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LPD Deliveries from Teesside to occupied Western Sahara

Dear Mr Ballantyne,

Thank you for your letter dated 24 November 2020 in response to our letter to your company on 20 November 2020. We appreciate that you have taken the time to respond to each of the questions.

In your response, your company places the full responsibility for the mentioned incidents with the shippers. Furthermore, your company states that it did not know that the mentioned transports were destined for Western Sahara, and that the shippers had not reported going to the territory.

It is clear that the main responsibility in terms of carrying out human rights due diligence in such a case lies with the exporter, the shipper and the importer. However, in our view, a company like yours, providing the fundamental infrastructure for the exports to take place, also has an obligation to assure, independently, that its operations do not contribute to the violation of human rights. The UN Guiding Principles for Business and Human Rights, which ConocoPhillips claim to adhere to, state clearly that the responsibility to protect human rights requires that businesses must seek to “prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.”

Based on your responses to us, we have five follow-up questions:

1. In response to our question 2, you clarified that the two mentioned shipments reported their destination as “Morocco”. As is clear from the route they took, the declaration was incorrect. The information about the two vessels’ actual destination was clear from the very moment that the two vessels left the port. Both vessels transported their cargo to Western Sahara, which is not recognised as part of Morocco. Given this trend of false reporting, which you have now been made aware of, will ConocoPhillips in the future, when shipments to “Morocco” take place, request further information from the shipper to ascertain whether this information is factually correct?
2. Was the gas shipped on the two mentioned cases from a UK field or Norwegian field?

3. In our question 3, we asked whether ConocoPhillips carries out due diligence in relation to shipments that it facilitates for third parties. Your response was that it does not. Why is that so, in view of ConocoPhillips' adherence to UNGP?

4. Thank you for clarifying that an affiliate of Teesside OpCo is, itself, a shipper from the Terminal, and for the information that this affiliate carries out human rights due diligence. With respect to this affiliate, please could you answer the following questions:

a) Has the affiliate exported gas to occupied Western Sahara in the past?

b) Can you guarantee that this affiliate will not deliver gas to occupied Western Sahara in the future?

5. Given the legal implications of gas exports to occupied Western Sahara, and now also the added ethical implications (and potential dangers) associated with Western Sahara's maritime area becoming a warzone from November 2020, are you able to pre-emptively exclude cargoes that may be destined for occupied Western Sahara from benefitting from your services?

In anticipation, thank you for answering my concerns.

Yours sincerely,

Joanna Allan