

10. *What UN criteria supposedly apply to importing phosphate rock from an occupied territory without an administering power, through a contract with a third country, against the will of the people of the territory?*
11. *What is your assessment of the legal status of Western Sahara under international law?*
12. *What is your assessment of the legal status of Morocco's presence in parts of Western Sahara under international law?*
 - a. *Does Morocco have sovereignty over Western Sahara?*
 - b. *Is Morocco the administering power of Western Sahara as defined by the UN Charter? If yes, please explain how Tuhana has come to this conclusion.*
 - c. *Is Morocco occupying parts of parts of Western Sahara under international humanitarian law? If so, can Morocco act directly through its state-owned enterprises in Western Sahara or does it have to establish a separate and distinct military authority as the Israeli government did in relation to the West Bank in 1967?*
13. *Has Tuhana seen the contracts that the New Zealand farmer cooperatives have with Phosboucraa/OCP, relevant to their imports? In which legal capacity does Phosboucraa/OCP sign those contracts? Is Moroccan domestic law the applicable law to those permissions or contracts?*
14. *FANZ states that the assessor is of the view that "OCP has demonstrated it is taking clear responsibility in identifying and managing human rights risks within the company".² Does Tuhana also take into consideration the wider human rights implications, beyond what goes on within the company – i.e. the risks related to a Moroccan state-company exploiting finite resources in a territory over which Morocco has no sovereignty or administering mandate, against the will of the people with the sovereign rights to the territory and its resources? If so, what is its view thereof?*

On your website, it says that Tuhana is a noun, signifying "a pole held breast high for linking people when crossing a river where the strongest people are positioned at each end of the pole, to prevent the smaller or weaker members of the party from being washed off their feet." If that is to have any meaning, then we expect Tuhana to call on the New Zealand farmer cooperatives to end their imports of non-renewable resources taken against the will of the people of Western Sahara, who suffer gruesome human rights abuses for trying to defend their rights.

Please do not hesitate to contact us should you require any further information. We thank you in advance for your consideration and look forward to your response.

Sincerely

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² FANZ, Western Sahara, <https://www.sourcingphosphate.nz/Site/responsible-sourcing/western-sahara/>