operation of the mine in Western Sahara. The work is carried out through its subsidiary Phosphates de Boucraa S.A.

Primarily a state-owned company, it is not possible for foreign investors to buy shares in OCP.

However, OCP bonds have been offered to Moroccan investors via the Casablanca Stock Exchange since 2011, and to international investors through the Irish Stock Exchange since 2014. Several institutional investors have since excluded OCP from their portfolios for its involvement in Western Sahara.

OCP's affairs at the Irish Stock Exchange are managed by Barclays, Morgan Stanley and JP Morgan; multinational financial services corporations based in the UK and USA.

The company has commissioned the firms SenateSHJ, DLA Piper, Covington & Burling, Palacio y Asociados, Edelman and Dechert LLP to advocate the suppositious legality of OCP's operations in Western Sahara. Besides carrying out lobbying-campaigns, the mentioned companies also write reports that allege the legal solidity of the Bou Craa exploitation on the grounds of being supposedly beneficial to the Saharawi people. None of these reports have been made available to Saharawis or to WSRW.

2

INNOPHOS HOLDINGS (USA)

The vessel Milos (IMO 9472098) observed in Sagunto, Spain, on 13 February 2022, a week before it arrived in occupied Western Sahara to pick up an estimated 55,000 tonnes of phosphate rock for Mexico.



In spite of earlier promises, the US company Innophos Holdings in 2021 resumed imports of phosphate rock from occupied Western Sahara into Mexico. The company became the leading importer during the second half of 2021. That trend continued through 2022, when the company received nine shipments, totalling 512,000 tonnes of phosphate rock. The volume constitutes 41.6 percent of all rock exported from Western Sahara in 2022.

"The phosphate is stained with blood", stated the ambassador of Western Sahara to Mexico.⁸²

The company has previously been involved in the same trade. This happened in two different ways. On one hand, its subsidiary Innophos Mexicana imported directly to Coatzacoalcos until 2015. On the other hand, the company was involved in the former trade to the US, by being the main customer of the PotashCorp's factory in Geismar, Louisiana. The product was shipped from PotashCorp to Innophos through a pipeline. The PotashCorp plant, which had provided Innophos with Saharawi phosphate, was closed by the end of 2018 by Nutrien, the merger of PotashCorp Inc. and Agrium Inc.⁸³

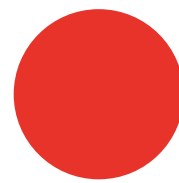
From 2010 to 2023, WSRW sent Innophos eight letters about the company's purchases, without receiving a reply.⁸⁴ Until its former exit

from the trade in 2015, Innophos was the subject of multiple divestments from shareholders. A lengthy analysis for the ethical exclusion of the firm was prepared by the Council on Ethics of the Norwegian Government Pension Fund in 2015. For the same reason, the company has also been kicked out of the portfolios of the Luxembourg Pension Fund and Danske Bank, among others.⁸⁵

In 2018, the company announced its departure from Western Sahara trade.

"As part of Innophos' commitment to overall social responsibility and good corporate stewardship, Innophos will no longer indirectly participate in a raw material supply chain which sources phosphate rock from the Western Sahara region in Africa, an area from which the Company has not directly purchased raw materials for more than three years", Innophos Holdings wrote in a press release.⁸⁶

BALLANCE AGRI-NUTRIENTS LTD (New Zealand)



Ballance Agri-Nutrients Limited manufactures, markets and distributes fertilizers and related products in New Zealand. The company has two phosphate manufacturing plants, one in Mount Maunganui and the other in Awarua, New Zealand. It is a farmer-owned cooperative, and not registered on any stock exchange.⁸⁷ The Ballance factories have been using Western Sahara rock since the 1980s. The firm signed a long-term supply agreement with OCP in 1999.⁸⁸ Ballance claims that its “executives and Board members visit the Western Sahara on a regular basis”.⁸⁹

During the course of 2022, Ballance received five shipments of phosphate rock illegally excavated in occupied Western Sahara. The cargoes have an observed combined volume of 297,000 tonnes worth around USD 158 million. The import volume in 2022 is approximately the same as in 2021, which was the highest level ever recorded to this company since WSRW started the daily monitoring in 2012. Earlier years, the Ballance imports has ranged between 104,000 and 215,500 tonnes

WSRW has annually contacted Ballance from 2015 but has never received an answer to its questions. In 2014, Ballance did write to WSRW that “The United Nations does not prohibit trade in resources from Western Sahara. Nor does such trade contravene a United Nations legal opinion”.⁹⁰

The company however has a short statement on its website in explanation of its imports from Western Sahara. Here, Ballance compares Western Sahara to the small island of Tokelau - an incorrect parallel, as Tokelau is indeed listed by the UN as a Non-Self-Governing Territory yet its people have so far voted twice in favour of being administered by



The bulk ship Oceanmaster is observed at the port of Napier, New Zealand, in August 2021, during its mission to offload an approximately 55,000 tonnes of phosphate rock for OCP's client Ballance Agri-Nutrients.

New Zealand. Ballance furthermore states that it is operating in unspecified “UN expectations” and is as such comfortable that they are legally and ethically sourcing from Western Sahara.⁹¹ WSRW wrote to Ballance in February 2023 asking for clarifications about these UN expectations, but did not receive a response.⁹²

4 PARADEEP PHOSPHATES LTD (India/Morocco)

Paradeep Phosphates Limited (PPL) produces, markets and distributes phosphate-based fertilizers and by-products for agricultural use.⁹³ The company was established in 1981 and from 1993 has been solely owned by the Government of India: In 2002, 74% of the shares were bought by Zuari Maroc Phosphates Pvt Ltd, a 50-50 joint venture of Zuari Agro-Chemicals Ltd (a subsidiary of Adventz Group of India) and Maroc Phosphore SA – a wholly owned subsidiary of OCP. Today, PPL operates as a subsidiary of Zuari Maroc Phosphates, which holds 80.45% stake, while the government of India holds the remaining 19.55%.⁹⁴ In other words, PPL is owned by the Government of Morocco, an Indian private conglomerate (Adventz Group) and the Government of India. In 2021, however, India's Securities and Exchange Board approved Paradeep's plans to mop up funds through an initial public offering through which both Zuari Maroc Phosphates and the Government of India will offer up equity shares.⁹⁵

PPL is headquartered in Bhubaneswar, India and receives its phosphate rock at the port city of Paradip, approximately 120 kilometers to the east.⁹⁶

According to WSRW's research, PPL received 4 shipments of phosphate rock from occupied Western Sahara throughout 2022. This constitutes only 39% of the volume it had imported the year before. The import of 2022 is estimated at USD 120.25 million.

A Prospectus filed by PPL in 2021, learns that the company entered into a long-term supply agreement with OCP on 1 January 2021 for the procurement of what the firm calls “our most important raw material by value, Phosphate Rock”. The agreement has a term of three years,

expiring 31 December 2023, and can be automatically renewed for successive periods of two years. Under the deal, PPL is obliged to purchase a minimum quantity of 0.8 million MT to 1.5 million MT per contract year. It should be noted that PPL also imports from mines that are managed by OCP in Morocco proper.⁹⁷

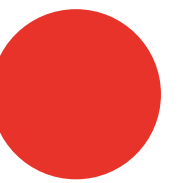
The Prospectus also clarifies that the price per MT is calculated in accordance with a formula that is included in the agreement and subject to a floor price. OCP does grant PPL a certain discount on the total value of the annually purchased quantity, if PPL purchases all its required rock exclusively from OCP during that contract year.

2022 is the seventh year of regular imports by PPL, though the firm has imported from occupied Western Sahara before. WSRW has traced a previous purchase from Phosboucraa during the financial year 2011-2012.⁹⁸ None of the letters sent by WSRW to PPL since 2015, have ever been answered.⁹⁹



The bulk vessel Magia (IMO 9710036) spotted in Valencia, Spain, in January 2022, shortly before it proceeded to occupied Western Sahara. There, it picked up 55,550 tonnes of phosphate rock for its client Paradip in India. The ship is operated by Reederei Zurich AG, Switzerland.

RAVENSDOWN LTD (New Zealand)



The bulk vessel Sea Breeze (IMO 9869710) captured in the port of Dunedin, New Zealand, in July 2022. The ship could have carried approximately 39,000 tonnes of rock. During the calendar year 2022, Ravensdown took in two cargoes from the occupied territory, a doubling of the years 2020-2021. The Sea Breeze is operated by Roth Reederei GmbH & Co KG from Hamburg, Germany.

Ravensdown Fertiliser Co-operative Limited is a producer of agricultural fertilizers that operates as a farmer owned co-operative that is not listed on any stock exchange. The company normally imports to its plants in Christchurch, Napier and Dunedin, New Zealand.

WSRW tracked two shipments to Ravensdown during 2022, containing an estimated cargo of 101,000 tonnes with a net value of around USD 53.76 million. The imports in 2022 are thus back more at the level of earlier years (2012-2018) when the volume was in the range of 100,000 to 215,000 tonnes. WSRW last contacted the company about the trade on 14 February 2023.¹⁰⁰

The company told WSRW that it is “conscious that the international political situation regarding the status of Western Sahara requires resolution at the international level. The relevant obligations under international law and with respect to United Nations processes are complex and disputed and we believe that any questions you have are more appropriately directed towards New Zealand's Ministry of Foreign Affairs and Trade.”¹⁰¹

In its 2020 Integrated Report, Ravensdown wrote in relation to the imports from Western Sahara that “to manage supply risks, we continued to explore additional sources of phosphate rock” and that they were trialling several different types of rock.¹⁰² WSRW has asked the company whether its objective is to have such sources as back-up supply or whether it is looking to replace the Western Sahara imports, as advised by the New Zealand government, but has not received a reply. A statement from the company in June 2021 clarifies that the trialling has so far been unsuccessful.¹⁰³

The company's position on importing from Western Sahara however appears unchanged.

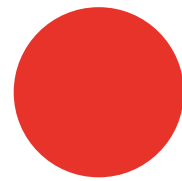
The company keeps referring to an unsourced “UN Framework” for “managing resources in territories like these”, supposedly dictating that

“The operations should promote economic advancement and provide direct and indirect benefits to the inhabitants of the territory and to the territory itself; Working conditions should be non-discriminatory; The operations should be conducted rationally and sustainably to ensure long-term access to resources.”¹⁰⁴

WSRW knows of only one UN Framework that is specifically applicable to the exploitation of mineral resources in Western Sahara, and that is the UN Legal Opinion of 2002.¹⁰⁵ That opinion clearly concludes that any exploitation of the territory's resources is to be done in line with the wishes and the interests of the people of Western Sahara in order to be lawful. It is the element of wishes – the corollary of the right to self-determination – that has been translated by different UN Treaty Bodies and the EU Court of Justice to the need for consent. It is this key-element that Ravensdown keeps ignoring and concealing.

In its 2022 Integrated report, Ravensdown indicated to be in the process of adopting the UN Guiding Principles in agricultural supply chains, and it is in this framework that the cooperative states to be “conscious that in terms of the UNGPs we are directly linked to the unresolved issue of self-determination in Western Sahara. This issue fundamentally underpins all consideration of human rights in Western Sahara”. Ravensdown also referred to an assessment that had been undertaken of “the supply of phosphate rock from the OCP mine at Phosboucraa in Western Sahara”, and stated that a full human rights due diligence assessment by an independent third party has been commissioned by “our industry”. “The independent assessor's view is that OCP has demonstrated that it is taking clear responsibility in identifying and managing human rights risk within their company”, Ravensdown claims.¹⁰⁶ The cooperative has not responded to WSRW's questions on the matter.

6 INCITEC PIVOT LTD (Australia)



For the first time in 6 years, the Australian company Incitec Pivot Ltd, also referred to as IPL, imported phosphate rock from the occupied territory. Incitec is thus the only stock exchange registered company to have done this in 2022.

The imports into Australia are the first of a kind since Incitec seemingly had phased out such purchases in 2016.

IPL is an Australian multinational corporation that engages in the manufacturing, trading and distribution of fertilizers. The company's fertilizer segment includes Incitec Pivot Fertilisers (IPF), Southern Cross International (SCI) and Fertilizers Elimination (Elim).

Incitec Pivot had previously imported from Western Sahara for three decades. Since 2003, when Incitec Pivot arose out of a merger between Incitec Fertilizers and Pivot Limited, the company imported continuously until 2006.

Incitec Pivot has its headquarters in Melbourne, Victoria, Australia, and is registered on the Australian Securities Exchange. Today, Incitec Pivot is the largest supplier of fertilizer products in Australia, but also markets its products abroad, such as in India, Pakistan and Latin America. IPL manufactures a range of fertilizer products, and used the Saharawi phosphate for its so-called superphosphate products produced at plants in Geelong and Portland.¹⁰⁷

The shipment in 2022 came on board the vessel *Clipper Isadora* in September.¹⁰⁸ The company confirmed to local trade unionists that the ship had origin in Western Sahara and that it contained 33,000 tonnes of rock from the Bou Craa mine.

Incitec Pivot had told the Australian Western Sahara Association in December 2017 that there had been no imports since December 2016, as it now sources its phosphate rock in Togo. WSRW has indeed not tracked any shipments to the company from 2016 to 2022.

WSRW wrote IPL in 2019, requesting clarity as to whether it would avoid importing from the territory in the future.¹⁰⁹ The letter was not answered. WSRW wrote again Incitec Pivot in 2022 and 2023. The letters were not responded to.



The bulk vessel Clipper Isadora is seen as it transports phosphate rock through the Suez Canal on 16 September 2022. The ship is spotted momentarily anchored, on its route southwards through the canal, direction Geelong, Australia. The ship contains the first shipment to Incitec Pivot and Australia in six years. Laying high in the water, she is loaded with half of its carrying capacity.

7 PHILPHOS (The Philippines)

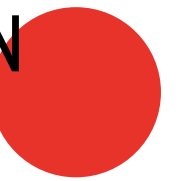
WSRW has tracked a vessel with phosphate rock to Isabel, the Philippines, with cargo from Western Sahara.

On 6 March 2022, at 1AM in the morning, the vessel *San Nicolas* docked at the port referred to as "Philphos Installation", berth number 1, with a probable cargo of around 57,000 tonnes of phosphate rock. It took the ship more than 2 weeks to offload the cargo. The same harbour received a single cargo on 12 October 2020. WSRW has not observed other vessels to Isabel than these two shipments.

Philippine Phosphate Fertilizer Corporation is a fertilizer company based in Makati, Metro Manila which is 30% owned by the government of Nauru. The remaining 70% stake is in the hands of Philippine business magnate Salvador Zamora II.

WSRW wrote to Philphos on 12 March 2021 and 24 February 2023, but has not received a response.¹¹⁰

8 UNKNOWN IN ISRAEL

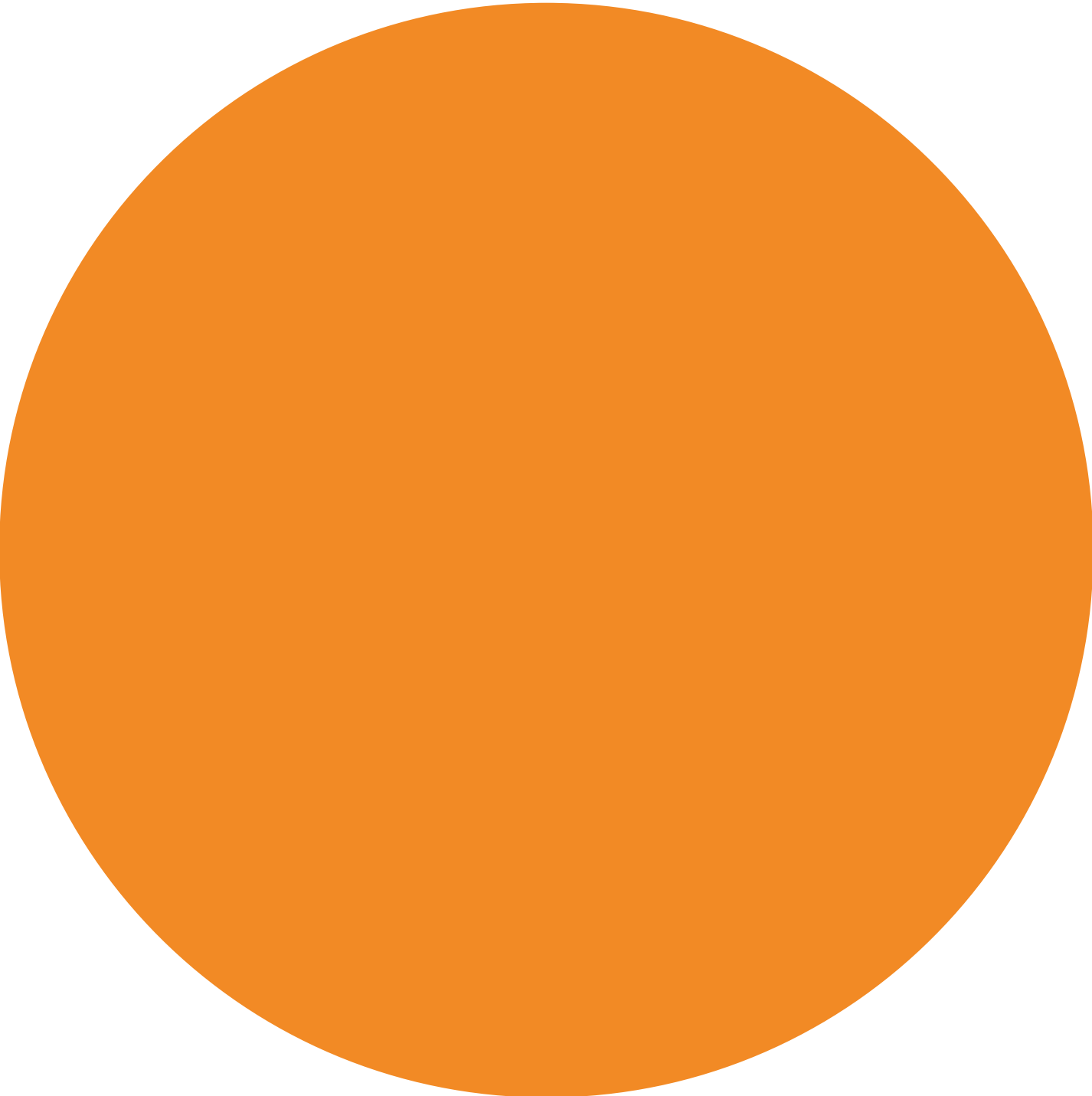


The first ever recorded transport of phosphate rock from occupied Western Sahara to Israel arrived at the port of Ashdod on 29 March 2022. The cargo aboard *Keremcan Oba* was the smallest that WSRW has ever recorded from Western Sahara. It could have carried no more than 5,500 tonnes of phosphate rock - only 10% of what constitutes an average shipment from the territory.

It is not known to Western Sahara Resource Watch which company in Ashdod is behind the imports.

Companies under observation

Some companies have in the past been identified and named as importers. The following companies have not been involved in the trade during recent years, but WSRW sees a risk that they would resume purchasing.



CHINA MOLYBDENUM, and possibly others (Brazil)



Morocco's exports of phosphate rock from occupied Western Sahara to a Chinese-owned company in Brazil will not happen again, according to the Chinese importing company.

In 2021, Western Sahara Resource Watch (WSRW) wrote that it had tracked shipments of phosphate rock from occupied Western Sahara to an industrial compound in Cubatão, Brazil.¹⁰ A fleet of trucks was seen transporting the cargo the 20 minutes from the port, until they passed through security gates of the large industrial area.

From what WSRW learned from sources in Santos, in fact two importers were behind the incidents. One of the two companies, Copebras, a subsidiary in Brazil of the company China Molybdenum, did not respond to a Brazilian media request following the revelation.¹² WSRW also contacted China Molybdenum earlier in 2021, with no response.¹³ However, the company's investors have been more successful.

WSRW has been in contact with three of the owners of China Molybdenum who have all received this same information from the investor relations department of the company. The company has stopped the purchases.

"We made contact with the company in order to learn more about the incident. We had a good dialogue with the company, where they assured us that it was a one-time incident, and that it is a topic that they are following closely. The company clarified that it will not purchase phosphate, without first having carried out further due diligence", Kiran Aziz, senior analyst in KLP Asset Management in Norway told WSRW.

Another China Molybdenum investor had received the response that no further imports will take place.

On 20 June 2020, the bulk carrier Lalis D arrived in Santos, Brazil, with phosphate rock from the Bou Craa mine. A fleet of trucks transported the cargo to the closed industrial area of Cubatão, losing some of the rock alongside the road.

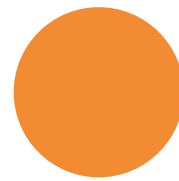
The Chinese company has allegedly clarified to the owners that the incidents were not part of a long term agreement.

WSRW has identified three shipments to Brazil in 2020 and two in 2019, with a total cargo of around 166.600 tonnes. No shipments of phosphate rock have been made from Western Sahara to Brazil since December 2020.

From what WSRW learned from sources on the ground in Brazil in December 2020, was that another company – Cesari Fertilizantes (Cefertil), part of Grupo Cesari – also was involved in the imports of rock from the territory. That company denied to Brazilian media its involvement.

The Brazilian Cesari group, owner of Cefertil, replied that Cefertil does not use Saharawi phosphates for its formulations. "In addition to this, our industrialization and storage contracts contain specific clauses in which the customer is responsible for the origin of the product", the company explained. Grupo Cesari's large industrial area in Cubatão offers storage facilities to more than one company, including companies that are not part of Cesari's portfolio. One such company is Mosaic Fertilizantes, the Brazilian subsidiary of Mosaic Company, the USA's largest phosphate-based fertilizer producer. In 2015, Mosaic informed that it would no longer import phosphate from Western Sahara. That position has also been confirmed to WSRW in 2019.

EUROCHEM GROUP (Estonia/Switzerland/Russia)



A cargo of phosphate rock to Estonia in October 2021 was the first import into Europe for five years. The imports in 2021 was the first known export of conflict minerals from Western Sahara to Estonia ever recorded.

The responsible company, EuroChem Group, is a Russian-owned company headquartered in Zug, Switzerland, with production facilities in several countries internationally. Their subsidiary in Lithuania – Lifosa – used to import from Western Sahara for decades, until the trade stopped in 2016.

EuroChem wrote to WSRW at the time that “increasing the Group’s self-sufficiency in phosphate rock has been a priority for both strategic and social considerations” and that “likely to be of interest to Western Sahara Resource Watch, we can inform you that [...] the Group does not intend to purchase phosphate rock from Western Sahara in 2016 or at any time over the foreseeable future”.¹¹⁴

However, the new transport contradicts this statement.

In 2020, EuroChem opened its €70 million brand new port terminal in Sillamäe, Estonia. WSRW contacted EuroChem three times in relation to the single imports to Estonia, but has not received a response.¹¹⁵

WSRW observed the phosphate being loaded over to awaiting trucks, which shuttled between the ship and the EuroChem facility. The Estonian news site Delfi wrote about the imports.¹¹⁶

In a telephone conversation with Estonian media, a local employee of EuroChem confirmed that *Nazenin*’s transport had arrived at EuroChem.

Western Sahara Resource Watch was present when the cargo ship Nazenin offloaded phosphate rock from occupied Western Sahara in the Estonian port of Sillamäe on 18 October 2021.

However, the company ignored the journalist’s further questions, although they had promised to answer them.

EuroChem not only has a fertilizer factory inside the Sillamäe port itself, but also has logistics services via rail or truck to Europe and Russia.

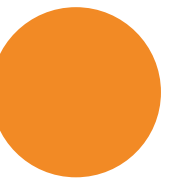
The former EuroChem trade to Lithuania happened via its subsidiary Lifosa AB, which became a subsidiary of EuroChem in 2002.

WSRW has been in dialogue with both Lifosa and EuroChem Group since 2010. But the company’s initial reluctance to thoroughly respond to WSRW’s questions resulted in Lifosa in 2011 being removed from the list of companies adhering to the UN Global Compact.

The company stated in March 2014 that it was seeking to implement ways to diversify external purchases. In 2013-2014, the trade to Lithuania was around 400,000 tonnes annually.

WSRW has not observed any shipments to Lifosa since October 2016. WSRW wrote to EuroChem on 3 December 2019 to seek confirmation that the company has now stopped all further imports from Western Sahara.¹¹⁷ The company responded that it has ‘no plans’ to purchase from Western Sahara again.¹¹⁸

IMPORTER IN JAPAN – POSSIBLY ITOCHU CORP



In 2021, for the third consecutive year, a very small cargo vessel undertook the long journey from the phosphate harbour in El Aaiún to Moji, Japan.

WSRW has reason to consider Itochu Corp as responsible for the imports. Itochu Corp is regarded as a leading “sogo shosha”, a Japanese company that trades in a wide variety of products and materials, acting as intermediary and often also engaging in logistics, plant development

and international resource exploitation. WSRW and Friends of Western Sahara Japan sent a letter to the company on 23 February 2022, but no response was received.¹¹⁹

NUTRIEN/SINOFERT (China/Canada)

On 28 November 2018, the Chinese company Sinofert Holdings Limited, imported to the Chinese port of Lianyungang a shipment from Western Sahara. Sinofert is the largest fertilizer producer and distributor in China. This is described in P for Plunder 2019. The Chinese government-owned Sinochem Group holds a 53% interest in Sinofert, while the Canadian company Nutrien Ltd holds 22%, and the remainder is listed on the Hong Kong Stock Exchange.¹²⁰

WSRW wrote to Sinofert and Nutrien in January 2019 regarding the Chinese imports. No replies were received.¹²¹

Early 2018, Nutrien was formed through the merger of Agrium Inc and PotashCorp, both latter firms were major importers of Western Sahara phosphate rock. At the end of 2018, Nutrien terminated the imports, following years of intensive shareholder engagement vis-à-vis the two companies.¹²² From 2013 until 2018, Nutrien purchased around half of all the Bou Craa phosphate rock. Nutrien and its legacy firms lost a number of shareholders over the matter, including the Norwegian Government Pension fund, which divested its Nutrien shares worth 190 million USD.¹²³

THE GOVERNMENT OF VENEZUELA (Colombia/Venezuela)

The Venezuelan government has traditionally been involved in the trade in two different ways: through imports to subsidiaries in both Colombia (Monmeros) and Venezuela. The related companies have been importing from the occupied territory for decades.

Since May 2017, when Saharawi phosphate shipments were detained in South Africa and Panama, no transports to Colombia and Venezuela have been observed. The Colombian Company Monmeros Colombo Venezolanos S.A. is a petrochemical company fully owned subsidiary of the Venezuelan state owned petrochemical company Pequiven (Petroquímica de Venezuela SA). The company used to import to Barranquilla. The last

proven import incident to Monmeros was a single shipment in calendar year 2017, totaling approximately 17,000 tonnes. The imports have thus reduced dramatically: in 2016, Monmeros imported 58,000 tonnes.

WSRW on several occasions raised the matter with both Monmeros and its parent company Pequiven, as well as the Venezuelan government. None of them responded to any of our letters. The Venezuelan importer Tripoliven in 2013 denied importing from Western Sahara, which later proved to be incorrect.¹²⁴

For more about the imports to Puerto Cabello, Venezuela, please see *P for Plunder 2016*.¹²⁵

INDIAN IMPORTERS

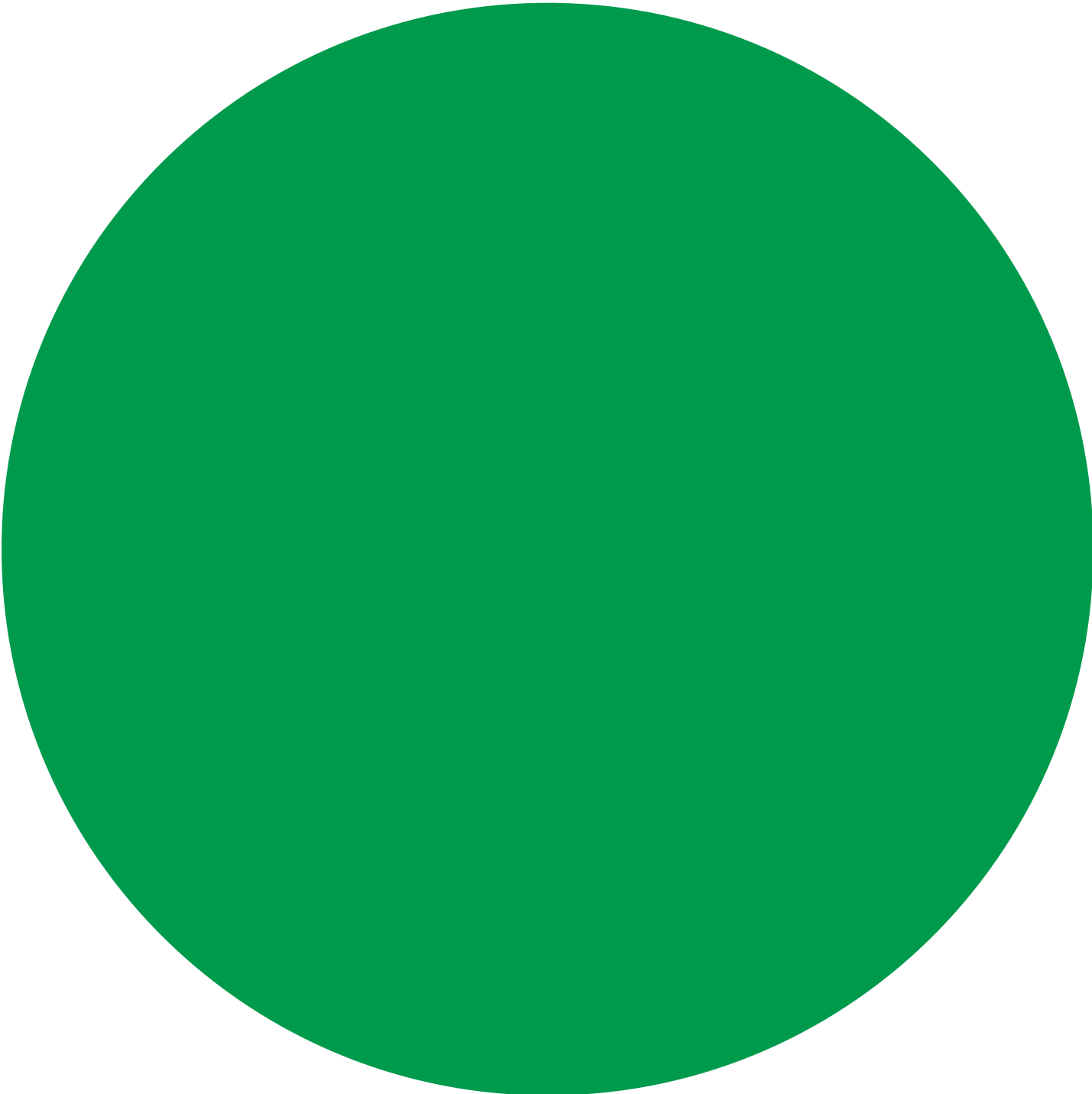
On 6 March 2019, a vessel carrying 59,600 tonnes of Western Sahara phosphates departed El Aaiún. It arrived at the port of Visakhapatnam, India, on 3 April. WSRW expects the importer to be Coromandel International Ltd, the same company that imported a shipment to Visakhapatnam a year earlier. The company is registered on the National Stock Exchange of India, and has several large international investors among its owners. WSRW sent letters to Coromandel in January 2019 and February 2020 to ask whether

it had fulfilled the legal requirement of obtaining prior consent from the representatives of the territory for such trade, and whether this was a one-off import.¹²⁶ No reply was received. No transports have been observed to Coromandel since 2019.

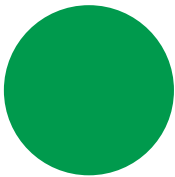
An earlier shipment was made in March 2014 to the port of Tuticorin, where the importer must have been yet another company. This incident is covered in P for Plunder 2014.

Companies no longer involved

Some companies have in the past been identified and named as importers. These have not been involved in the trade since 2012 or have publicly stated they'd halt all further purchases, and WSRW sees little risk that they would resume purchases.



Impact Fertilisers Pty Ltd (Australia/Switzerland)



Australian phosphate importer Impact Fertilisers imported phosphates from Western Sahara, at least from 2002 through 2012. The company imported the rock to Hobart, Tasmania. In 2010 the company became part of Ameropa, a Swiss privately owned grain and fertilizer trading company. Western Sahara groups in both Australia and Switzerland campaigned against the company for many years.

In 2013 Impact announced it had halted the imports from Western Sahara.¹²⁷ WSRW has not observed shipments to Impact since August 2012.

Impact Fertilisers in Tasmania has not imported since the arrival of Alycia in Hobart harbour on 7 August 2012.

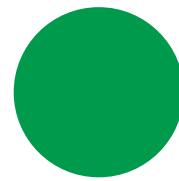
Nidera Uruguay S.A. (Uruguay/The Netherlands)

The Uruguayan company Nidera Uruguay S.A., subsidiary of Dutch trading company Nidera NV, received one vessel containing phosphate rock from Western Sahara in 2009.

WSRW confronted Nidera Uruguay with the information about the 2009 vessel in a letter 21 June 2010.¹²⁸ As no answer was received, new letters were sent to the parent company in The Netherlands in October 2011. The outcome of the following correspondence with

Nidera, was a statement from the company underlining that “If our subsidiary in Uruguay again needs to import phosphate rock in the future, the matter which is now brought to our attention is something we shall definitively take into consideration”. The company at the time also stated that its subsidiary in Uruguay had not received any phosphate rock from Western Sahara during the years 2007, 2008, 2010, 2011.¹²⁹

Yara International ASA (Norway)



Yara's last imports took place in 2008, on this vessel. Here the African Wildcat is on its way to dock in Herøya, Norway to offload.

Yara is the world's leading supplier of mineral fertilizers. It used to be a large importer of phosphates from Western Sahara in the past, but has since decided not to import from Western Sahara. The main motive for the decision to cease doing so has been that the Norwegian government urges Norwegian companies not to trade with goods from Western Sahara, due to concerns of international law. The company has today as a policy only to import or trade with phosphates from Morocco proper, not from the Bou Craa mines.

"We hope the country will be liberated, then the population there will profit from us quickly receiving their phosphates", Chief Communication Officer, Bente Slaatten told.¹³⁰

Mosaic Co (USA)

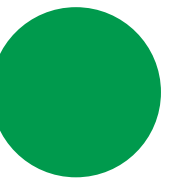
Mosaic Company is headquartered in Minnesota, USA, and listed on the New York Stock Exchange. WSRW confirmed 15 shipments from occupied Western Sahara to Tampa, Florida, USA in the period from 2001 to 2009. Tampa is home to the headquarters of Mosaic's phosphate operations and many of the firm's phosphate production facilities.

On 25 August 2010, Mosaic informed WSRW that it had received its last shipment of Western Sahara phosphate rock on 29 January 2009 and that it "has no plans" to import from the territory again.¹³¹ Mosaic confirmed to the Swedish investor and shareholder Nordea that it had halted imports: "Mosaic has now disclosed that they have discontinued their purchase of phosphate from Western Sahara, which also has been independently confirmed. The company has acknowledged the human rights issues involved with importing phosphate from Western Sahara", Nordea wrote.¹³²

BASF SE (Germany/Belgium)



Wesfarmers Ltd (Australia)



Wesfarmers Limited is one of Australia's largest public companies, headquartered in Perth, Western Australia. The company is listed on the Australian Securities Exchange. Its fertiliser subsidiary, Wesfarmers CSBP, was a major importer from occupied Western Sahara for at least two decades. Earliest known imports of Saharawi phosphates by CSBP date back to 1990.

In 2009, the firm announced it would "reduce the company's dependency on phosphate rock from Western Sahara". The company said it would invest in new technology that would make it possible to use other phosphate sources. CSBP did, however, leave open the possibility that the imports could continue, albeit to a limited degree, depending on price and availability of alternative sources.¹³⁵ This decision followed a wave of European divestments over ethical concerns on trade in phosphate from occupied Western Sahara. Wesfarmers used to import between 60 and 70% of its phosphates from Western Sahara.

Wesfarmers has on numerous occasions since shown a will to phase down imports from Western Sahara, but has not committed categorically to completely stop imports. As the *de facto* imports seem to have stopped, some investors have returned to the company.

WSRW has not observed any shipments to Wesfarmers since it started its daily monitoring of vessels in October 2011.

BASF is not known to have imported since the arrival of the bulk vessel Novigrad on 7 October 2008, here seen discharging Saharawi phosphate in Ghent harbour, Belgium.

Other companies

Some companies that have previously been on WSRW's observation list, were later moved over to the list of companies that are no longer involved. The reason for this is that such a long time has passed since a shipment took place that we expect them not to be engaged again. These are: **Petrokemija PLC** from Croatia (last shipment in 2006), **Tata Chemicals** from India (last shipment in 2006), **Zen Noh** from Japan (last shipment in 2006) and **Agropolychim AD** from Bulgaria (last shipment in 2008). None of these companies have responded to requests from WSRW.

Morocco’s PR partners

In defense of their phosphate imports from Western Sahara, several companies have referred to legal opinions by different law firms retained by OCP.

These legal opinions are systematically used by the international phosphate importers to legitimize their imports vis-à-vis shareholders. The confidential analyses are said to establish that the local people benefit from the industry. However, the local people – the owners of the phosphates – are themselves not allowed to see the opinions, and are thus unable to assess their veracity. All aspects related to Terms of Reference, methodology or findings are thus impossible for the Saharawis to question.

As the opinions allegedly have found Morocco’s exploitation of the Saharawi people’s resources lawful, WSRW believes that there is little reason to withhold them from the Saharawis.

Five international lobbying law firms are behind such undisclosed opinions.

Covington & Burling LLP is an international law firm with offices in Europe, USA and China, which advises multinational corporations. Among its clients is OCP.

Both the Belgian importer BASF and the Spanish importer FMC Foret referred to Covington & Burling’s legal opinion made for OCP but neither wished to disclose the report. BASF at the time (November 2008) urged WSRW to contact Covington & Burling for further questions. WSRW had contacted the firm in February 2008, but received no reply. When phoning the company to ask for a meeting, Covington & Burling replied that they “would not engage with you at all regarding anything at all. You’re not my client, and as far as I can see you have no interest or stake in our company.”¹³⁶

It should be noted that Covington & Burling will travel around the world to defend the unethical trade to shareholders looking into divesting from any of the companies that import phosphate from Western Sahara.¹³⁷

More recently, the law firm **DLA Piper** teamed up with the firm **Palacio y Asociados** to provide OCP with another legal opinion to justify the trade. Based on statements from the importing companies, this second opinion seems to follow the analysis of the Covington & Burling opinion, citing potential benefits to the “local population” as a validation for the exploitation and subsequent trade to take place. As part of the work on the legal opinion, DLA Piper had also commissioned **KPMG**, a professional service company, to study the economic and social impacts of OCP’s operations, and their sustainability, “in the region”.¹³⁸

DLA Piper is an international law firm that has offices in around 30 countries throughout the Americas, Asia Pacific, Europe and the Middle East. Palacio y Asociados is headed by Spain’s former Minister of Foreign Affairs and former MEP Ana Palacio, and has offices in Madrid, Brussels and Washington.

WSRW contacted both firms with the request to share their legal opinion with the Saharawi people. DLA Piper replied that it could not share the opinion that “was written for the benefit of Phosphates de Boucraa S.A., and its holding company, Office Chérifien des Phosphates S.A.” due to legal privilege.¹³⁹ Ana Palacio, head of Palacio y Asociados, wrote back to express her disagreement with WSRW’s analysis and also cited legal privilege.¹⁴⁰ Palacio herself sits on the international advisory board of OCP.

In November 2015, PotashCorp named the firm **Dechert LLP** and Palacio y Asociados as co-authors of a legal opinion. Dechert LLP is an international law firm, headquartered in Philadelphia, USA, with offices in 14 countries.

Up until August 2014, PotashCorp had named DLA Piper as the partner of Palacio y Asociados. It is not clear whether the Dechert-Palacio opinion is different from the DLA Piper-Palacio opinion. The missing link between the two could be Myriam González Duránte, wife of Britain’s former Deputy Prime Minister Nick Clegg, who represented OCP when working at DLA Piper, but who is said to have taken the OCP contract with her when she moved to Dechert. OCP has reportedly paid an estimated USD 1.5 million for work carried out by both Dechert and DLA Piper.¹⁴¹

Dechert replied to WSRW’s letter of 8 February 2016 that it could not disclose its legal opinion for OCP due to client confidentiality.¹⁴²

WSRW has asked Dechert and Palacio y Asociados whether their client would consent to waiving privilege, as the confidentiality of the legal opinions has already been given up by making their existence public. WSRW never received a reply to that request.

From 2019, a New Zealand lobby firm, **SenateSHJ**, started representing OCP in New Zealand, handling the Moroccan company’s public relations in the country. WSRW wrote SenateSHJ four times from 2020 to 2023.¹⁴³ No answer has been received.

The 2022 Annual Report of Ballance Agri-Nutrients revealed that the Fertilizer Association of New Zealand had contracted **Tuhana Consulting Ltd** to carry out “an external assessment” in relation to the imports from occupied Western Sahara. According to Ballance, that assessment was “validating our supplier’s operations in Western Sahara against United Nations criteria”.¹⁴⁴ WSRW wrote Tuhana on 16 February 2023, inquiring about the scope, terms and content of the assessment, the referred to “UN criteria”, and how/whether Tuhana had related to the status and legal framework pertaining to Western Sahara. Tuhana responded with a single, vague sentence that “The work with our clients is ongoing and we will be in touch with stakeholders in due course.”

OCP has failed to answer requests from Saharawis to share copies of the reports.



These images are taken inside of the storage facility of Innophos, the Mexican/US company that renewed its imports in 2021. The pictures show a pile of phosphate rock from the occupied territory.

Morocco pushes for more toxics in EU farmlands

In the spring of 2019, the European Parliament and the European Council adopted a Regulation limiting the amount of contaminants such as cadmium contained in fertilisers. The aim is to limit the EU population’s exposure to this heavy metal due to its adverse health effects, particularly in terms of its potential of causing cancer. Phosphate fertilizers are responsible for 60% of current cadmium deposits to crops and soils within the EU, as documented in a February 2017 study by the European Parliament’s Policy Department.

The Regulation now caps the cadmium level at 60 mg/kg. Starting from 16 July 2022, the sale of phosphate-based fertilizers containing more than 60 mg of cadmium per kg of P2O5 will be barred throughout the EU. Further tightening of restrictions on cadmium will be considered in July 2026.¹⁴⁵ Member States are still permitted to use stricter limitations, which is already the case in countries like Germany, Finland, Denmark, Czech Republic, Hungary, Netherlands, Sweden and Slovakia.¹⁴⁶

The original proposal by the EU Commission was stricter: a 60 mg/kg of phosphate at the date of the deal application, 40 mg/kg three years later, and 20 mg/kg after another 12 years. This proposal was accepted by the European Parliament, albeit with an adjusted timeline (40 mg/kg in six years after date of application, 20 mg/kg in 16 years).

But Member States such as Spain, Italy, Poland, Portugal and the UK opposed any limits below 60 mg/kg, while the fertilizer industry mounted tough opposition.

Ferocious counter-lobby however also came from Morocco.

The phosphate rock managed by OCP – thus including the Western Sahara rock – is said to contain on average between 29.5 to 72.7 mg/kg.¹⁴⁷ The European Parliament’s Policy Department paints an even bleaker picture, citing levels of 38-200 mg Cd/kg.¹⁴⁸

Since the initially proposed regulation would have resulted in the nullification of that sales figure over time, OCP unleashed an intense counter-lobby. OCP argued that there is not enough scientific proof to underpin the idea of limiting cadmium levels, and suggested the EU to even raise cadmium levels to 80 mg/kg, far higher than the suggestion of the EU Commission. On 11 May 2016, OCP sent a letter to the Commission, stating it disagreed with the proposal. OCP also lamented that “major fertilizer producers [...] had not been consulted”.¹⁴⁹ The irony is that OCP itself refuses to seek the consent of the people of Western Sahara upon plundering the territory’s phosphate rock.

OCP retained Dechert and the PR firm **Edelman** to lobby against the EU proposal.¹⁵⁰ Edelman has worked for the Moroccan government in the past, as it is on the payroll of the Moroccan American Center for Policy (MACP), a registered agent of the Moroccan Kingdom.¹⁵¹

While the final Regulation will thus not result in a complete market loss for OCP, it does seem that Western Sahara phosphate rock will no longer be welcome on the EU market. There is consensus among researchers that the cadmium content in phosphate rock from Bou Craa is considered around 100 mg/kg.¹⁵²

Cadmium levels from the Khouribga mine, in Morocco proper, are estimated at around 46-63 mg/kg, while those from rock coming from Youssoufia, also in Morocco, are considered to be higher than 120 mg/kg.

Recommendations

To the Government of Morocco:

- To respect international law and immediately terminate the production and exports of phosphates from occupied Western Sahara until a solution to the conflict has been found.
- To respect the right to self-determination of the people of Western Sahara, through cooperating with the UN for a referendum for the people of the territory.
- To compensate the Saharawi people for the benefits it has accrued from the sales of phosphate rock from the illegally occupied territory.

To the purchasers of phosphates from Bou Craa mine:

- To immediately end all purchasing of phosphate illegally exploited and exported from occupied Western Sahara.

To the governments of the importing countries:

- To clearly state to the involved importing companies that they should refrain from imports from Western Sahara, and to assist these businesses in diversifying their supply base.

To the government of New Zealand:

- To immediately proceed to quantify the cost and take measures to retool Ravensdown’s and Ballance Agri-Nutrients’ processing facilities to enable use of alternative sources.

To the suppliers of the Bou Craa mine and constructors of the new phosphate port

- To immediately terminate all works, supplies and maintenance.

To the shipping companies transporting phosphate rock out of Western Sahara

- To refrain from shipping commodities out of Western Sahara.
- To install a provision in shipping contracts preventing the use of vessels for transporting commodities out of the territory.

To investors:

- To engage with the mentioned companies, and divest unless action is taken to halt the imports.

To Covington & Burling, Dechert, Tuhana, DLA Piper, SenateSHJ, KPMG, Edelman and Palacio y Asociados:

- To publish all reports written for OCP and its clients which aim to justify OCP’s activities in occupied Western Sahara and the illegal export trade in Saharawi phosphate.
- To refrain from defending Morocco’s plunder of the territory by stopping the undertaking of assignments to legitimize its continuation.

To the European Union:

- To assess trade in products originating in Western Sahara and adopt policies that ensure that such trade is consistent with the Court of Justice of the EU judgment of 21 December 2016 and with the duty on States under international law not to recognize Morocco’s sovereignty over occupied Western Sahara.
- To develop business advisory guidelines warning of the legal and reputational risks of doing business with Moroccan interests in the territory.
- To ensure European companies adhere to the principles established in the Court of Justice of the EU judgment of 21 December 2016, assuring that EU companies do not purchase phosphates from Western Sahara.

To the United Nations:

- To create a UN administration to oversee or otherwise administer Western Sahara’s natural resources and revenues from such resources pending the self-determination of the Saharawi people.



A 100 kilometer long conveyor belt carries phosphates from the Bou Craa mine to the coast. The rubber belt was maintained by the German company Continental AG, until the company departed the territory in 2020.

Notes

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Annex 1:

Terminology

Charterer: A company that reaches an agreement with the manager or owner/manager of a ship for the use of that ship.

Deadweight (DWT): the weight (in metric tonnes) that the ship can carry. 90-97% of this is the actual cargo capacity. The remaining is accounted for by bunker fuel, stores, water etc.

Flag: A ship flies the flag of the country in which the ship is registered, which is often not the country in which the managing or owning companies are based. Many ships owned and managed by companies based in Western countries are registered in countries which have an “open registry”. The ships are then said to fly “flags of convenience”. There is no genuine link between these vessels and the flag of registry. The majority of the vessels in this report is flying such flags.

Manager: the company that manages the ship, technically and/ or commercially. The manager may be different from the owner, although certain owners do manage their own ships.

Registered owner: the company which is at least the nominal owner of the ship. The problem is that a ship often has a registered owner whose total assets consist only of the ship in question. The company may well be owned by another company which also owns a number of other ‘single-ship companies’. That company may in turn be owned by yet another company. The name and address of the company which is the registered owner of the ship are easily available. However, it is far more difficult to get to know details of the ‘beneficial owner’, i.e. the company which is at the end of a chain of owners.

P&I Club: Protection and indemnity insurance, more commonly known as “P&I” insurance, is a form of mutual maritime insurance provided by a P&I Club. A P&I Club provides cover for open-ended risks that traditional insurers are reluctant to insure. Typical P&I cover includes: a carrier’s third-party risks for damage caused to cargo during carriage; war risks; and risks of environmental damage such as oil spills and pollution.

Annex 2: The shipping companies behind the controversial phosphate transports, 1 January 2022 to 31 December 2022

The table shows the owners and operators that WSRW has been able to confirm as having a connection to the cargo vessels at the time when the transport from Western Sahara took place. The companies that operated/owned these vessels at the time of the publication of this report, or who operate/own the vessels today, did not necessarily have a link to the vessels at the time of the shipment.

WSRW has contacted most of the operators representing the 23 vessels. Letters from WSRW, and answers are found on <https://www.wsrw.org/en/news/shipping-company-responses-to-the-report-p-for-plunder-2023>

No.	Vessel Name	IMO	Flag	Departure	Destination (importer)	Arrival	DTW	Estimated cargo (tonnes)	Reg. owner	Reg. owner address	Reg. owner nationality of registration	Group owner	Group owner - registered nationality	Group owner - nationality of controlling interest	Operator	Operator address	Operator - nationality of control	Operator - nationality of registration	Operator email	Operator website	P&I Club
1	Thor Niramit	9714800	Singapore	07/01/2022	Tauranga, New Zealand (Ballance Agri-Nutrients)	14/02/2022	61 171	59000	Thoresen Shipping SNG Pte Ltd	127A, Telok Ayer Street, 068596, Singapore	Singapore	Thoresen Thai Agencies PCL	Thailand	Thailand	Thoresen & Co Bangkok Ltd	26/32-34, 10th Floor, Orakarn Building, 26, Soi Chidlom, Phloenchit Road, Pathumwan, Bangkok, 10330, Thailand	Thailand	Thailand	mar@thoresen.com	thoresen.com	Britannia P&I
2	Stony Stream	9702508	Marshall Islands	22/01/2022	Napier/Lyttelton, New Zealand (Ravensdown)	24/03/2022	64 000	62000	CP Hongkong Shipping SA		Marshall Islands	Parakou Shipping Ltd	Hong Kong	Unknown	Cargill International SA	Esplanade de Pont-Rouge, 4, 1211 Geneva, Switzerland	USA	Switzerland		cargill.com	Gard
3	Joker	9448578	Marshall Islands	27/01/2022	Coatzacoalcos, Mexico (Innophos)	10/02/2022	57 982	56000	Seniority Ship-ping Corp SA		Panama	Diligent Holdings SA	Panama	Greece	Diligent Holdings SA	43, Kifisias Avenue, 115 23 Athens, Greece	Greece	Panama	info@diligent.gr	diligentholdings.com	Swedish Club
4	San Nicolas	9463580	Marshall Islands	30/01/2022	Isabel, Philippines (Philphos)	06/03/2022	58 802	57000	Nga Shipping Ltd	C/O Trade Fortune Inc, 9, 2as Merarchias Street, 185 35 Piraeus, Greece	Marshall Islands	Trade Fortune Inc	Liberia	Greece	Trade Fortune Inc	9, 2as Merarchias Street, 185 35 Piraeus, Greece	Greece	Liberia	operation@tradefortune.gr, tradfort@otenet.gr		Swedish Club
5	Royal Midori	9860726	Panama	16/02/2022	Coatzacoalcos, Mexico (Innophos)	02/03/2022	63 547	62000	Leo Ocean/ Tokei Kaiun		Panama	Tokei Kaiun Ltd	Japan	Japan	Tokei Kaiun Ltd	219-1, Nakabori 4-chome, Imabari Ehime, Japan 799-2115	Japan	Japan	tetsu_hasebe@tokekai.co.jp	tokekaiun.com	Japan P&I Club
6	Keremcan Oba	9118288	Panama	17/02/2022	Ashdod, Israel (Unknown)	29/03/2022	5 748	5500	Keremcan Shipping Inc	Trust Company Complex, Ajeltake Road, Ajeltake, Majuro MH 96960, Marshall Islands	Marshall Islands	Unknown	Unknown	Unknown	Keremcan Shipping Inc	Trust Company Complex, Ajeltake Road, Ajeltake, Majuro MH 96960, Marshall Islands	Unknown	Marshall Islands	Unknown	Unknown	Thomas Miller Specialty
7	Magia	9710036	Switzerland	24/02/2022	Paradip, India (Paradeep)	23/03/2022	57 586	55500	Sextant Maritime AG	C/O Reederei Zurich AG, Bergstrasse 109, 8032 Zurich, Switzerland	Switzerland	Reederei Zurich AG	Switzerland	Switzerland	Reederei Zurich AG	Ramistrasse 6, 8001 Zurich, Switzerland	Switzerland	Switzerland	chartering@reedereizurich.com, technical@reedereizurich.com, info@rz-ag.com	rz-ag.com	Gard
8	Milos	9472098	Liberia	09/03/2022	Coatzacoalcos, Mexico (Innophos)	27/03/2022	56 988	55000	Stavento Shipping SA		Liberia	Goldenport Shipmanagement Ltd	Greece	Greece	Goldenport Shipmanagement Ltd	41, Athinas Avenue, Vouliagmeni, 166 71 Athens, Greece	Greece	Greece	contact@goldenport.gr	goldenport.gr	Skuld
9	Yuan An Hai	9446128	Panama	19/04/2022	Paradip, India (Paradeep)	15/05/2022	56 957	54300	Yuan An Hai Maritime SA	C/O COSCO Shipping (Qingdao) Co Ltd, 61, Xianggang Zhonglu, Shinan Qu, Qingdao, Shandong, 266071, China	Panama	COSCO Shipping Bulk Co Ltd	China	China	COSCO Shipping Qingdao Co Ltd	61, Xianggang Zhonglu, Shinan Qu, Qingdao, Shandong, 266071, China	China	China	cosqd@coscoqd.com	coscoqd.com	Unknown
10	Thor Achiever	9424857	Singapore	28/03/2022	Tauranga/Bluff, New Zealand (Ballance Agri-Nutrients)	05/05/2022	57 000	55000	Thoresen Shipping SNG Pte Ltd	127A, Telok Ayer Street, 068596, Singapore	Singapore	Thoresen Thai Agencies PCL	Thailand	Thailand	Thoresen Shipping SNG Pte Ltd	127A, Telok Ayer Street,068596, Singapore	Thailand	Singapore	tramp@thoresen.com	thoresenshipping.com	Britannia P&I
11	Themis	9452543	Marshall Islands	27/04/2022	Coatzacoalcos, Mexico (Innophos)	12/05/2022	58 487	57000	Ithaca Shipping SA		Marshall Islands	Navina Maritime SA	Liberia	Greece	Navina Maritime SA	42, Vouliagmenis Avenue, Voula, 166 73 Athens, Greece	Greece	Liberia	info@navina.gr		Gard

No.	Vessel Name	IMO	Flag	Departure	Destination (importer)	Arrival	DTW	Estimated cargo (tonnes)	Reg. owner	Reg. owner address	Reg. owner nationality of registration	Group owner	Group owner – registered nationality	Group owner – nationality of controlling interest	Operator	Operator address	Operator – nationality of control	Operator – nationality of registration	Operator email	Operator website	P&I Club
12	Berge Tateyama	9866706	United Kingdom	13/06/2022	Tauranga/Bluff, New Zealand (Ballance Agri-Nutrients)	05/08/2022	63 511	62000	Berge Tateyama Co Inc		Marshall Islands	Berge Bulk Ltd	Bermuda	Bermuda	Berge Bulk Shipping Pte Ltd		Bermuda	Singapore			Unknown
13	Sea Breeze	9869710	Liberia	12/05/2022	Napier/Dunedin, New Zealand (Ravensdown)	26/06/2022	40 077	39000	TKI028 GmbH & Co KG	C/O KG Reederei Roth GmbH & Co, Hallerstrasse 40, 20146 Hamburg, Germany	Germany	Unknown	Unknown	Unknown	Roth Reederei GmbH & Co KG	Hallerstrasse 40, 20146 Hamburg, Germany	Germany	Germany	operation@reederei-roth.de	reederei-roth.de	Unknown
14	Darya Sati	9752424	Hong Kong	29/05/2022	Coatzacoalcos, Mexico (Innophos)	16/06/2022	63 523	62000	Sati Shipping Ltd	C/O Dry Bulk Services Ltd, 15th Floor, South China Building, 1, Wyndham Street, Central, Hong Kong	Marshall Islands	Dry Bulk Services Ltd	China	China	Sati Shipping Ltd		China	Marshall Islands			Standard Club
15	Global Frontier	9445605	Panama	22/06/2022	Paradip, India (Paradeep)	01/08/2022	57 298	55600	Korea Tonnage No 59 Shipping		Panama	Korea Asset Management Corp	South Korea	South Korea	Ultrabulk A/S	Smakkedalen 6, 2820 Gentofte, Denmark	Chile	Denmark	finance@ultrabulk.com	ultrabulk.com	UK P&I
16	Yasa Emirhan	9454503	Marshall Islands	30/06/2022	Coatzacoalcos, Mexico (Innophos)	17/07/2022	55 545	54000	Flame Shipman-agement Corp		Marshall Islands	Ya Sa Shipping Industry	Turkey	Turkey	Oldendorff Carriers GmbH & Co	6 Willy-brandt-allee, Luebeck, Schleswig-Holstein, 23554, Germany	Germany	Germany	info@oldendorff.com	oldendorff.com	Gard
17	Mandarin Noble	9533323	Liberia	24/07/2022	Coatzacoalcos, Mexico (Innophos)	10/08/2022	56 693	55000	Oriental Fleet Bulk 05 Ltd	C/O Dasin Shipping Pte Ltd, 10-01A, Southpoint, 200, Cantonment Road, Singapore 089763	Liberia	COSCO Shipping Finance Co Ltd	China	China	Daeyang Shipping Co Ltd	14th Floor, Kukje Building, III, Da-dong, Jung-gu, Seoul, 100-180, South Korea	South Korea	South Korea	webmaster@dyship.com		Unknown
18	Sheila	9730244	Marshall Islands	13/08/2022	Coatzacoalcos, Mexico (Innophos)	28/08/2022	58 608	57000	Banc of America Leasing	3rd Floor, 2059, Northlake Parkway, Tucker GA 30084-5321, USA	USA	Lemissoler Navigation Co Ltd	Cyprus	Cyprus	Lemissoler Navigation Co Ltd	Eleni Court, 17-23B, Agias Zonis Street, 3027 Limassol, Cyprus	Cyprus	Cyprus	info@lemissoler.com	lemissoler.com	West of England
19	Berge Tronador	9884605	Liberia	24/08/2022	Tauranga, New Zealand (Ballance Agri-Nutrients)	15/10/2022	61 087	59000	Berge Tronador Co Inc		Unknown	Berge Bulk Ltd	Bermuda	Bermuda	Berge Bulk Maritime Pte Ltd		Unknown	Unknown			Britannia P&I
20	Clipper Isadora	9883091	Panama	05/09/2022	Geelong, Australia (Incitec Pivot)	17/10/2022	63 340	33000	Southern Route Maritime SA	C/O Nissen Kaiun Co Ltd, 829-1, Kinoura, Hakata-cho, Imbari-shi, Ehime-Ken, 794-2305, Japan	Panama	Nissen Kaiun Co Ltd	Japan	Japan	Nissen Kaiun Co Ltd	829-1, Kinoura, Hakata-cho, Imbari-shi, Ehime-Ken, 794-2305, Japan		Japan			Japan P&I Club
21	CI Dengsha He	9890642	Liberia	25/09/2022	Paradip, India (Paradeep)	23/10/2022	63 500	60500	CL Wuhan Ltd		Hong Kong	China Development Bank Financial Leasing Co Ltd	China	China	Sumec Ocean Transportation		Unknown	Singapore			Unknown
22	Kouroupi	9339466	Marshall Islands	13/10/2022	Coatzacoalcos, Mexico (Innophos)	28/10/2022	56 047	54000	Achates Shipping Corp	C/O FCN Management Inc, 227 Kifissias Ave, Kifissia, Athens, 145 61, Greece	Marshall Islands	Franco Naviera Co SA	Panama	Greece	FCN Management Inc-PAN	227 Kifissias Ave, Kifissia, Athens, 145 61, Greece	Greece	Panama	franco@franco.gr	franco.gr	Gard
23	CI Fuzhou He	9890630	Liberia	02/11/2022	Tauranga, New Zealand (Ballance Agri-Nutrients)	23/12/2022	63 500	62000	CL Huizhou Ltd		Hong Kong	China Development Bank Financial Leasing Co Ltd	China	China	CL Huizhou Ltd		China	Hong Kong			Unknown

“The Court’s conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.”

International Court of Justice, 16 Oct 1975

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