

Re: AW: Regarding GLOBALG.A.P and certification of products related to occupied Western Sahara



From Erik Hagen <erik@wsrw.org>
To Leonie Fischer <fischer@globalgap.org>, Elmé Coetzer-Boersma <coetzer@globalgap.org>
Cc <coordinator@wsrw.org>
Bcc <hagenerik@gmail.com>
Reply-To <erik@wsrw.org>
Date 2025-01-01 12:49

Dear Leonie and Elmé

Thanks for your email of 27 December as response to our letter of 30 November 2024.

We understand that this topic requires time for a thorough assessment. We appreciate your willingness to engage in dialogue with us and your assurances that you approach the matter with the seriousness it deserves.

In your email, you mentioned that you "value the opportunity to respond to your letter." However, we are a bit unclear about what this means. Does it imply that a more detailed response to our letter is forthcoming, or was this brief email intended as your complete reply to our questions?

Our letter to you contained questions of different nature:

- Regarding how GlobalG.A.P understands its own standards
- Regarding how it understands international law and Western Sahara.
- Regarding an alleged certification of Azura Group
- Regarding the relation between GlobalG.A.P and KMP
- Regarding Mauritanian feed.
- What GlobalG.A.P is going to do about the matter.

None of our questions were really responded to in your mail.

Based on your response, WSRW has an additional set of questions:

1. In your letter to us, as an explanation to why it cannot comment on a particular Azura Group certification, your answer explains that “This database is continuously updated regarding evolving certification status for any producers and producer groups with certified responsible production processes according to the GLOBALG.A.P. standards”. Does that mean that GlobalG.A.P has, after receiving our letter of 30 November, carried out a review of our concerns regarding its certification of companies in Western Sahara and concluded that the database’s references to companies in the territory of Western Sahara, and its related certificates, are correct and in accordance with the standards?
2. You write that “During the annual (unannounced) audits, the independent certification may indicate non-compliance with applicable law, which in turn may affect the certification decision made by this body.” We fail to understand how this information could be relevant in view of the concerns that we have raised in our letter. In fact, it makes us uncertain whether GlobalG.A.P has understood our concerns: namely that the certification bodies and GlobalG.A.P have seemingly mistaken which country’s laws to apply in the territory of Western Sahara. As this fundamental element remains unclear from your answer email, we ask GlobalG.A.P to kindly respond to the question 7a in the previous letter to you, regarding which country’s laws GlobalG.A.P believes to be “applicable” in Western Sahara.
 - a. Your statement could in fact be interpreted as an answer to question 7a in the previous letter: Is GlobalG.A.P of the opinion that the “applicable law” in Western Sahara is that of the neighbouring country of Morocco?
 - b. If yes to the above, then we kindly ask you to answer our question 7c in the previous letter, namely, how GlobalG.A.P believes this could possibly match the position of the ICJ and the UN.
3. Has GlobalG.A.P developed a GRASP National Interpretation Guideline for Morocco?
 - a. If yes, does that apply to the territory of Morocco as recognised by the United Nations and international courts, and as shown on maps of GlobalG.A.P (e.g. in its Integrity Reports https://globalgapfiles.blob.core.windows.net/documents/240617_GLOBALGAP_Integrity-Report-2023_en.pdf) or does it also apply outside of Morocco's internationally recognised borders?
 - b. If it applies to Western Sahara, which is a separate and distinct territory from Morocco, why?
4. Has GlobalG.A.P developed a GRASP National Interpretation Guideline for Western Sahara?
5. The GRASP General Rules v1.3-1-I establish that “In cases where a country does not have a GRASP Interpretation Guideline, the applicants (e.g. supplier, retailer, Certification Body) that are asking for the GRASP assessments need to hand in a project plan for the development of such interpretation guideline to the Secretariat”. Has such a plan been submitted by the CBs or the applicants when it comes to projects in the non-self-governing territory Western Sahara?
6. GRASP General Rules v1.3-1-i, Annex V, Paragraph 3. General, notes the following: “The Grasp Country Risk Classification (GRASP CRC) will serve as the main reference document for current and upcoming changes in the GRASP concept. [...] a) The GRASP Country Risk Classification will be based on the latest Worldwide Governance Indicators (WGIs) developed by the World Bank [...] b) Due to the limited scope of some topics in the WGIs, the GLOBALG.A.P Secretariat will be advised by the GRASP Technical Committee to use other sources of information to complement the GRASP CRC. c) The use of the GRASP CRC is mandatory for the CBs and assessors assessing GRASP worldwide. Taking into account that the World Bank dataset which the WGIs are based on does not include the non-self-governing territory of Western Sahara, how are the CBs’ mandatory exercises of a GRASP CRC carried out?
7. Taking into account that KMP is not to be found in the directory of GlobalG.A.P community members, but announces itself on its website that it is, and that GlobalG.A.P has not answered our questions regarding KMP’s namedropping of GlobalG.A.P on its website, does that mean that the GlobalG.A.P online directory of community members is incomplete? Could you forward to WSRW a list of community members that includes also those companies that are not filed in the public registry on your website?
8. We have noted a series of establishments in the GlobalG.A.P certification database that are located in Western Sahara but that are erroneously filed in your registry under Morocco. These are: 1) Producer: MIJK DOMAINE AGRICOLE. Address: “16 AV MOHAMED V DAKHLA, 73000, Dakhla, Morocco.” Certification Body: ACERTA Certificación, S.L. GGN: 4052852690614. 2) Producer: SIGMA DAK. Address: “Dakhla Morocco” Certification Body: SYGMA Certification, S.L. GGN: 4063061730275 3) Producer: sté. PRODUCTION AGRICOLE TAWARTA. Address: “16 Bd Mohamed V - Dakhla, 73000, DAKHLA, Morocco”. Certification Body: ACERTA Certificación, S.L. GGN: 4063061817693 4) Producer: "FMI NABIH AGRICOLE. Address: Hay Salam Numero 1078 DAKHLA, 1078, Dakhla Morocco". Certification Body: LSQA S.A. GGN: 4063651130485 5) Producer: BD TRADING: Address: “HAY EL MASSIRA 1 BOULEVARD LASSARGA IMMEUBLE BOUBAKR N° 01, 73014, DAKHLA, Morocco" Certification Body: SYGMA Certification, S.L. GGN: 4063651610079 6) Producer: TAZYAZT AGRICOLE Address: “Av. Abdelkhalak Torresse, Imm. Maryeme, N° 06, 73000, DAKHLA, Morocco". Certification Body: SYGMA Certification, S.L. GGN: 4063651920277.
 - a. Why is the GlobalG.A.P certification database erroneously placing establishments located in Western Sahara in the country category of “Morocco”?
 - b. Why are none of the establishments in Western Sahara placed in the correct category of Western Sahara?
9. In a website article on the homepage of Azura Group, titled “Quality, the central pillar of our actions” (<https://www.azura-group.com/les-savoir-faire-azura/la-qualite-pivot-central-de-nos-actions>), Azura stresses its quality control, sanitary control, expertise, customer satisfaction and conformity with EU regulation. The article concludes with the statement “Our expertise is also demonstrated by our Quality & Social certifications and client approvals. Committed to a quality certification approach since 2004, we comply with all standards required by our French and European clients. We have even opted for annual unannounced audits by accredited bodies.”. Then, immediately below, there is an image of the GlobalG.A.P logo and the information “GlobalG.A.P community member”.
 - a. Does being a “community member” of GlobalG.A.P require or indicate that the member operates in accordance with quality control, sanitary control, expertise, unannounced audits, customer satisfaction, conformity with EU regulation?
 - b. Is there a limit to what sort of claims of sustainability, audits, quality or legal compliance that a company can make in association to being a GlobalG.A.P community member?
 - c. Azura Group does not respond to our request. Do you know how to contact them?

Some of the producers above have declared Norway, Sweden and the EU among the “Countries of destination” of its exports. As the upcoming report about certificates is first being first launched in Norway, this is of particular relevance. There is practically a consensus among Scandinavian retailers that they do not wish to take part in sales of products with Western Sahara origin, and a complete consensus that Western Sahara is not part of Morocco. The same importance of correct certifications are found in the Norwegian fish feed/aquaculture sector.

As the information found on GlobalG.A.P’s website regarding the set of certified companies in Dakhla is today incorrect, and seemingly fails to address the problematic and fraudulent country of origin practice, we would have to communicate to the retailers that GlobalG.A.P is as of today not a guarantee of correct country-of-origin, but rather the opposite: that the certifying bodies erroneously qualify Moroccan producers in Western Sahara as located in Morocco. We look forward to receiving updates from GlobalG.A.P when the incorrect information and database has been rectified.

Looking forward to hearing from you again,

Sincerely,

Erik Hagen
Western Sahara Resource Watch
www.wsrw.org

On 2024-12-27 13:43, Leonie Fischer wrote: