

## Questions on corporate responsibility, human rights due diligence and business activities of Deutsche Post/DHL in Western Sahara

### Answers given by Deutsche Post at Annual General Meeting, 27 August 2020 (Translation from German by WSRW)

DHL, the parcel and letter express service belonging to Deutsche Post AG, has been operating a branch in El Aaiún, the capital of Western Sahara, since 2016. Western Sahara is Africa's last colony and has been a non-self-governing territory since 1963. Since the withdrawal of colonial power Spain in 1975, large parts of Western Sahara have been under Moroccan occupation. The annexation of the territory by Morocco is not recognized by any state in the world. On the contrary, Morocco is to be regarded as an occupying power in Western Sahara; this is also the conclusion of a 2019 report by the Research Services of the German Bundestag.

The International Court of Justice and countless UN resolutions confirm the Saharawi people's right to self-determination, which also affects economic development. According to international law, the prerequisite for the legality of any economic activity in Western Sahara is the consent of the Saharawi people or their UN-recognized representative, the Polisario Front. The recent rulings of the European Court of Justice on economic agreements between the EU and Morocco (C 104/16-P and T-180/14) follow this premise for Western Sahara, which is a separate and distinct territory from Morocco.

The German government does not support any economic activities of German companies in Western Sahara either and does not cover transactions via export credit and investment guarantees. According to the Federal Ministry for Economic Cooperation and Development, activities in Western Sahara were explicitly excluded from a development credit granted to Morocco's state-owned phosphate company (OCP) by the *Kreditanstalt für Wiederaufbau* (KfW). In this context, we also point out the special responsibility of KfW, which is a shareholder of Deutsche Post AG.

A letter from Western Sahara Resource Watch (WSRW) sent on May 18, 2020 to the Chairman of the Board of Management of Deutsche Post AG, Dr Frank Appel, has remained unanswered to date. Therefore, in cooperation with WSRW, we ask you once again to comment on your activities in occupied Western Sahara and to answer the following questions:

1. With whom did DHL enter into negotiations and who are the contractual partners for the establishment of the branch in El Aaiún?

[Deutsche Post answered: "Our services are provided in El Aaiún by a local agent." \(recording 8 34:57-35:03\)](#)

2. On what basis do you refer to the capital of the Western Sahara, El Aaiún, as a city in Morocco, among others, on your website?  
When do you intend to correct this mistake?

Deutsche Post answered: "Since El Aaiún has the same postal code system as Morocco and there is no customs border, it will be served by DHL Express Morocco. For this reason, El Aaiún is listed in our system under the same country code." (Recording 8 35:04-35:19)

3. What steps has DHL taken to obtain the Sahrawi people's consent, through its UN-recognized representation, the Frente Polisario, for your activities in Western Sahara, as required by international law?

Deutsche Post answered: "To questions three and four: With our services through the local agent, we enable the population to participate in the global economy and international exchange. The most important programs here concern diplomats and the UN mission "MINURSO". We are thus fully in line with our strategic commitment to connect people and to enable them to connect to the world." (Recording 8 35:20-35:51)

4 According to its own statement, Deutsche Post DHL Group is a "pioneer in corporate responsibility". Does your understanding of "corporate responsibility" include tolerating violations of international law?

[see above]

5. How many shipments has DHL made annually since 2016 within Western Sahara, between Western Sahara and Morocco or between Western Sahara and all other countries? Do national tariffs apply to shipments between Western Sahara and Morocco or does DHL charge the price for an international shipment?

Deutsche Post answered: "All in all, we have transported about 2000 international shipments per year to Western Sahara in the last few years, 1% of them from Morocco. For deliveries between Western Sahara and Morocco national tariffs are charged, since there is no customs border." (Recording 8 35:52-36:10)