

Fertiliser Association of New Zealand
Att: Vera Power, Chief Executive Officer
L2, Ballinger Building
58 Victoria Street
Wellington 6011
New Zealand

Brussels, 09.04.2026

RE. CONTINUED PHOSPHATE IMPORTS FROM OCCUPIED WESTERN SAHARA INTO NEW ZEALAND

Dear Ms Power,

We are writing to the Fertiliser Association of New Zealand (FANZ) to follow up on our letter of 21 February 2024, to which we did not receive a response, and to seek clarification regarding FANZ's continued position on phosphate imports from occupied Western Sahara.

Western Sahara Resource Watch (WSRW) is currently preparing its annual overview of Morocco's exports of phosphate rock from occupied Western Sahara. That review confirms that New Zealand fertiliser companies, members of FANZ, continue to import phosphate rock from the territory. At the same time, FANZ's website presents these imports as having been subjected to independent human rights due diligence, notably through an assessment commissioned from Tūhana Business and Human Rights.¹

Given FANZ's role in commissioning that assessment, and in publicly endorsing its conclusions, we believe it is important to revisit the substance of that advice and FANZ's responsibility for how it is relied upon by member companies.

It is both striking and highly consequential that the Tūhana assessment considers the non-implementation of the right to self-determination as the root of all human rights violations committed against the people of Western Sahara, while simultaneously presenting the denial of self-determination as a background political issue rather than a determinative human rights impact. In doing so, the assessment - and FANZ's endorsement of it - risks materially understating the legal and human rights risks associated with continued imports.

As a reminder, the right to self-determination is not a discretionary or secondary right. It is a foundational principle of international law, enshrined in the UN Charter and affirmed by the International Court of Justice, UN treaty bodies, and international courts. Western Sahara remains a UN-listed Non-Self-Governing Territory. Morocco has no sovereignty over it, nor any internationally recognised mandate to administer it. Economic activity in the territory that is undertaken without the consent of the Saharawi people risks contributing to the maintenance of an unlawful situation.

While the Tūhana assessment is framed as a UNGP-based human rights analysis rather than legal advice, responsible human rights due diligence cannot be conducted in isolation from the applicable international legal framework. Treating the prolonged denial of self-determination as an external context to the business activity effectively removes the central human rights violation from the scope of assessment. In the words of the Tūhana assessment: "Almost all human rights violations and concerns regarding the people of Western Sahara [...] stem from the non-implementation of the right to self-determination".²

¹ FANZ, Due diligence - sourcing phosphate rock from Phosboucraa in Western Sahara, <https://www.fertiliser.org.nz/sourcing/due-diligence/>

² Tuhana Business and Human Rights, Statement of Findings: OCP/Phosboucraa phosphate sourcing, 18 March 2024, p. 1.

This raises a fundamental question for FANZ: does the Association consider that human rights due diligence can meaningfully assess impacts arising from resource extraction in an occupied territory while bracketing off the illegality of the occupation itself and the absence of the people's consent?

FANZ sought, commissioned, and publicly promotes the Tūhana assessment. Member companies explicitly rely on that advice in their own public communications. In doing so, FANZ is not a neutral observer but an active intermediary shaping how New Zealand farmers, companies, and stakeholders understand the risks involved.

In that light, we would appreciate FANZ's response to the following questions:

1. *Does FANZ accept that the right to self-determination of the Saharawi people constitutes an internationally recognised human right within the scope of the UNGPs, as reflected in UNGP Principle 12?*
2. *On what basis does FANZ consider that continued imports of phosphate rock from Western Sahara do not risk contributing to the denial of that right?*
3. *How does FANZ reconcile its endorsement of the Tūhana assessment with consistent international jurisprudence holding that economic activity in Western Sahara requires the consent of the Saharawi people?*
4. *Is FANZ of the view that a consultation of stakeholders - through the Moroccan-state owned company that is exploiting the phosphate reserves of Western Sahara - is a meaningful alternative to the right to consent of the Saharawi people?*
5. *Does FANZ accept responsibility for the guidance it provides to member companies through its commissioning and promotion of the Tūhana assessment?*
6. *Has FANZ sought, or does it intend to seek, the views of the Saharawi people or their UN-recognised representative on the continued extraction and export of phosphate from their territory?*

We recognise that FANZ members operate in a complex global supply environment, and we acknowledge steps taken to explore diversification and alternative sourcing. We firmly believe that disengagement from phosphate sourced in occupied Western Sahara remains the most responsible course of action until the conflict is resolved in accordance with international law.

New Zealand farmers should not be placed in a position where their livelihoods are linked to a prolonged occupation, systematic human rights violations, and the exploitation of a people's resources without their consent. FANZ has an important role to play in guiding its members away from that risk, rather than normalising it through narrowly framed due diligence advice.

We would welcome FANZ's response to this letter and would be pleased to reflect your views in our forthcoming publication. We respectfully request a reply by 23 April 2026.

Thank you for your consideration.

Sincerely

Sara Eyckmans

Coordinator, Western Sahara Resource Watch

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