

EJN NEGRI France

Att : Mr Stéphane Delaplace, Directeur Général

ZI du Tonkin

13270 Fos Sur Mer

FRANCE

Brussels

24.02.2022

RE. NEGRI FRANCE'S WORK IN OCCUPIED WESTERN SAHARA

Dear Mr Delaplace,

Western Sahara Resource Watch (WSRW) and *Amis du Peuple du Sahara Occidental* (APSO) present you with our compliments. We are writing to you regarding the work your company has undertaken in occupied Western Sahara. We have a few questions and hope to hear from you regarding this matter.

The information about your company's involvement appears in your company's website, where it says that NEGRI France implemented a heavy self-lifting pontoon as part of a geotechnical campaign for a new port south of "Laayoune", which is described as located in Morocco.¹

However, El Aaiún (or Laayoune in Morocco's preferred spelling) is not located in Morocco, but in the part of Western Sahara that is occupied by Morocco.

The work that your company has undertaken is an essential component of the structure to export phosphate rock out of occupied Western Sahara – a trade that 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 a series of consecutive rulings by the European Court of Justice, the latest verdict on the issue came as late as 29 September 2021,² Morocco has no sovereignty over or international mandate to administer the territory. The UN and the EU governments are clear that Western Sahara is not part of the Moroccan 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 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. Saharawi 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. In July of 2021 the UN Special Rapporteur on the situation of human rights defenders urged Morocco to cease to target human rights defenders and journalists and expressed deep concern about the use and threat of physical and sexual violence against women.³ The UN Special Rapporteur specifically mentioned the fate of the president of the League for the Defense of Human Rights and Protection

¹ <https://www.negri-france.fr/en/geotechnical-campaign-for-the-creation-of-a-new-port-south-of-laayoune/?cn-reloaded=1>

² <https://www.wsrw.org/en/news/court-orders-halt-to-eu-deals-in-occupied-ws>

³ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27244&LangID=E>

of Natural Resources in Boujdour. She has been under house arrest for over a year and raped by police. She is an outspoken opponent of the plunder that your company is facilitating. The Secretary-General of the President of the Saharawi Committee for Protection of Natural Resources is sentenced to lifetime in jail and has so far served 12 years.

Several large fertilizer producers/traders which previously imported phosphate rock from the territory, have ended their relationship with the Bou Craa mine, due to matters of international law and human rights. Those companies are described in our annual report on the phosphate exports from the territory, P for Plunder. Find our latest issue here: <https://wsrw.org/fr/nouvelles/rapport-annuel-les-clients-du-minerai-du-conflit-du-sahara-occidental>

Also suppliers to the mine have terminated their involvement. Last year, Epiroc announced that it had stopped supplying drilling equipment to the mine, while Continental AG abstained from continuing a supply agreement the Bou Craa conveyor belt. Numerous of the two companies' investors engaged with Epiroc and Continental over several years on this issue.

Based on this, WSRW and APSO have the following questions for NEGRI France:

1. What, exactly, has your company committed to deliver in El Aaiún?
2. Can you confirm that the work that NEGRI France has carried out in Western Sahara has been terminated? If not, when is it estimated to be completed?
3. Does NEGRI France have further contracts for work in the occupied territory?
4. What has NEGRI France done, if anything, to seek and obtain the prior consent from the recognized legal representative of the people of Western Sahara, the Polisario Front?
5. Will NEGRI France ensure not to conclude any further contracts for work in the territory without first having obtained consent from the representative of the people of the territory?
6. Why does NEGRI France refer to the project location as being in Morocco?
7. Does your contract specify that the location of the operation is in "Morocco"?
8. Will NEGRI France rectify its webpage, and any other information sources that may contain the same error, to clearly clarify that the project is not in Morocco, but in occupied Western Sahara?

Our organisations are convinced that it is not in the interest of NEGRI France to become associated with the continued colonization and occupation of Western Sahara. Constructing infrastructure in Western Sahara on behalf of the Government of Morocco risks to help legitimize the Moroccan military occupation of the territory and will as such hinder the UN-led peace process.

WSRW is in the process of writing an update report on the 2021 phosphate exports from the territory. As NEGRI France may be referred to in that publication, we would be grateful for your answers to the questions above, so that we may accurately present your views on the matter in the report and potentially also on our website. **We look forward to a response from your company prior to 5 March 2022.** A response can be sent to coordinator@wsrw.org

Looking forward to hearing from you,

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