

Archirodon Group N.V.
Att: Nicolas Theodoridis, Chief Executive Officer
Wolwevershaven 30 H
3311 AW Dordrecht
The Netherlands

Brussels
28.02.2022

RE. ARCHIRODON'S WORK IN OCCUPIED WESTERN SAHARA

Dear Mr Theodoridis,

We at Western Sahara Resource Watch (WSRW) are again privileged to present you with our compliments. We are writing to in relation to Archirodon's work in El Aaiún, occupied Western Sahara.

WSRW is in the process of writing an update report on the 2021 phosphate exports from the territory. As Archirodon will be referred to in that publication, we would be grateful for your answers to the questions below, so that we may accurately present your views on the matter in the report and also on our website.

The port that your company is working on 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 2021,¹ 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.² The UN Special Rapporteur specifically mentioned the fate of the president of the League for the Defense of Human Rights and Protection of Natural

¹ <https://www.wsrw.org/en/news/court-orders-halt-to-eu-deals-in-occupied-ws>

² <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27244&LangID=E>

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/en/news/report-reveals-clients-of-western-saharas-conflict-mineral>

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.

We refer to our previous letter of 1 May 2019, which regrettably was left unanswered. However, the questions in that letter remain valid, and we thus take the liberty of raising them again.

1. As a corollary of the internationally recognized right to self-determination of the people of Western Sahara, and given the legal requirement of obtaining the prior, free and informed consent of the people of Western Sahara with regard to activities or projects in their land – as put forth by several UN Treaty bodies and the EU Court of Justice – what steps has Archirodon Group NV taken to obtain the consent of the people of Western Sahara through their political representation, the Polisario Front, in order to set up an office in Western Sahara?
2. When deciding to open a subsidiary in Western Sahara, was Archirodon Group NV aware of the fact that the Moroccan government holds no jurisdiction over the territory?
3. Does Archirodon Group NV agree with the Ministry of Foreign Affairs of the Netherlands, the World Bank, and the Court of Justice of the European Union in line with the UN, that Western Sahara is a Non-Self-Governing Territory pending a decolonization process?

Our organization is convinced that it is not in the interest of Archirodon 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.

We'd be grateful for an answer from your company prior to 10 March 2022. A response can be sent to coordinator@wsrw.org

Thank you in advance for your consideration, and we look forward to hearing from you,

Sincerely,

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