

WSRW REPORT — APRIL 2021

# 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 2020.*

**2021** With  
data  
from  
2020



**WSRW**

WESTERN SAHARA  
RESOURCE WATCH

*During the last months, both Epiroc and Continental ended their supply agreements with the Moroccan state-owned company OCP's phosphate mine in occupied Western Sahara. Turbines from the Spanish company Siemens Gamesa Renewable Energy supply all the energy needed by OCP to carry out the plunder of the territory's phosphate rock. Khalil Dambar in the picture lost his brother Said in 2010 to the gun of a Moroccan police officer. Khalil is seen here expressing his concern during the week of the Siemens Gamesa AGM in 2021*



# 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 eighth 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 2020, naming all shipments of phosphates from occupied Western Sahara. A total of 22 vessels departed the territory with 1.1 million tonnes of phosphate rock, approximately the same level as in the record-low 2019. To compare, Morocco's average export from the occupied territory during the years 2012-2018 was 1.8 million tonnes.

The trade to OCP's joint venture in India and to two farmer cooperatives in New Zealand remains relatively stable from the year before, representing 64% and 20.4% of the entire trade, respectively.

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.

Two of OCP's key suppliers to the Bou Craa mine, Continental and Epiroc, have both in 2020 ended their long engagement in the territory after pressure from investors.

After a review of sources in importing countries, WSRW has concluded that the price that Morocco earns from the trade could be approximately twice as high as we have reported in previous editions.

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.

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### Front page

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

### Design

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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	<i>Deadweight tonnage</i>
IMO	<i>International Maritime Organization</i>
OCP	<i>Office Chérifien des Phosphates SA</i>
UN	<i>United Nations</i>



# The Controversy



A Saharawi in the occupied territories is asking New Zealand farmers to wake up. The Pacific nation is one of the very few remaining that import. Saharawis living both under occupation and in exile have continuously protested those imports.

Morocco's claim to Western Sahara has been rejected by the International Court of Justice.<sup>1</sup> 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'.<sup>2</sup>

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."<sup>3</sup>

The UN Treaty Body on Economic, Social and Cultural Rights<sup>4</sup> 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".<sup>5</sup>

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.<sup>6</sup> Bou Craa contributes around 8% of OCP's total extracted volumes, and around 20% of its total export of phosphate rock.<sup>7</sup> OCP claims that the Bou Craa mines represent only 2% of all phosphate reserves exploited by Morocco.<sup>8</sup> 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.<sup>9</sup> 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 2019<sup>10</sup> – and 75 percent are said to be "locals" (without specifying whether they are Saharawis or settlers).<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup>

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."<sup>14</sup>

***“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.<sup>15</sup>

***“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.<sup>16</sup>

***“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.<sup>17</sup>

***“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.<sup>18</sup>

***“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.<sup>19</sup>

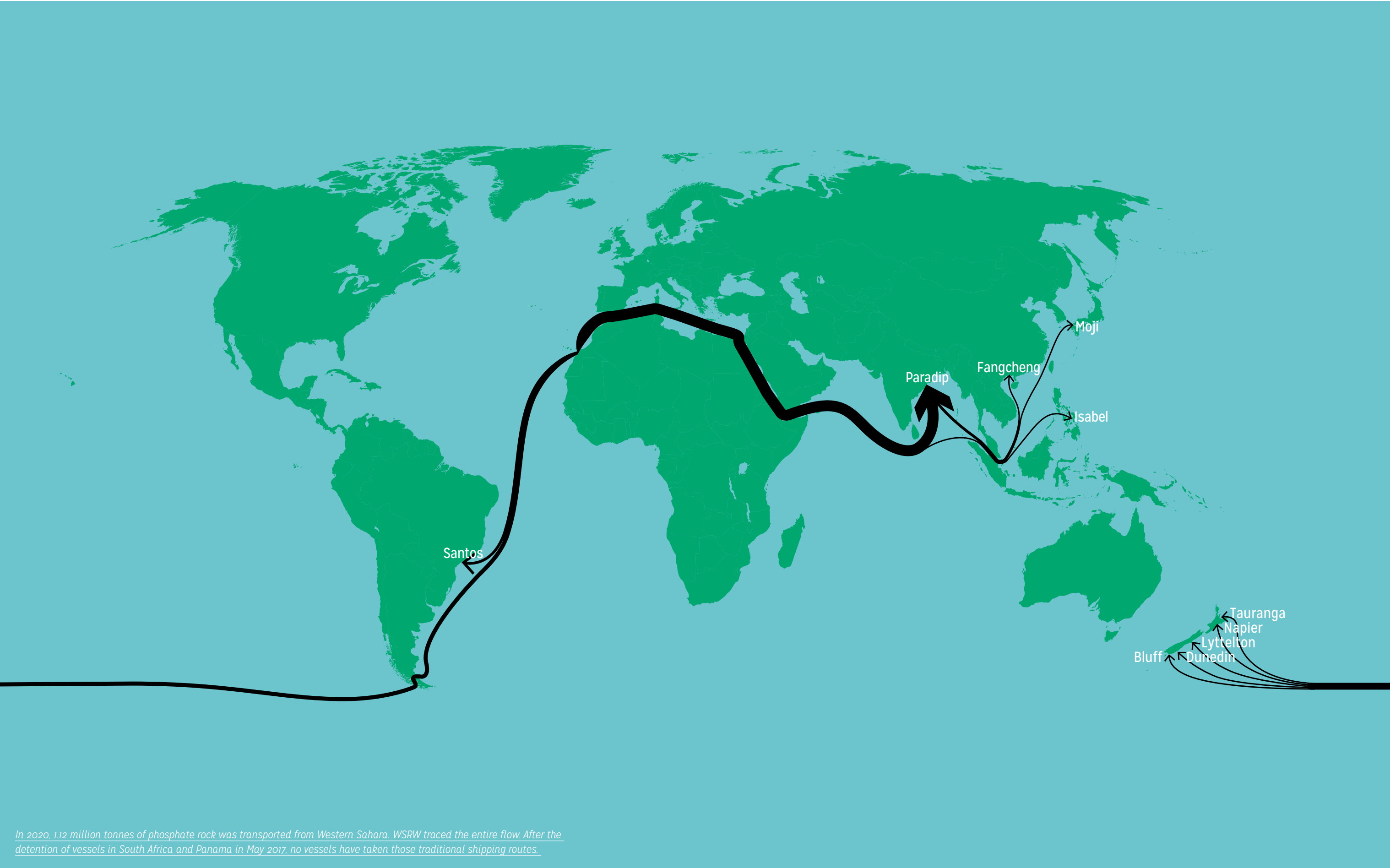
***“Human rights violations in Western Sahara”***

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

***“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.”***

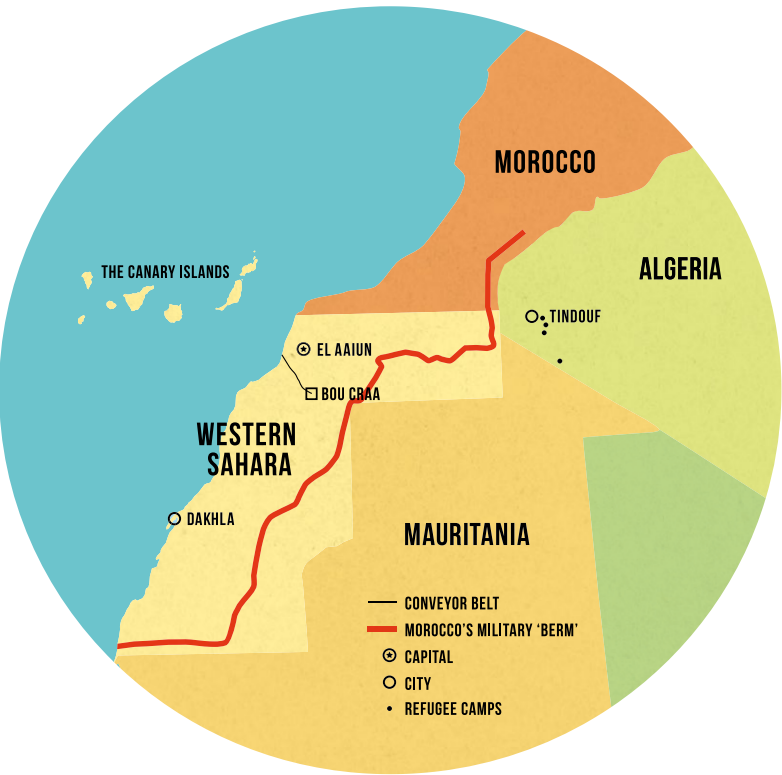
Swedish Ethical Council, 9 April 2015, explaining why all Swedish government funds have now divested from Agrium Inc.<sup>21</sup>

# The Shipments, 2020





# The Moroccan take-over of Bou Craa mine



**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.<sup>22</sup>

**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 Phosboucraa 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.<sup>23</sup>

**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.<sup>24</sup>

**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.<sup>25</sup> It files a similar debt financing prospectus on the Exchange a year later.<sup>26</sup>

**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."<sup>27</sup>

**2021:** Morocco continues to operate the mine in occupied Western Sahara. The average exports over the last years have generated an annual income of around USD 200 million from a mine which is not theirs.



## Large plans

For years, OCP has been announcing that it will modernize the Bou Craa mine, exploit deeper phosphate layers, create higher added-value products for export, increase the El Aaiún harbour capacity for phosphate activities and expand alleged social and sustainable development projects in the Bou Craa area.<sup>28</sup>

OCP states that it plans to invest USD 2.2 billion in Phosboucraa. The aim is to diversify Phosboucraa's operations, from exporting raw material to producing intermediary products and phosphate-based fertilizers by 2022.<sup>29</sup>

The stated main objective is to develop its industrial capacity, by working on three axes: the mining site itself, the construction of a chemical plant, and work on the port infrastructure. A production capacity of one million tonnes of fertilizer per year is envisioned. The new chemical plant will include a sulfuric acid production unit, a phosphoric acid unit and a granulation unit. In addition, new extraction methods will be introduced, a washing unit will be built and storage facilities will increase. The investment also includes a new, sheltered port and a wharf.<sup>30</sup>

As of 2019, construction work in the port of El Aaiún is reported to be taking place. OCP also reports that it is rolling out a reverse flotation process in Bou Craa to enrich phosphate that is of low phosphorous content, to make them economically more viable and exploitable.<sup>31</sup>

Phosboucraa is also the driving force behind the Technopole project, a scientific hub located in Fom El Oued on a 600 ha plot of land.<sup>32</sup> According to Phosboucraa, the Technopole will be devoted to the development of the "Southern Regions" and especially to the development of Phosboucraa itself.<sup>33</sup>

## 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.<sup>34</sup>

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.

The world's longest conveyor belt transports the rock from the mine inland out to the sea. Continental and Siemens are key partners for this belt. The Siemens windmills, built in 2013, provide all energy needed for the belt system.

# The Exports

	2020	2019
Exported amount of phosphate	1,123,000 tonnes	1,038,200 tonnes
Value of exported phosphate	\$170.8 million	\$180.8 million
Value of largest single shipment from the territory	\$9.6 million	\$12.6 million
Value of smallest single shipment from the territory	\$1 million	\$2.2 million
Number of ships that departed with phosphate from the territory	22	20
Average amount of phosphate exported in each ship	51,050 tonnes	51,900 tonnes
Average value of phosphate exported in each ship	\$7.76 million	\$9.52 million
Average annual phosphate price of Bou Craa rock (per tonne)	\$152.1	\$ 175.92

### 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 2020. However, WSRW cannot exclude a possibility that one or more vessels have gone undetected.

### Adjusted price estimates

WSRW has in previous 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 last year applied the value of phosphate rock as referred to by Index Mundi. However, WSRW has for a while speculated that the price could be far higher.

Trade data from importing countries that WSRW has studied support that theory,

suggesting that the price of the Bou Craa rock could be anything from 129 to 201 USD per tonne in 2020. For one shipment in 2019, we suspect the price could have been as high as 215 USD/tonne. Internal OCP documents from 2019 revealed online, suggested a cargo price of Bou Craa rock between 139 and 161 USD/tonne.<sup>35</sup> This is 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.

From this edition of the P for Plunder report, we are adding 100% to the Index Mundi price. The average price for phosphate rock in 2020 was 76.05 USD per tonne. As such, in this report, the price for phosphate rock from Bou Craa is calculated at an average of 152.1 USD per tonne. WSRW still considers this to be a conservative guestimate, as all figures that were able to corroborate are still higher.

### 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.<sup>36</sup> 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.<sup>37</sup> 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.<sup>38</sup>

### Errors in P for Plunder 2020

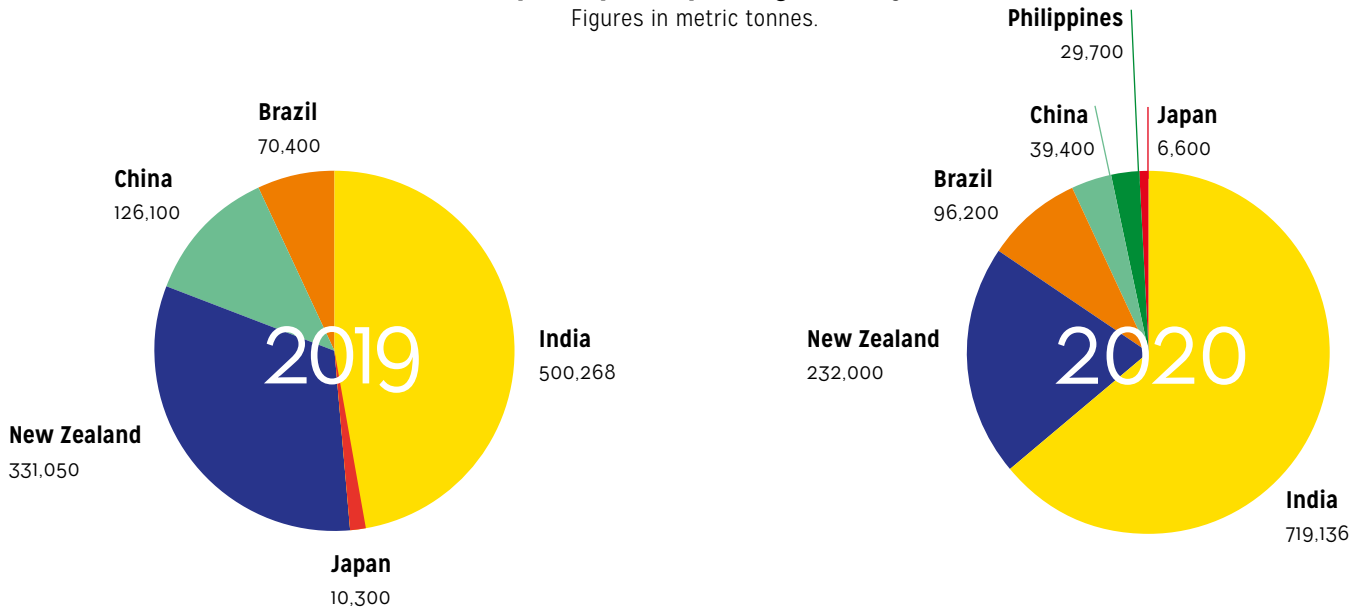
The P for Plunder 2020 report names Fertipar as a probable importer of phosphates in 2019. Although no response was received to our requests to Fertipar, WSRW reckons, based on the research undertaken throughout 2020, that the importer is not Fertipar.

WSRW decided not to include a shipment to Japan in P for Plunder 2019, presuming it was probably not carrying phosphates. In hindsight, this was most likely an incorrect conclusion. WSRW has now

reason to assume that the little vessel *Maliy*, which departed El Aaiún harbour on 14 August 2019, arriving at the port of Moji, Japan, on 24 September 2019 indeed carried phosphate rock. The vessel most likely contained 10.300 tonnes of rock, at a value of 2.22 million USD.

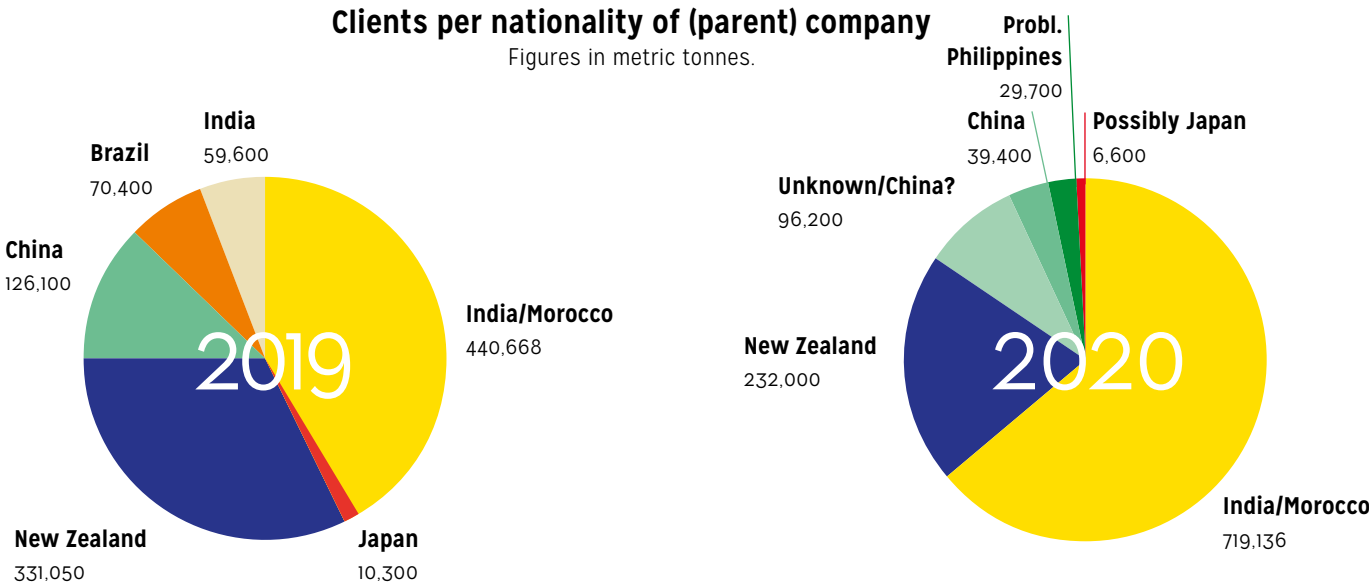
## Imports per importing country

Figures in metric tonnes.



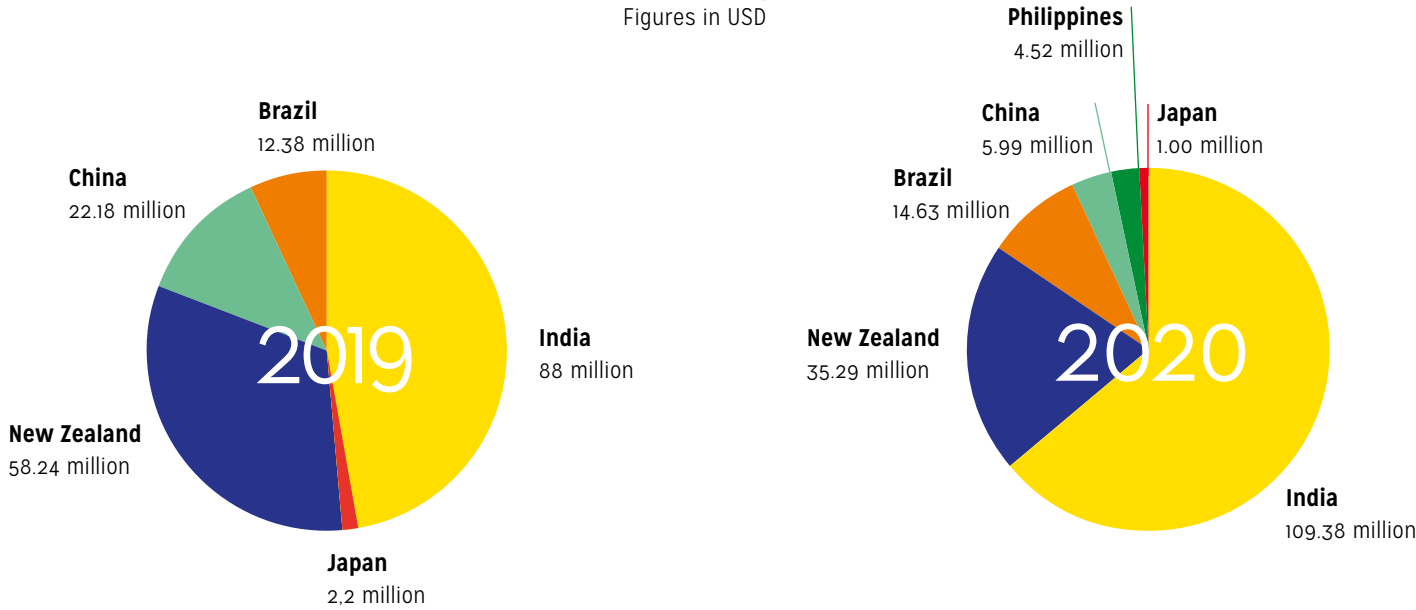
## Clients per nationality of (parent) company

Figures in metric tonnes.



## Value per importing country

Figures in USD



# The Importers, 2020

Rank	Corporation	Home country of (parent) company	Import destination	Number of shipments	Amount of phosphate purchased (tonnes)	Value of phosphate purchased (USD)
1	Paradeep Phosphates Ltd.	India/Morocco	Paradip, India	14	719,136	\$109.38 million
2	Ballance Agri-Nutrients Ltd.	New Zealand	Tauranga/Bluff, New Zealand	3	177,000	\$26.92 million
3	Unknown (probably China Molybdenum)	Brazil	Santos, Brazil	3	96,200	\$14.63 million
4	Ravensdown	New Zealand	Lyttelton/Dunedin/Napier, New Zealand	1	55,000	\$8.37 million
5	Unknown	China	Fangcheng, China	1	39,400	\$5.99 million
6	Unknown (probably Philphos)	Philippines	Isabel, Philippines	1	29,700	\$4.52 million
7	Unknown (possibly Itochu)	Japan	Moji, Japan	1	6,600	\$1.00 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 Innophos Holdings Inc. in January 2015.<sup>39</sup>

# The nationalities behind the shipments

	Number of vessels	Volume of cargos	Value of cargos
Registered owner home country			
Marshall Islands	9	413,645	62,915,404 \$
Panama	4	228,940	34,821,774 \$
Liberia	4	201,611	30,665,003 \$
Hong Kong	2	116,240	17,680,104 \$
Singapore	2	108,900	16,563,690 \$
United Kingdom	1	53,700	8,167,770 \$
Operator, nationality of controlling interest			
Unknown	5	273,100	41,842,709 \$
Hong Kong	3	172,300	26,206,830 \$
Germany	2	115,800	17,613,180 \$
South Korea	2	107,840	16,402,464 \$
Greece	2	86,354	13,134,443 \$
China, Cyprus, Denmark, Singapore, South Africa, Taiwan, Turkey, United Arab Emirates	1 each		
Group owner, registered nationality			
Unknown	5	211,700	32,199,570 \$
Marshall Islands	3	171,860	26,139,906 \$
China	2	116,240	17,680,104 \$
Japan	2	115,200	17,521,920 \$
Panama	2	112,954	17,180,303 \$
South Korea	2	107,840	16,402,464 \$
Hong Kong, Liberia, Singapore, Taiwan, Turkey, United Arab Emirates	1 each		
Group owner, nationality of controlling interest			
Unknown	5	211,700	32,199,570 \$
Greece	3	147,754	22,473,383 \$
Hong Kong	3	141,860	21,576,906 \$
China	2	116,240	17,680,104 \$
Japan	2	115,200	17,521,920 \$
South Korea	2	107,840	16,402,464 \$
Singapore, Taiwan, Turkey, United Arab Emirates, United States of America	1 each		
Flag			
Liberia	5	254,965	38,708,176 \$
Panama	5	235,540	35,825,635 \$
Marshall Islands	5	232,691	35,392,301 \$
Malta	2	121,000	18,404,100 \$
Hong Kong	2	116,240	17,680,104 \$
Singapore	2	108,900	16,563,690 \$
Bahamas	1	53,700	8,167,770 \$
P&I Club			
The Standard Club	4	234,531	35,672,165 \$
Britannia Steam Ship	3	162,400	24,701,040 \$
UK P&I Club	3	142,554	21,682,463 \$
North of England P&I Association	3	138,400	21,050,640 \$
Steamship Mutual	2	113,400	17,248,140 \$
West of England Ship Owners’ Mutual Insurance Ass.	2	110,511	16,808,723 \$
The London P&I Club	1	61,400	9,338,940 \$
The Swedish Club	1	61,240	9,314,604 \$
Japan Ship Owners Mutual P&I	1	59,600	9,065,160 \$
SKULD	1	32,400	4,928,040 \$
The Shipowners’ Mutual Protection and Indemnity Ass.	1	6,600	1,003,860 \$



# 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.<sup>40</sup> 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.<sup>41</sup>

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 Business and Human Rights Resource Centre earlier this year, 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 a mail 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.<sup>42</sup>

**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 made in a correspondence with Western Sahara Resource Watch (WSRW) in February 2021.<sup>43</sup>

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 has been in dialogue with Continental since 2017. With time, other groups picked up our concerns over the company's involvement. Several German NGOs appealed to the company in March 2020 to "comply with its corporate responsibility and not to provide economic support for Morocco's occupation of parts of Western Sahara in violation of international law". Continental furthermore responded to shareholder questions around the issue at its 2020 AGM.<sup>44</sup>

Continental's involvement in Western Sahara started in 1971, when the territory was still colonised by Spain. In that year, ContiTech delivered an ST 2500 Stahlcord coveyor belt to a plant manufacturer that was contracted by the mine operator. After Morocco had invaded and annexed parts of the territory, ContiTech entered into a framework agreement with OCP to ensure replacement demands for the conveyor belt when needed. The agreement covered all OCP's sites, including the phosphate mine in occupied Western Sahara.

*The German company Siemens is providing all the energy needed at Morocco's illegal phosphate mining operation in Western Sahara. Refugee Khadja Bedati confronted Siemens during its 2018, 2019 and 2020 Annual Meetings of shareholders, but the company did not respond to her questions.*

**SIEMENS**

German engineering company Siemens has delivered, installed and commissioned 22 wind turbines to the 50 MW Foug el Oued wind park in occupied Western Sahara in 2013. The park was commissioned by Morocco's national agency for electricity, ONEE. Siemens collaborated with the Moroccan wind energy company NAREVA – owned by the King of Morocco – for its work on the . Foug el Oued farm, which supplies nearby Phosboucraa's energy needs. OCP today boasts that Phosboucraa is entirely – 100% – wind powered.<sup>45</sup> In other words: all energy required for the exploitation and transport of the phosphate rock in Western Sahara, is generated by wind mills delivered by Siemens. The green energy production is thus making Morocco's plunder of the territory even more lucrative.<sup>46</sup> In 2018, Siemens confirmed to WSRW that it has extended the maintenance contract for the Foug el Oued park for a further 15 years.<sup>47</sup> WSRW has asked Siemens 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

# OCP's helpers at the mine



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.<sup>48</sup>

**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).<sup>49</sup> 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 Foug el Oued Technopole project near El Aaiún.<sup>50</sup> 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.<sup>51</sup> WSRW has last written to the company in March 2021, but has not received a response.<sup>52</sup>

**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 Tractafic Equipment Corporation in 2013. Tractafic 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.<sup>53</sup>

WSRW has sent letters to Caterpillar – the last in March 2021 – asking for clarifications about the company's equipment in the Bou Craa mine, but has never received any reply.<sup>54</sup>

**THYSSENKRUPP**

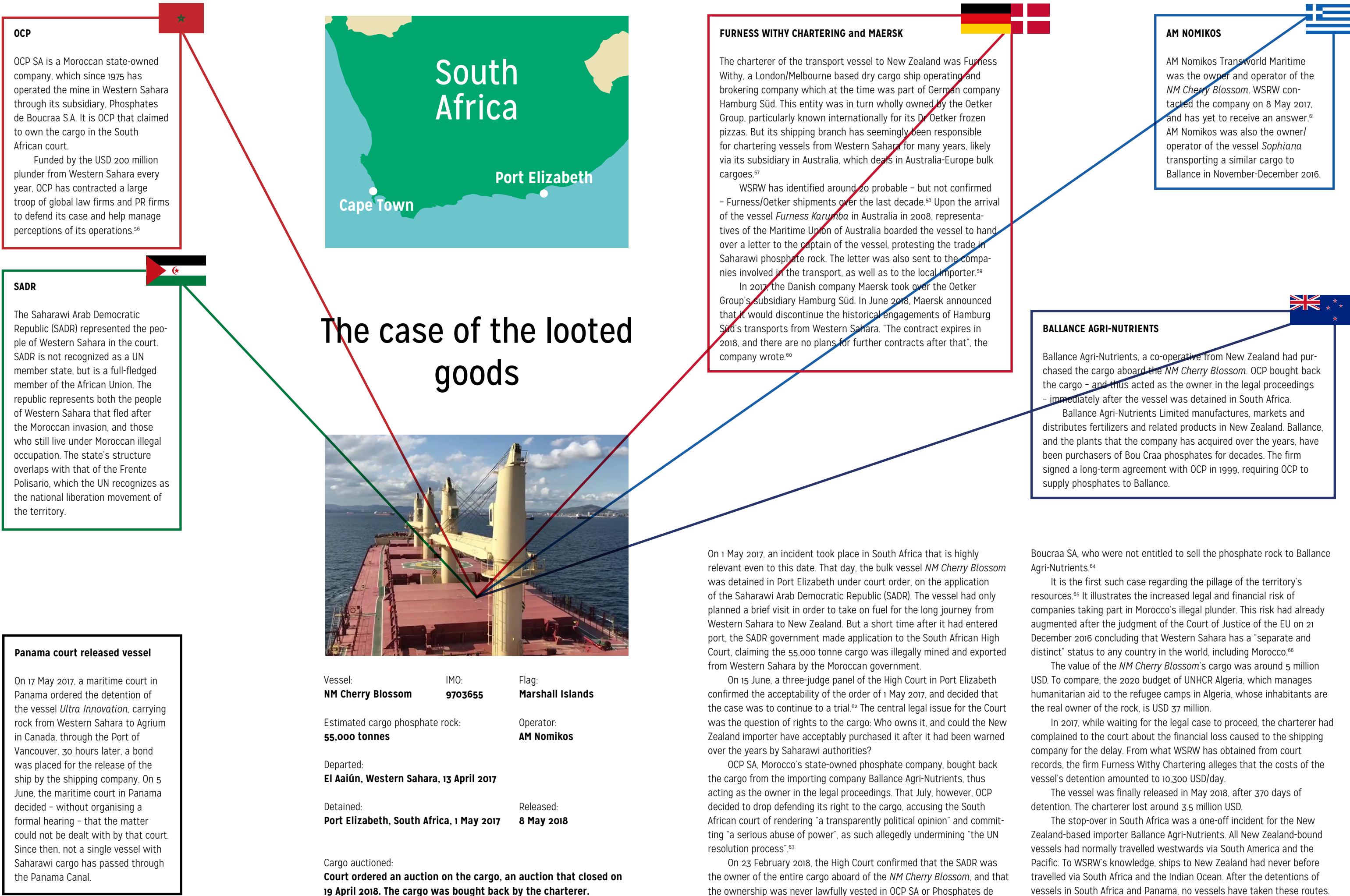
The German industrial conglomerate informed in a mail to WSRW on 22 February 2021 that

"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."<sup>55</sup> 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."

WSRW calls on the company to issue a statement that it will not undertake further activities in the territory while it remains under occupation.



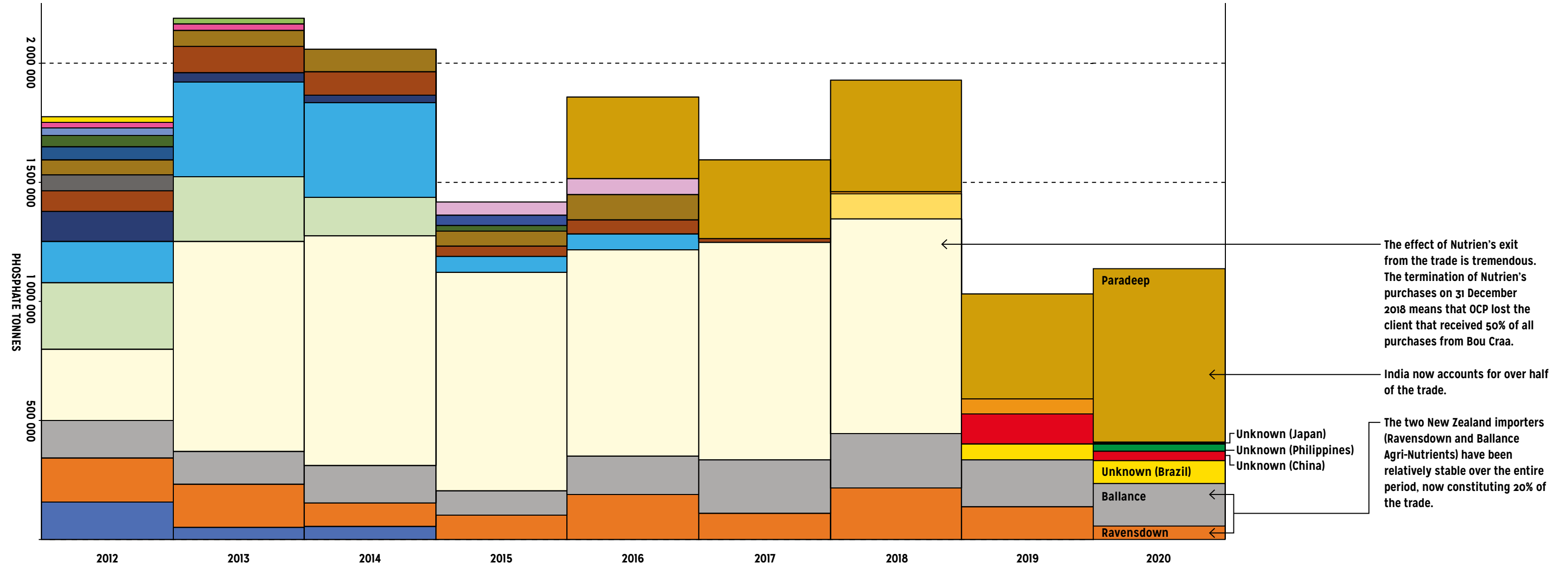


A massive change has taken place in the client base since 2011.

The number of importing companies dropped from 15 in 2011 to 7 or 8 by 2020.

Imports per company as percentage of total exports

	2012	2013	2014	2015	2016	2017	2018	2019	2020
Paradeep Phosphates Ltd.					18.5%	20.7%	24.3%	42.4%	64.0%
Ballance Agri-Nutrients Ltd.	8.9%	6.4%	7.6%	7.3%	8.7%	14.0%	11.8%	18.6%	15.8%
Unknown (Brazil)	1.4%							6.8%	8.5%
Ravensdown Ltd	10.4%	8.2%	4.9%	7.1%	10.1%	6.9%	11.2%	13.3%	4.9%
Unknown (China)								12.1%	3.5%
Unknown (Philippines)									2.6%
Unknown (Japan)								1.0%	0.6%
Coromandel Ltd							0.5%	5.7%	
Impact Fertilisers Pty. Ltd.	1.8%								
Incitec Pivot Ltd.	3.4%	3.2%	4.6%	4.5%	5.7%				
Innophos Mexicana	15.7%	12.3%	7.7%						
ISUSA	1.4%	1.2%							
Lifosa AB	9.8%	18.3%	19.4%	4.8%	3.7%				
Monomeros S.A.	4.7%	4.9%	4.8%	2.9%	3.1%	1.1%			
Nutrien (incl. Agrium/PotashCorp 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





**“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.<sup>67</sup>

**“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.<sup>68</sup>

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

Seven Seas Carriers, 2015<sup>69</sup>

**“An unfortunate mistake”**

Uglands Rederi regarding a transport done by a chartering company in 2015<sup>70</sup>

**“We do not want our vessels to be used in Western Sahara”**

Wagle Chartering, 2009, after revelation<sup>71</sup>



*The bulk vessel NM Cherry Blossom (IMO 9703655) was detained in South Africa for 370 days for carrying phosphate rock from occupied Western Sahara. This was the last vessel to take the route from Western Sahara around the south tip of Africa.*



*“We have excluded Western Sahara as a territory for trade”, stated the Norwegian shipping company Spar Shipping on 10 January 2019.<sup>72</sup> The company undertook transports in 2015 and 2017. The photo shows the company’s headquarters.*

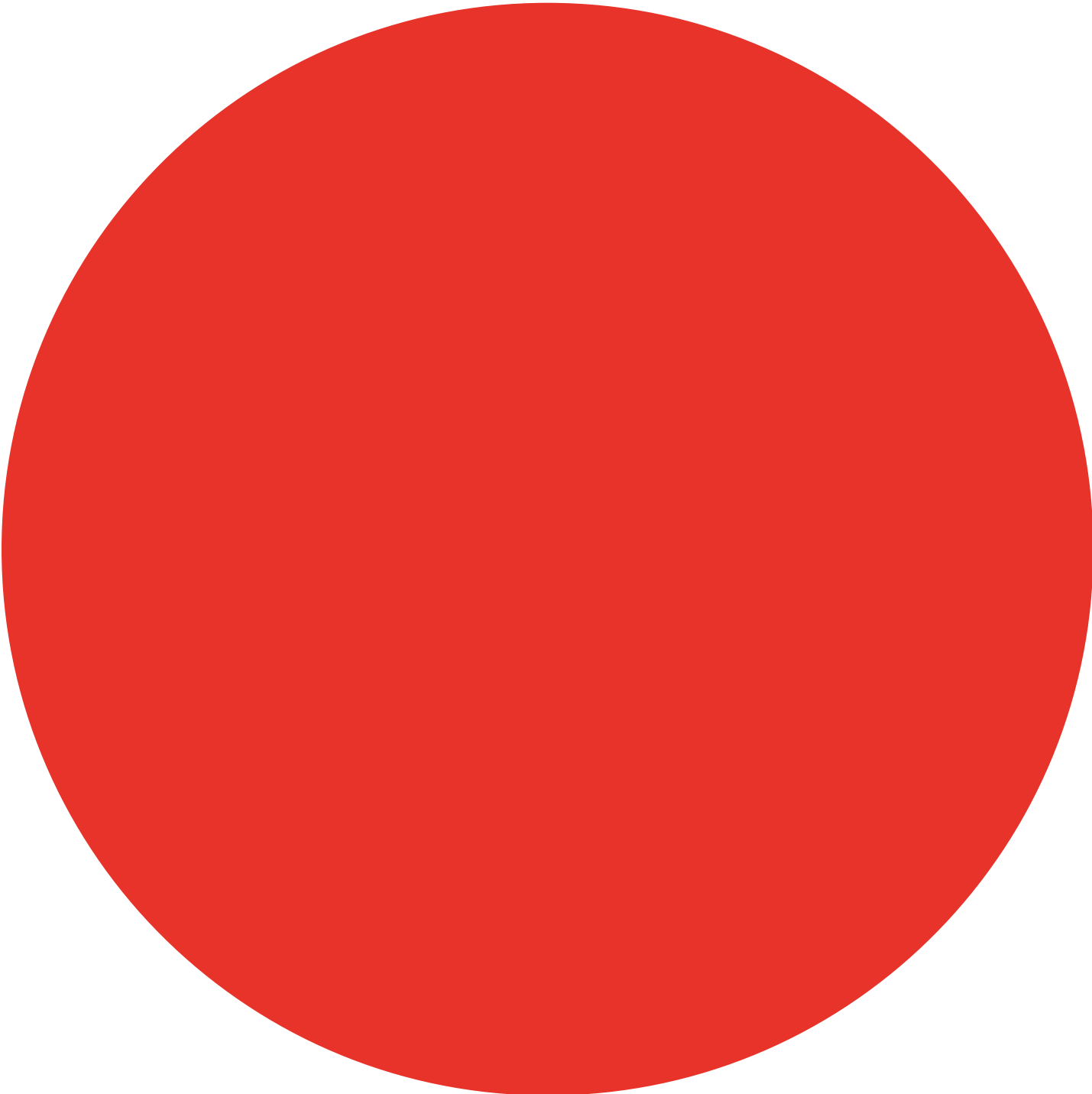


*On 23 June 2020, protestors in Christchurch, New Zealand, blocked roads to prevent trucks from transporting phosphate rock from occupied Western Sahara to the fertilizer factory of Ravensdown.*



# Companies involved in the trade

Seven or eight companies and co-operatives were involved in the imports of Western Sahara phosphates rock in 2020.



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.

A primarily 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 blacklisted 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.

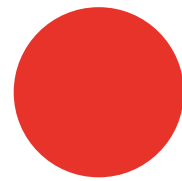
“Further to the emails I sent you on 19 October 2013, 15 November 2013, 15 July 2014, 10 September 2014, 16 October 2014, 10 February 2015, 4 March 2015, 5 January 2016, 14 January 2016, 2 February 2016, 10 February 2016, 15 March 2016, 30 August 2016, 27 September 2016, 13 October 2016, 16 November 2016, 12 January 2017, 13 February 2017, 13 March 2017, 23 April 2017 and 28 March 2018 and April 2019, I am writing once again to follow up on some very important questions.”



*Saharawi refugee Senia Bachir Abderahman on 1 February 2020, for the twenty-third time asked OCP for copies of reports commissioned by OCP which the importing companies have claimed document the legality of their operations. She has received no reply.*



## 2 PARADEEP PHOSPHATES LTD (India/Morocco)



Paradeep Phosphates Limited (PPL) produces, markets and distributes phosphate-based fertilizers and by-products for agricultural use.<sup>73</sup> The company was established in 1981 as a joint venture of the government of India and the Republic of Nauru. In 1993, the government of India took complete ownership of the company. Due to significant losses near the end of the nineties, the government of India decided to divest 74% in February 2002. That stake was 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%.<sup>74</sup> In other words, PPL is owned by the Government of Morocco, an Indian private conglomerate (Adventz Group) and the Government of India.

PPL is headquartered in Bhubaneswar, India and receives its phosphate rock at the port city of Paradip, approximately 120 kilometers to the east.<sup>75</sup>

According to WSRW's research, PPL received 14 shipments of phosphate rock from occupied Western Sahara throughout 2020, totaling 719,136 tonnes worth an estimated USD 109.38 million. This is a 63% increase from the year before.

Due to the termination of exports to North America, Paradeep was in 2019 and 2020, by far, the biggest importer of phosphate rock from



*Pacific Crown seen in the Strait of Gibraltar heading to El Aaiún Western Sahara, on 27 February 2021. The vessel is empty, and about to pick up a cargo to be transported to Paradeep, India.*

the territory. The company purchased 64% of the Bou Craa production during 2020.

2020 is the fifth 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.<sup>76</sup>

## 3 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.<sup>77</sup> The Ballance factories have been using Western Sahara rock since the 1980s. The firm signed a long-term supply agreement with OCP in 1999.<sup>78</sup> Ballance claims that its “executives and Board members visit the Western Sahara on a regular basis”.<sup>79</sup>

During the course of 2020, Ballance received three shipments of phosphate rock illegally excavated in occupied Western Sahara. The cargoes have an observed combined volume of 177,000 tonnes worth around USD 26.9 million. The 2020 imports are slightly lower than in 2017-2019. Ballance's 2016 imports of 161,000 tonnes were consistent with the firm's imports of 2012 through 2014, with a decrease to 104,000 tonnes in 2015.

WSRW has annually contacted Ballance from 2015 but 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”.<sup>80</sup>

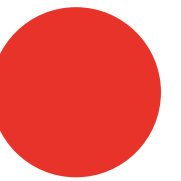
The company however has a short statement on its website in explanation of its imports from Western Sahara. Here, Ballance compares Western Sahara to the small island of Tokelau – an incorrect parallel, as Tokelau is indeed listed by the UN as a Non-Self-Governing Territory yet its people have so far voted twice in favour of being administered by New Zealand. Ballance furthermore states that it is operating in unspecified “UN expectations” and is as such comfortable that they are legally



*Kiran Adriatic is here observed off the Canary Islands in January 2019, just prior to entering Western Sahara waters. The vessel picked up 54,050 tonnes of phosphate rock that WSRW believes was shipped both to Ballance Agri-Nutrients and to Ravensdown.*

and ethically sourcing from Western Sahara.<sup>81</sup> WSRW wrote to Ballance in March 2021 asking for clarifications about these UN expectations, but did not receive a response.<sup>82</sup>

## 4 UNKNOWN IMPORTER(S) IN BRAZIL PROBABLY CHINA MOLYBDENUM



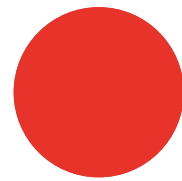
*On 20 June 2020, the bulk carrier Lalis D arrived in Santos, Brazil, with phosphate rock from the Bou Craa mine. A fleet of trucks transported the cargo to the closed industrial area of Cubatão, losing some of the rock alongside the road.*

Three shipments, with a combined cargo of an estimated 100,000 tonnes of phosphate rock from occupied Western Sahara, were transported to Brazil in 2020. WSRW has tracked the vessels all the way to the port of Santos, located in the State of São Paulo in the south of Brazil, and further from the port to an industrial site in Cubatão, located 12 kilometers inland from Santos port. The cargo was loaded over to a fleet of large trucks on the Santos port, ending up through the gates of the closed industrial site, where two companies are located: Cesari Fertilizantes (Cefertil), part of Grupo Cesari, and Copebras, a subsidiary of the Chinese group China Molybdenum (CMOC). Independent sources in Santos told WSRW that the cargo was destined for Cefertil and Copebras.

WSRW has contacted both companies to ask whether the conflict mineral was destined for their plants. Neither responded. A Brazil newspaper was slightly more successful when contacting the firms. 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. There was no response from Copebras Indústria Ltda, a phosphorus miner and phosphate fertilizer producer that is wholly owned by the Chinese mining corporation China Molybdenum Co., Ltd, listed in the Hong Kong and Shanghai stock exchange.<sup>83</sup>

The trade to Brazil is new, having commenced in 2019, after the large imports to North American had stopped. Brazil is the world's fourth largest consumer of phosphate-based agricultural fertilizers. OCP SA, Morocco' state-owned phosphate company that illegally operates the Western Sahara phosphate mine, has set up office in the country in 2010 and is keen on expanding its operations.<sup>84</sup> OCP has operations all over Brazil, including in the State of São Paulo.

## 5 RAVENSDOWN LTD (New Zealand)



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 imports to its plants in Christchurch, Napier and Dunedin, New Zealand.

WSRW tracked one shipment to Ravensdown during 2020, containing an estimated cargo of 55,000 tonnes with a net value of around USD 8.36 million. That is a decrease of around 60% as compared to the 137,825 tonnes of the previous year – already a significant decrease of the 215,500 tonnes in 2018. However, Ravensdown's import levels have fluctuated over the years, ranging between 100,000 tonnes and 215,500 tonnes from 2014 to 2018. The pre-2014 import levels averaged at around 188,000 tonnes. WSRW last contacted the company about the trade on 7 March 2021, but received no answer.<sup>85</sup>

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.<sup>86</sup> 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.

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

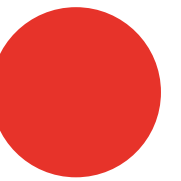
The company keeps referring to an unsourced “UN Framework” for “managing resources in territories like these”, supposedly dictating that “The operations should promote economic advancement and provide direct and indirect benefits to the inhabitants of the territory and to the territory itself; Working conditions should be non-discriminatory; The operations should be conducted rationally and sustainably to ensure long-term access to resources.”<sup>87</sup>

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.<sup>88</sup> 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 prior, free and informed consent. It is this key-element that Ravensdown keeps ignoring and concealing.



*Amoy Dream captured entering the port of Dunedin, New Zealand, on 14 August 2019. During the calendar year 2020, Ravensdown only took in one cargo from the occupied territory.*

## 6 UNKNOWN IMPORTER IN CHINA



One vessel went to China in 2020, to the harbour of Fangcheng. It is not known who the importer of this cargo, estimated to be 39,400 tonnes, is.

There are two likely importing companies near or in Fangcheng, related to the same industrial group. WSRW has written a letter to that group on 17 March 2021, and has not yet received an answer.

## 7 IMPORTER INTO THE PHILIPPINES PROBABLY PHILPHOS

WSRW has tracked a vessel with phosphate rock to Isabel, the Philippines, with cargo from Western Sahara. The cargo must in that case have made a stopover in India on its way.

On 26 September 2020, the vessel *Glovis Maria* arrived at Paradip port in India. From what WSRW understands, the vessel discharged 24,000 tonnes of phosphate rock, less than half of its cargo capacity. After unloading, the vessel continued to Isabel, where she arrived on 12 October 2020.

Official Philippines sources reveal that in the month of October 2020, a total of 29,700 tonnes of phosphates arrived in the country from “Morocco”. The amount corresponds exactly to the remaining cargo capacity onboard the *Glovis Maria* upon finishing her initial offloading in Paradip.

The only possible importer in the port of Isabel is the company Philphos. WSRW wrote to the company on 12 March 2021, and has not received a response.

## 8 IMPORTER IN JAPAN POSSIBLY ITOCHU CORP

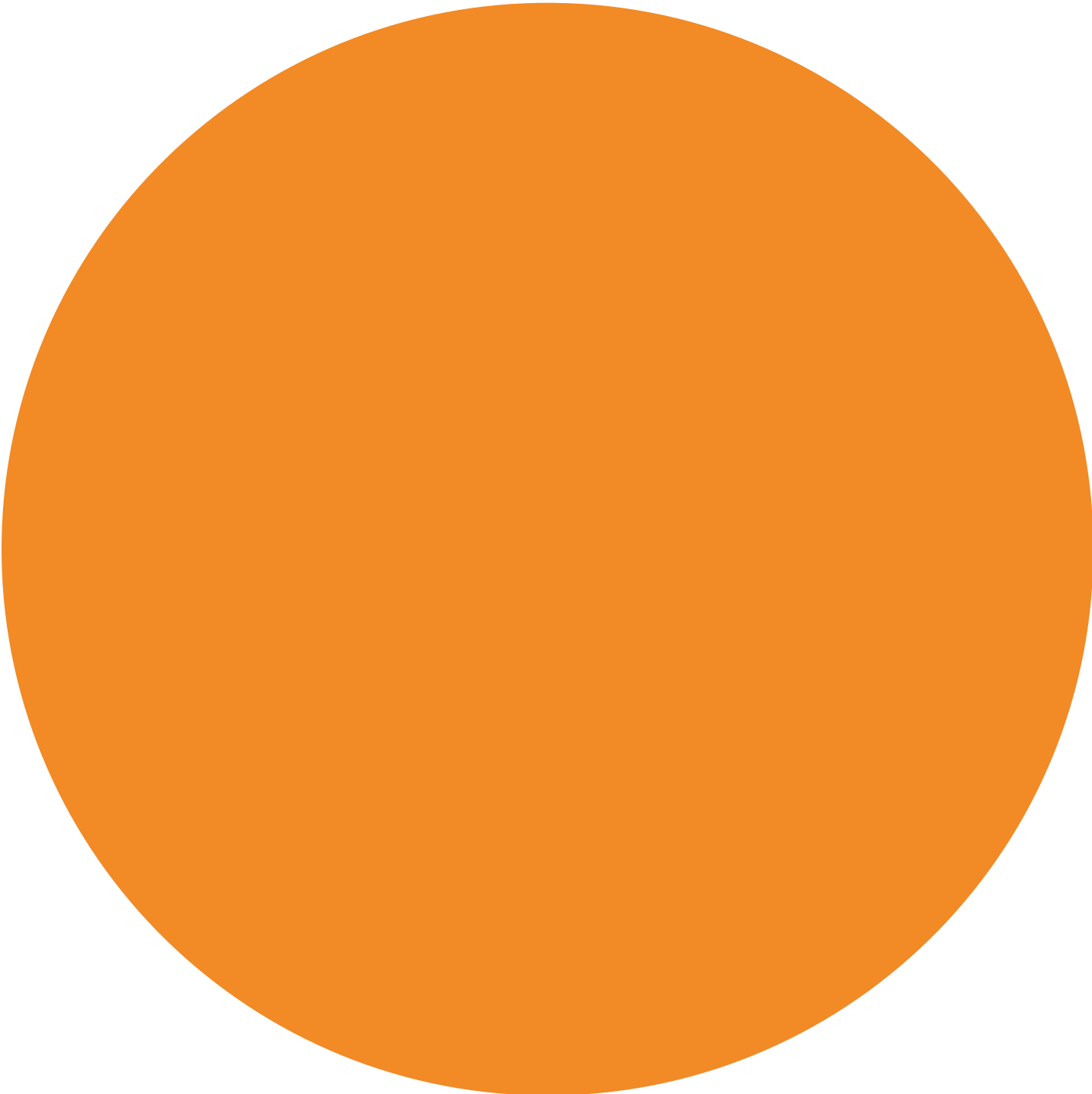
In 2020, for the second time in two years, a very small cargo vessel undertook the long journey from the phosphate harbour in El Aaiún to Moji, Japan. On 24 May 2020, the vessel Beata arrived with what WSRW suspects is 6,600 tonnes of phosphate rock.

WSRW has reason to consider Itochu Corp as responsible for the imports. WSRW and Friends of Western Sahara Japan have sent a letter to the company on 8 February 2021, but no response has been received.<sup>89</sup>

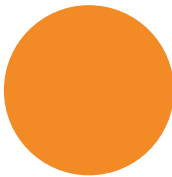


# Companies under observation

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.



# INCITEC PIVOT LTD (Australia)



Incitec Pivot Ltd, also referred to as 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 has 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 had been importing continuously.

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.<sup>90</sup>

The last shipments observed to Incitec Pivot were in 2016, when the firm procured three consignments of phosphate rock from Western Sahara, totalling 105,000 tonnes, worth an estimated USD 12.1 million. That was a substantial increase from its 2015 imports of 63,000 tonnes of Saharawi phosphate, as confirmed by the company.

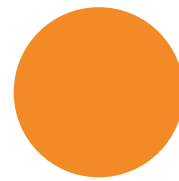
Incitec Pivot told the Australian Western Sahara Association in December 2017 that there had been no imports since December 2016, as it now sources its phosphate rock in Togo. WSRW has indeed not tracked any shipments to the company since then.

WSRW last wrote IPL on 3 December 2019, without reply.<sup>91</sup>



Ithaki spotted off Las Palmas harbour on 20 May 2015, where it bunkered shortly after departure from El Aaiún harbour. The vessel subsequently set sail for Australia.

# LIFOSA AB (Lithuania/Switzerland/Russia)



The vessel SBI Flamenco seen upon discharging Western Sahara phosphates at the port of Klaipeda, in October 2016. Lifosa took in this single shipment in 2016, after having promised it would halt all further imports.

Lifosa AB is a producer of phosphate mineral fertilizer based in Kedainiai, Lithuania. The company was previously listed on the NASDAQ QMX Vilnius Exchange. Lifosa AB became a subsidiary of the privately Russian-owned Swiss based EuroChem Group in 2002. The company received its Western Sahara phosphate rock at the harbor of Klaipeda, Lithuania.

The company took in its last shipment on 8 October 2016, in spite of a promise by EuroChem in February that same year that "... the Group does not intend to purchase phosphate rock from Western Sahara in 2016 or at any time over the foreseeable future."<sup>92</sup> The cargo was destined for Lifosa, as Lifosa's managing director admitted to Lithuanian media.<sup>93</sup> EuroChem confirmed to WSRW on 23 March 2017 that its subsidiary had indeed imported 68,250 tonnes on board the *SBI Flamenco*.<sup>94</sup>

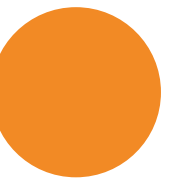
"EuroChem believes in vertical integration for economic and strategic reasons and this remains the case. We aspire toward the goal of raw material self-sufficiency and our investments in Kazakhstan and Kovdor-skiy were intended to help us become self-sufficient in the production of phosphate rock. The production of our own raw materials from these two investments has progressed at a slower pace than projected and so we continue to require third-party supplies of phosphate rock", the company wrote.

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

Ever since, Lifosa/EuroChem has actively sought ways to maintain its dialogue with WSRW and conduct further due diligence with regard to importing from Western Sahara while under occupation. The company stated in March 2014 that it was seeking to implement ways to diversify external purchases. In 2013-2014, the trade was around 400,000 tonnes annually.

WSRW has not observed any shipments to Lifosa since October 2016. WSRW last wrote to EuroChem on 3 December 2019 to seek confirmation that the company has now stopped all further imports from Western Sahara.<sup>95</sup> The company responded that it has 'no plans' to purchase from Western Sahara again.<sup>96</sup>

# 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.<sup>97</sup> WSRW has written a letter to Sinofert on 22 January 2019, questioning their new involvement in the controversial trade.<sup>98</sup> The company has not responded.

WSRW sent a letter to Nutrien on 22 January 2019, to inquire about the Sinofert matter. No reply has been received. Early 2018, Nutrien was formed through the merger of Agrium Inc and Potash Corporation of Saskatchewan Inc (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<sup>99</sup>. 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.<sup>100</sup>

# 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.<sup>101</sup>

For more about the imports to Puerto Cabello, Venezuela, please see *P for Plunder* 2016.<sup>102</sup>

# 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 on January 2019 and February 2020 to ask whether it had fulfilled the legal requirement of

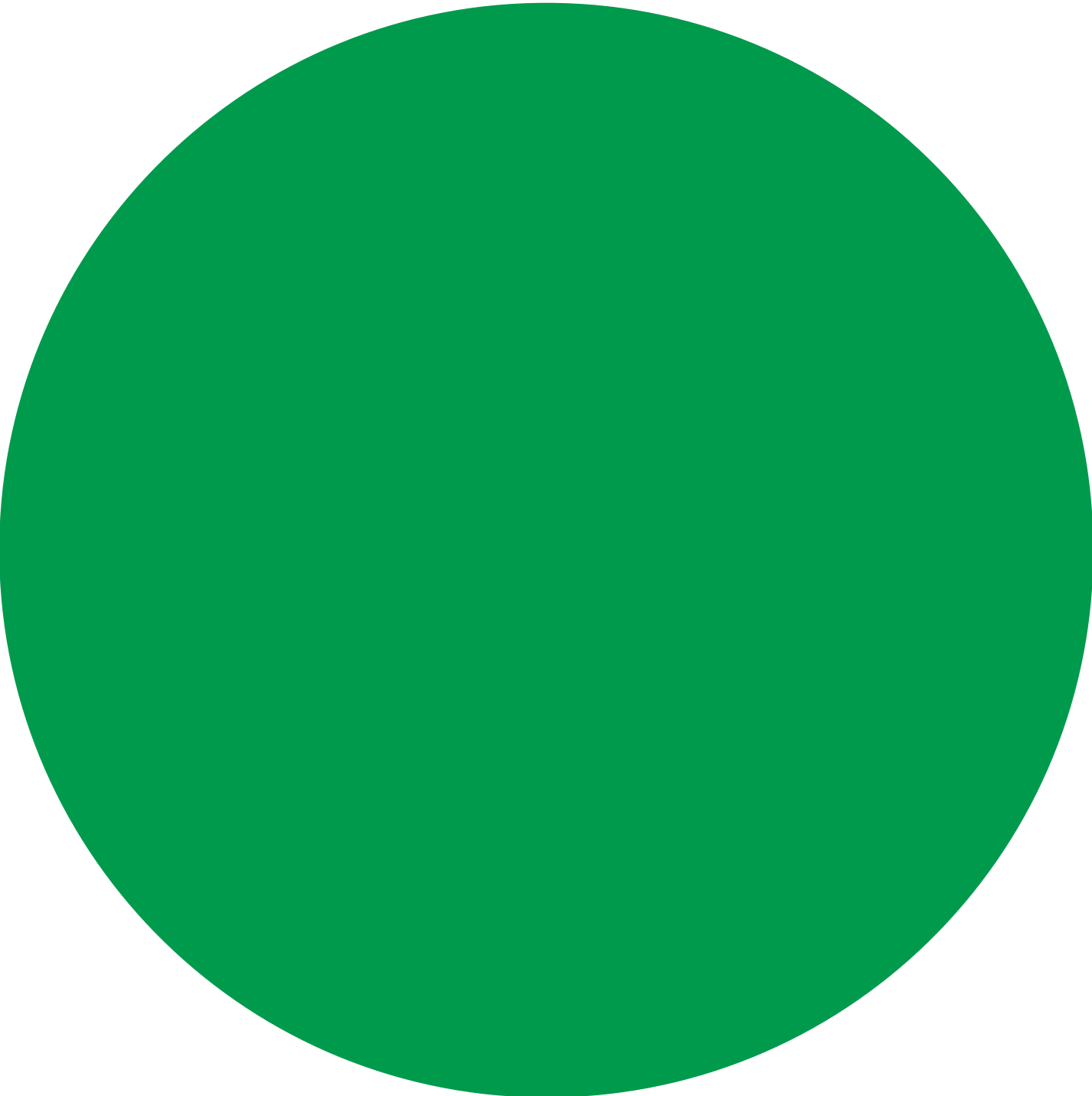
obtaining prior consent from the representatives of the territory for such trade, and whether this was a one-off import.<sup>103</sup> No reply was received. No transports have been observed to Coromandel since 2019.

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.<sup>104</sup> 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.*

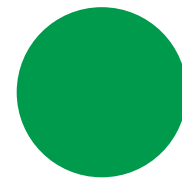


# Nidera Uruguay S.A. (Uruguay/The Netherlands)

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.<sup>105</sup> 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.<sup>106</sup>



# Innophos Holdings (USA)



Innophos Holdings has now both stopped importing Saharawi phosphates into Mexico, and has stopped the purchase of products from Nutrien in Baton Rouge, USA. Here is the vessel Coral Queen in 2013 en route to transport a shipment, at a time when Innophos imported directly into Mexico.

A Mexican subsidiary of the US registered company Innophos Holdings was for many years a key importer of Western Sahara phosphate rock. Yet since 2015, WSRW has not observed any shipment into Innophos's plant in Coatzacoalcas, Mexico. In 2016, Innophos confirmed that its plant in Geismar, Louisiana was dependent on phosphate rock from Western Sahara, sold to them via a pipeline from the neighbouring plant of PotashCorp.

"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 on 2 July 2018.<sup>107</sup>

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.<sup>108</sup>

WSRW has no indications that Innophos today uses phosphate rock originating from Western Sahara.

From 2010 to 2018, WSRW sent Innophos six letters about the company's purchases from the occupied territory, without receiving a reply.<sup>109</sup> Innophos has been the subject of multiple divestments. 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.<sup>110</sup>

# Yara International ASA (Norway)



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 to cease doing so. The main motive for the decision to stop purchasing 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.<sup>111</sup>

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.

# 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.

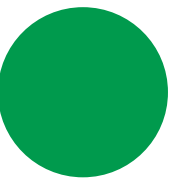
On 25 August 2010, Mosaic informed WSRW that it had received its last shipment of Western Sahara phosphate rock on 29 January 2009 and that it "has no plans" to import from the territory again.<sup>112</sup> Mosaic confirmed to the Swedish investor and shareholder Nordea that it had halted imports: "Mosaic 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.<sup>113</sup>

# BASF SE (Germany/Belgium)



BASF was one of the leading importers through the 1990s. It received its last known shipment to Belgium in 2008.<sup>115</sup> BASF's sustainability centre was confident such import did not violate international law, but confirmed to WSRW that it would not expect more imports: "A part of BASF's phosphate demand is covered by Moroccan phosphate delivered by Office Chérifien des Phosphates (OCP). OCP has been a reliable supplier of phosphate from mines in the Kingdom of Morocco for over 20 years. In spring 2008, OCP contacted us because of a supply shortage at the Moroccan mine from which BASF usually receives the phosphate. OCP offered a temporary replacement order with phosphate in an alternative quality from a different mine operated by OCP in the Western Sahara region, which we accepted. For the time being, this was an isolated replacement delivery from this territory which we do not expect to be repeated in the future."<sup>116</sup>

# 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.<sup>114</sup> 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 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.



# Lobbying law firms

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.

Four 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."<sup>117</sup>

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.<sup>118</sup>

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".<sup>119</sup>

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.<sup>120</sup> Ana Palacio, head of Palacio y Asociados, wrote back to express her disagreement with WSRW's analysis and also cited legal privilege.<sup>121</sup> 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.<sup>122</sup>

Dechert replied to WSRW's letter of 8 February 2016 that it could not disclose its legal opinion for OCP due to client confidentiality.<sup>123</sup>

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 on 11 February 2020.<sup>124</sup>

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

*The Bou Craa reserves are a gigantic, opencast mine, where the phosphate rock is scraped from the surface by excavation machines.*







# Morocco lobbies 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 P<sub>2</sub>O<sub>5</sub> will be barred throughout the EU. Further tightening of restrictions on cadmium will be considered in July 2026.<sup>125</sup> 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.<sup>126</sup>

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.<sup>127</sup> The European Parliament's Policy Department paints an even bleaker picture, citing levels of 38-200 mg Cd/kg.<sup>128</sup>

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".<sup>129</sup> The irony is that OCP itself refuses to seek the consent from 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.<sup>130</sup> 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.<sup>131</sup>

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.<sup>132</sup>

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

*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.*



# 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 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, DLA Piper, SenateSHJ, KPMG, Edelman and Palacio y Asociados:

- To publish all reports written for OCP 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.

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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 2020 to 31 December 2020

WSRW has contacted most of the operators representing the 22 vessels. Letters from WSRW, and answers are found on <https://www.wsrw.org/en/news/shipping-company-responses-to-p-for-plunder-2020>.

Nº	Vessel Name	IMO	Flag	Departure from Western Sahara	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	STH Athens	9747390	Marshall Islands	1/26/2020	Tauranga/Bluff, New Zealand (Ballance Agri-Nutrients)	3/10/2020	60508	59000	STH Athens LLC	C/O STH Commercial Management LLC, Suite 410, 201, Broad Str., Stamford CT 06901-2004, USA	Marshall Islands	Sea Trade Holdings Inc	Marshall Islands	USA	Oldendorff Carriers GmbH & Co	Willy-Brandt-Allee 6, 23554 Luebeck, Germany	Germany	Germany	fleet@oldendorff.com	oldendorff.com	Steamship Mutual
2	Rowan 2	9347889	Marshall Islands	1/27/2020	Paradip, India (Paradeep)	2/23/2020	53100	51460	Rowan 2 Shipping LLC	C/O Woodstreet Inc, 9th Fl., Dorset House, TaiKoo Place, 979, Kings Road, Quarry Bay, Eastern, Hong Kong, China	Marshall Islands	Woodstreet Inc	Marshall Islands	Hong Kong, China	Woodstreet Inc	9th Fl., Dorset House, TaiKoo Place, 979, Kings Road, Quarry Bay, Eastern, Hong Kong, China	Hong Kong, China	Marshall Islands	?	?	Britannia Steam Ship
3	Pacific Crown	9626924	Panama	3/3/2020	Paradip, India (Paradeep)	3/30/2020	56469	54140	Kmarin No 3A SA	C/O Kukje Maritime Investment Corp (Kmarin), 9th Fl., Kukdong Building, 112-44, Sogong-dong, Jung-gu, Seoul 04526, South Korea	Panama	Kmarin	South Korea	South Korea	HMM Co Ltd	194, Yulgok-ro, Jongno-gu, Seoul, 03127, South Korea	South Korea	South Korea	gys@hmm21.com	hmm21.com	Britannia Steam Ship
4	Golden Bonnie	9400875	Marshall Islands	3/31/2020	Santos, Brazil (Cobebbras?)	4/13/2020	32279	30800	Good Earl MI Ltd	Care of Taylor Maritime (HK) Ltd, 26th Fl., Vertical Square, 28, Heung Yip Road, Wong Chuk Hang, Hong Kong, China	Marshall Islands	Taylor Maritime HK Ltd	Hong Kong, China	Hong Kong, China	Fortuna Seaside Bulk Carriers	Philip Heymans Alle 3, 2900 Hellerup, Denmark	Denmark	Denmark	chartering@fortuna-seaside.com	fortuna-seaside.com	UK P&I Club
5	Van Star	9573842	Panama	4/13/2020	Tauranga/Bluff, New Zealand (Ballance Agri-Nutrients)	5/20/2020	61508	59600	Beamer Invest-ment Corp	C/O Northstar Ship Management Ltd, 20th Fl., Chinaweal Ctr. 414-424, Jaffe Road, Wan Chai, Hong Kong, China	Panama	Win Blue Shipping Corp	Panama	Hong Kong, China	Northstar Ship Manage-ment Ltd	20th Fl., Chinaweal Centre 414-424, Jaffe Road, Wan Chai, Hong Kong, China	Hong Kong, China	Hong Kong, China	common@nsshipmgt.com	nsshipmgt.com	Japan Ship Owners Mutual P&I
6	Beata	9037276	Panama	4/14/2020	Moji, Japan (Itochu?)	5/24/2020	9187	6600	Beata Shipping Ltd-MAI	C/O Intercoastal Shipping Ltd, Apartment 8, Mayflower Court, Msida, Malta	Marshall Islands	Unknown	Unknown	Unknown	Intercoastal Shipping Ltd-MTA	Apartment 8, Mayflower Court, Msida, Malta	Unknown	Malta	?	?	The Shipown-ers’ Mutual Protection and Indemnity Ass.
7	Trans Spring	9615482	Hong Kong	4/29/2020	Lyttelton/ Dunedin/ Napier, New Zealand (Ravensdown)	6/10/2020	56854	55000	Spring Maritime Ltd	C/O Amoysailing Maritime Co Ltd, 26H, 99, Lujiang Dao, Siming Qu, Xiamen, Fujian, 361001, China	Hong Kong, China	Amoysailing Maritime Co Ltd	China	China	Amoysailing Maritime Co Ltd	26H, 99, Lujiang Dao, Siming Qu, Xiamen, Fujian, 361001, China	China	China	management@amoysailing.com	amoysailing.com	West of England Ship Owners’ Mutual Insurance Ass.
8	Glovis Maine	9611022	Singapore	5/4/2020	Paradip, India (Paradeep)	5/30/2020	56686	54500	PST Manage-ment Pte Ltd	03-00, PIL Building, 140, Cecil Str., Singapore 069540	Singapore	Pacific International Lines	Singapore	Singapore	Pacific International Lines	03-00, PIL Building, 140, Cecil Str., 069540, Singapore	Singapore	Singapore	general@sgp.pilship.com	pilship.com	The Standard Club
9	Yasa Venus	9848118	Marshall Islands	5/27/2020	Paradip, India (Paradeep)	6/21/2020	61076	59031	Nauru Shiptrade Inc	C/O Ya Sa Shipping Industry & Trading SA (Ya Sa Denizcilik Sanayi ve Ticaret AS), Ucpinarlar Caddesi 40, Kucuk Camlica Mah, Uskudar, 34674 Istanbul, Turkey	Marshall Islands	Ya Sa Shipping Industry	Turkey	Turkey	Ya Sa Shipping Industry	Ucpinarlar Caddesi 40, Kucuk Camlica Mah, Uskudar, 34674 Istanbul, Turkey	Turkey	Turkey	yasa.ship@yasashipping.com	yasasholding.com	The Standard Club
10	Lalis D	9613666	Liberia	6/6/2020	Santos, Brazil (Cobebbras?)	6/20/2020	55648	33000	Dido Navigation Ltd	Monrovia, Liberia	Liberia	Marmaras Navigation Ltd	Liberia	Greece	Dido Naviga-tion Ltd	Monrovia, Liberia	Greece	Liberia	?	?	North of England P&I Association
11	BBG Confidence	9735830	Hong Kong	6/10/2020	Paradip, India (Paradeep)	7/11/2020	63409	61240	CLC Ship Chartering-X Co Ltd	C/O Jiangsu Sainty Assets Management Co Ltd, Room 303, Block A, Ruanjian Dadao, Yuhuatai Qu, Nanjing, Jiangsu, China	Hong Kong, China	China Development Bank CDB	China	China	Beibu Gulf Shipping Ltd	Suite 1608, 16th Fl., China Merchants Tower, 168-200, Connaught Road Central, Hong Kong, China	Hong Kong, China	Hong Kong, China	?	?	The Swedish Club
12	Advance	9442225	Liberia	7/8/2020	Paradip, India (Paradeep)	8/1/2020	55638	53354	Hasbro Invest-ments Inc	C/O Target Marine SA, 24, Kanningos Str., 185 34 Piraeus, Greece	Marshall Islands	Target Marine SA	Panama	Greece	Target Marine SA	24, Kanningos Str., 185 34 Piraeus, Greece	Greece	Panama	contact@targetmarine.gr	targetmarine.gr	UK P&I Club

№	Vessel Name	IMO	Flag	Departure from Western Sahara	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
13	Asian Champion	9474656	Singapore	8/23/2020	Paradip, India (Paradeep)	9/16/2020	56562	54400	U-Ming Marine Transport-SNG	08-01, Cemtex Industrial Building, 5, Little Road, Singapore	Singapore	U-Ming Marine Transport Corp	Taiwan	Taiwan	U-Ming Marine Transport Corp	29th Fl., Taipei Metro Tower, 207, Dunhua S Road, Section 2, Da-an District, Taipei, 10602, Taiwan	Taiwan	Taiwan	uming@metro.feg.com.tw	uming.com.tw	Steamship Mutual
14	Glovis Maria	9543615	Bahamas	9/3/2020	Paradip, India (Paradeep)	9/26/2020	55705	24000	Maria Maritime Ltd	C/O Hyundai Glovis Co Ltd, 512, Yeongdong-daero, Gangnam-gu, Seoul, 06172, South Korea	United Kingdom	Hyundai Glovis Co Ltd	South Korea	South Korea	Hyundai Glovis Co Ltd	512, Yeongdong-daero, Gangnam-gu, Seoul, 06172, South Korea	South Korea	South Korea	webmaster@glovis.net	glovis.net	North of England P&I Association
					*Isabel, Philippines (Philphos?)	10/12/2020		29700													
15	IVS Windsor	9774458	Panama	9/25/2020	Tauranga/Bluff, New Zealand (Ballance Agri-Nutrients)	11/1/2020	60279	58400	M&M Shipholding SA	C/O Island View Shipping, 03-01, 200, Cantonment Road, Singapore	Panama	Meiji Shipping Group	Japan	Japan	Island View Shipping	03-01, 200, Cantonment Road, Singapore	South Africa	Singapore	info@grinshipping.com	grinshipping.com	UK P&I Club
16	Evriali	9405435	Liberia	10/1/2020	Paradip, India (Paradeep)	11/6/2020	53554	51700	Springfield Marine SA	C/O Zephyros Maritime Co, 39, Pavlou Bakogianni Str., Glyfada, 16675 Athens, Greece	Liberia	Unknown	Unknown	Unknown	Zephyros Maritime Co	39, Pavlou Bakogianni Str., Glyfada, 166 75 Athens, Greece	Unknown	Marshall Islands	info@zephyrosmar.com		North of England P&I Association
17	Royal Knight	9552355	Panama	10/23/2020	Paradip, India (Paradeep)	11/16/2020	58721	56800	Tateyama Naviera SA	C/O MMSL Japan Ltd, 7-1, Nihonbashi 2-chome, Chuo-ku, Tokyo, 103-6060, Japan	Panama	Chiba Shipping Co Ltd	Japan	Japan	Oldendorff Carriers GmbH & Co	Willy-Brandt-Allee 6, 23554 Luebeck, Germany	Germany	Germany	fleet@oldendorff.com	oldendorff.com	Britannia Steam Ship
18	Star Mistral	9684225	Liberia	11/9/2020	Paradip, India (Paradeep)	12/7/2020	63306	22000	Misty Sea Navigation Corp	80, Broad Str., Monrovia, Liberia	Liberia	Primerose Shipping Co Ltd	Marshall Islands	Greece	Unknown	route de Florissant, 13, 1206 Geneva, Switzerland	Unknown	Unknown			The London P&I Club
					*Fangcheng, China (Unknown)	12/25/2020		39400													
19	Abu Al Abyad	9494022	Liberia	12/7/2020	Paradip, India (Paradeep)	1/3/2021	57369	55511	Abu Al Abyad Shipping Inc	C/O Abu Dhabi Marine Operations & Services Company LLC (ADNOC Logistics & Services), 14th Fl., ZADCO Tower, PO Box 61, Abu Dhabi, UAE	Liberia	Abu Dhabi National Oil Co	United Arab Emirates	United Arab Emirates	ADNOC Logistics & Services	14th Fl., ZADCO Tower, Sheikh Khalifa Energy Complex, Corniche Rd, PO Box 61, Abu Dhabi, UAE	United Arab Emirates	United Arab Emirates	info@adnoc.ae	adnoc.ae	West of England Ship Owners' Mutual Insurance Ass.
20	Regius	9737113	Marshall Islands	12/14/2020	Santos, Brazil (Cobebbras?)	12/27/2020	33395	32400	KTM Corp SA	C/O Fortius Ship Management Ltd, Building B, Monumental Plaza, 44, Kifisias Ave., Marousi, 151 25 Athens, Greece	Marshall Islands	Unknown	Unknown	Unknown	Fortius Ship Management Ltd	Building B, Monumental Plaza, 44, Kifisias Ave., Marousi, 151 25 Athens, Greece	Unknown	Unknown			SKULD
21	Kenan	9644172	Malta	12/27/2020	Paradip, India (Paradeep)	1/22/2021	63250	60500	Hanyu 4 Ltd	C/O Ciner Gemi Acente Isletmeleri Sanayi ve Ticaret AS (Ciner Ship Management), Mithat Ulu Unlu Sokak 3, Sisli, 34394 Istanbul, Turkey	Marshall Islands	Unknown	Unknown	Unknown	Unknown		Unknown	Unknown			The Standard Club
22	Sinop	9644184	Malta	12/30/2020	Paradip, India (Paradeep)	1/24/2021	63200	60500	Hanyu 5 Ltd	C/O Ciner Gemi Acente Isletmeleri Sanayi ve Ticaret AS (Ciner Ship Management), Mithat Ulu Unlu Sokak 3, Sisli, 34394 Istanbul, Turkey	Marshall Islands	Unknown	Unknown	Unknown	Unknown		Unknown	Unknown			The Standard Club

\* The vessels *Glovis Maria* and *Star Mistral* most likely departed Paradip without having offloaded their entire cargos. WSRW believes that *Glovis Maria* carried 29,700 tonnes to Isabel, Philippines, and that *Star Mistral* carried approximately 39,400 tonnes to Fangcheng, China.



“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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