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Brussels, 20.09.2022

REGARDING SHIPMENT OF PHOSPHATES FROM OCCUPIED WESTERN SAHARA

Western Sahara Resource Watch (WSRW) is privileged to write to you. We are writing with regard to the vessel *Clipper Isadora* (IMO: 9883091) which is currently heading towards the port of Geelong, Australia, with estimated time of arrival on 15 October 2022. The cargo is originating from the Bou Craa mine in occupied Western Sahara, and exported by the Moroccan state-owned phosphate company OCP. Morocco has no legal right to export such phosphates from the territory that it holds under illegal occupation.

We will publish an article relating to the shipment for our website www.wsrw.org on 23 September 2022. We will be grateful for your answers to our questions below in relation to the publication, included below, preferably prior to 23 September 2022 at 16:00, Melbourne time.

The last shipment we observed to Incitec Pivot's factory in Geelong took place in December 2016. That year, IPL procured three consignments of phosphate rock from Western Sahara, totaling an estimated 105,000 tonnes.

Since then, the legal right of the Saharawi people to their own resources has been confirmed numerous times in the Court of Justice of the European Union. In addition, the High Court of South Africa in 2018 ruled on the illegality of exports of phosphate rock from Western Sahara to New Zealand, in the case of *NM Cherry Blossom*.

We refer to our previous correspondence to IPL on 3 December 2019. In the letter, we asked whether your company would release a statement that it will not resume phosphate imports from Western Sahara pending resolution of the conflict in accordance with international law.¹ We have not received a reply to that request. We are sure you are aware of the view by larger banks and fund managers globally in relation to this trade of conflict minerals.

We invite Incitec Pivot to respond to the following questions:

¹ Letter from WSRW to IPL, 03.12.2019, <https://wsrw.org/en/archive/4589>

1. Is the cargo on board *Clipper Isadora* to be imported by Incitec Pivot?
2. If yes, what has been done, if anything, to obtain the consent of the representative of the people of Western Sahara prior to the purchase of this cargo?
3. Are more purchases expected?
4. Is this particular shipment part of a larger supply agreement of Bou Craa phosphate rock with OCP? If that is the case, what volume and which time horizon does this agreement entail?

Looking forward to hearing from you.

Sincerely,

Kind regards

Erik Hagen

Western Sahara Resource Watch

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A CC of this mail is sent to:

- Nissen Kaiun Co. Ltd
- Yara International
- Maritime Union of Australia
- GeelongPort Pty Limited
- Australia Western Sahara Association