Dear Ms Camhi,

Western Sahara Resource Watch (WSRW) is privileged to write to you. We hope that this message finds you well in the current phase of the COVID-19 crisis.

We are writing in relation to a statement on DV Offshore’s website, where the company states that it took part in “non conventional projects including: [...] the expedition of phosphates from Boucraa (Morocco)”.

We would be most grateful if you could clarify that statement.

We are at present working on our update report on Morocco’s phosphate exports from the part of Western Sahara that it illegally occupied, i.e., the Boucraa mine.

The Western Sahara phosphate trade is highly controversial. The United Nations consider Western Sahara to be a Non-Self-Governing Territory without an administering power in place. As stipulated by the International Court of Justice and repeated in five consecutive recent rulings by the European Court of Justice, Morocco has no sovereignty over or international mandate to administer the territory. Nevertheless, Morocco continues to militarily control three-quarters of the territory, including the Bou Craa phosphate mines which are operated by PhosBoucraa, a subsidiary of the Moroccan state-owned company Office Chérifien des Phosphates, OCP SA.

Incentivized by its exploitation of the territory’s resources, Morocco has little interest to genuinely take part in the UN-mediated peace process. Meanwhile, the lingering conflict continues to have a high human and humanitarian cost: over 170,000 Saharawis are stuck in refugee camps in neighbouring Algeria, surviving in harsh desert conditions and dwindling humanitarian aid. Saharawis who live under the yoke of Morocco’s occupation are victims of serious human rights violations that have been reported by the UN Human Rights Committee, in addition to credible international organisations such as Human Rights Watch, Amnesty International, and others.

The situation on the ground in Western Sahara has changed dramatically since November 2020, when the ceasefire agreement between Morocco and Frente Polisario came to a halt and armed conflict was resumed.

In the last decade, numerous investors globally have excluded importers of phosphate rock from the Bou Craa mine for their support to OCP’s operations. Over a dozen companies have stopped importing the...
contentious conflict mineral due legal and ethical concerns. During the last year, Epiroc and Continental ended their supply-contracts with OCP for the phosphate mine in Western Sahara.

All this considered, we’d be most grateful for your answers to the following questions:

1. What work has DV Offshore undertaken in relation to Boucraa?
2. Who has commissioned DV Offshore for the work in relation to the “expedition of phosphate in Boucraa”?
   a. Was DV Offshore contracted by a Moroccan national/regional/local administration or agency or state company for the study?
   b. If affirmative to 1.a: In which legal capacity do Moroccan authorities/companies issue such contracts? Is Moroccan domestic law the applicable law to the contract?
3. Has DV Offshore sought the consent of the UN-recognised representative of the people of Western Sahara, the Polisario Front, for the work undertaken on their land?
4. Has DV Offshore travelled to the territory of Western Sahara?
5. Does DV Offshore’s contract for the study require any further work from the company? If so, what?
6. Did DV Offshore carry out a human rights due diligence before engaging on the Boucraa phosphates?

We would be most grateful for an answer to the above question before 10 March 2022. To be transparent, we wish to inform you that DV Offshore will most likely be featured in our annual update report on the Western Sahara phosphate trade, published in approx. April 2022.

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

A response can be sent to coordinator@wsrw.org

Sincerely,

Sara Eyckmans
Coordinator
Western Sahara Resource Watch
Coordinator@wsrw.org

Bernard Deglet
Coordinator
Association des Amis du Peuple du Sahara Occidental (APSO)
apsolument@yahoo.fr

4 Please see UNGA Resolution 34/37, §7, which refers to the “Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro”, or POLISARIO, as “the representative of the people of Western Sahara”.