Morocco’s exports of phosphates from occupied Western Sahara

International fertilizer companies import controversial phosphate rock from Western Sahara, under illegal Moroccan occupation. This report uncovers which of them were involved in the trade in 2021.
Large construction work is being undertaken in the port of El Aaiun. From 2023, it is possible that Morocco will start exporting other phosphate products than only raw rock from occupied Western Sahara.

The port work is led by the Dutch-Greek firm Archirodon. The picture was taken in July 2021.

Executive Summary

All life on the planet, and so all agricultural production, depends on phosphorus. P. The element is found in phosphate rock and turned into fertilizers. For the people of Western Sahara, their P does not grow into benefits. It’s rather the opposite.

For the ninth year in a row, Western Sahara Resource Watch publishes a detailed annual overview of the companies involved in the purchase of phosphates from occupied Western Sahara. The illegally exploited phosphate rock is one of the Moroccan government’s main sources of income from the territory it holds contrary to international law. The Saharawi people have been consistently outspoken against the trade, both in the UN, generally, and to specific companies.

The list we present in this report is complete for calendar year 2021 naming all shipments of phosphates from occupied Western Sahara. A total of 26 vessels departed the territory with 1.6 million tonnes of phosphate rock, an increase from the approx. 1 million tonnes of 2019-2020. To compare: Morocco’s average export from the occupied territory during the years 2012-2018 was approx. 1.8 million tonnes. A doubling of the phosphate prices during 2021 means the illegal exports are increasingly lucrative, perhaps to a value of 549 million USD.

Morocco has during the last year carried out large investments in the port and in the Boucraa facilities. Since the occupation began in 1975, Morocco has only sold raw phosphate rock. In a few years from now, the phosphates will be sold in a more valuable processed form. This will further increase the lucrative trade in the future.

A new large trade to Innophos in Mexico - constituting 27% of the trade for 2021 - represents the entire increase in the commerce from 2020. Innophos in 2018 announced that it had stopped such imports due to its “commitment to overall social responsibility” and now fails to respond to mails. India remains the largest importer. The imports to India, Mexico and New Zealand constitute over 92 percent of the entire trade with Western Sahara conflict minerals.

The good news for the year is that the Chinese company China Molybdenum promised to its investors not to repeat imports to its subsidiary in Brazil. The Russian company EuroChem local media attention when it carried out a shipment to Estonia in October - the first into the EU in five years. It is positive that the company has not repeated the involvement since.

In New Zealand, Ravensdown continues to explore ways to avoid Western Sahara rock: which is commendable. Ballance Agri-Nutrients shows the opposite trend, with the highest annual purchase since WSRW started daily monitoring in 2011. The company has not repeated the involvement since.

Western Sahara Resource Watch (WSRW) is an international organization based in Brussels. WSRW is a wholly independent non-governmental organization, working in solidarity with the people of Western Sahara, researching and campaigning against Morocco’s resource plundering of the territory.

The report can be freely reused in print or online. For comments or questions on this report contact coordinator@wsrw.org

List of abbreviations

DWT
IMO
OCP
UN

Office Chiffren des Phosphates SA
International Maritime Organization
Deadweight tonnage
United Nations
A Saharawi in the occupied territories is asking New Zealand farmers to wake up. The Saharawi people living under occupation and in exile have continuously protested in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the international law principles applicable to mineral resource activities in Non-Self-Governing Territories.

The UN Treaty Body on Economic, Social and Cultural Rights and the UN Human Rights Committee have both emphasized the need of obtaining the Saharawi people’s consent to the realization of developmental projects and (resource) extraction operations.

A series of rulings in the European Court of Justice, the latest of 29 September 2021, affirms the Saharawi people’s right to consent, and establishes that this consent must be obtained from the legal representative of that people, the Polisario Front.

Yet, only weeks after the 1975 invasion of the territory, the phosphate rock of the Bou Craa mine in Western Sahara was being exported to fertilizer companies overseas. The Bou Craa mine is managed by the Office Chérifien des Phosphates SA (OCP), now known simply as OCP SA. Morocco’s national phosphate company and today responsible for one of that country’s main sources of income from Western Sahara.

Phosphates de Boucraa SA (Phosphooucraa) is a fully owned subsidiary of OCP. Its main activities are the extraction, beneficiation, transportation and marketing of phosphate ore of the Bou Craa mine, including the operation of a loading dock and treatment plant located on the Atlantic coast at El Aaiun. OCP puts its production capacity in Western Sahara at 2.6 million tonnes annually and estimates the Bou Craa reserves at 500 million tonnes. Bou Craa contributes around 8% of OCP’s total extracted volumes, and around 20% of its total export of phosphate rock. OCP claims that the Bou Craa mines represent only 2% of all phosphate reserves exploited by Morocco.

The exceptionally high quality of Western Sahara’s phosphate ore makes it a much coveted commodity for producers of fertilizers. However, that tale could be coming to an end. The Bou Craa phosphate deposit consists of two layers. OCP’s own reports from 2014 and 2016 contradict themselves whether only the top layer is being exploited, or if the mining has already proceeded to the second layer, which is of lower quality. What is clear is that Morocco has practically sold all of the high quality phosphate that ought to have been available to the Saharawi people upon realizing their right to self-determination.

OCP claims that Phosphooucraa is the largest private employer in the area, citing 2,029 employees in 2019 and 75 percent are said to be “locals” (without specifying whether they are Saharawis or settlers). It also alleges that Phosphooucraa is a major provider of economic viability and well-being of the region’s inhabitants. OCP equally boasts the social impact of Phosphooucraa in terms of providing pensions to retirees, medical and social advantages to employees, retirees and their families etc. OCP presents the purported economic and social benefits as a justification for its exploitation of phosphate mines outside of Morocco’s long-settled, internationally recognized borders.

Morocco uses the Bou Craa phosphates for its political lobby-work to gain the support of other countries for its illegal occupation. An official Moroccan government document leaked in 2014 literally states that Western Sahara’s resources, including phosphate, should be used to ‘implicate Russia in activities in the Sahara’. The document goes on to say that ‘in Russia, Russia could guarantee a freeze on the Sahara file within the UN.’

“Western Sahara has been under Moroccan occupation since 1975 and is on the United Nations’ list of non-self-governing territories that should be decolonised. The UN’s legal counsel stated in January 2002 that exploration of mineral resources in Western Sahara without local consent would be in breach of the international Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.”

Swedish government pension fund AP-Fonden, upon exclusion of PotashCorp and Incitec Pivot from its portfolios.

“Human rights violations in Western Sahara”

“Nutrien is excluded for breaches of international norms through its continued sourcing of phosphate rock from occupied Western Sahara, without the consent of the Saharawi people.”


“The Council does not believe that the company has been able to show that the business is consistent with the interests and wishes of the local population. Based on an assessment that further dialogue will not be productive, the Council has recommended that the AP Funds divest Agrrium.”

Swedish Ethical Council. 9 April 2015. Explaining why all Swedish government funds have now divested from Agrium Inc.

“The company’s exploitation of phosphates in Western Sahara is considered to violate the UN Charter article 73, the Hague Convention article 55, the Corell Opinion and therefore also UNGP principle 12 and OECD MNE art. 40”


“Operations in occupied territory (Western Sahara)”

Fonds de Compensation commun au régime général de pension. Luxembourg. 23 November 2018. In reference to exclusions of all involved fertilizer importing companies.
In 2021, 1.4 million tonnes of phosphate rock was transported from Western Sahara. WSRW traced the entire flow. After the detention of vessels in South Africa and Panama in May 2017, no vessels have taken those traditional shipping routes.
The Exports

<table>
<thead>
<tr>
<th></th>
<th>2020</th>
<th>2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated exported amount of phosphate</td>
<td>1,123,000 tonnes</td>
<td>1,470,000 tonnes</td>
</tr>
<tr>
<td>Estimated value of exported phosphate</td>
<td>$170.8 million</td>
<td>$349.1 million</td>
</tr>
<tr>
<td>Estimated value of largest single shipment from the territory</td>
<td>$9.6 million</td>
<td>$15.1 million</td>
</tr>
<tr>
<td>Estimated value of smallest single shipment from the territory</td>
<td>$1 million</td>
<td>$2.8 million</td>
</tr>
<tr>
<td>Number of ships that departed with phosphate from the territory</td>
<td>22</td>
<td>26</td>
</tr>
<tr>
<td>Average amount of phosphate exported in each ship</td>
<td>$1,050 tonnes</td>
<td>$4,500 tonnes</td>
</tr>
<tr>
<td>Estimated average value of phosphate exported in each ship</td>
<td>$7.76 million</td>
<td>$13.4 million</td>
</tr>
<tr>
<td>Estimated average annual phosphate price of Bou Craa rock (per tonne)</td>
<td>$152.1</td>
<td>$246.6</td>
</tr>
</tbody>
</table>

Methodology

This report is based on data gathered through continuous vessel tracking. The amounts of phosphate loaded into ships were ordinarily calculated to be 97% of the ship’s overall cargo and bunker fuel and stored capacity expressed in deadweight tonnes (DWT). Ships were tracked and confirmed to have arrived at stated destinations. Where possible, estimated loaded amounts were checked against official documents in importing countries.

WSRW believes that it has detected, tracked, and accounted for all vessels departing from El Aaiún harbour for 2020. However, WSRW cannot exclude a possibility that one or more vessels have gone undetected.

Adjusted price estimates

WSRW has for the 2020-2021 editions of the P for Plunder report most likely applied a price estimate for Bou Craa phosphate rock that was too low. For lack of better sources, WSRW until 2020 applied the value of phosphate rock as referred to by Index Mundi. However, WSRW has for a while speculated that the price could be far higher.

For one shipment in 2021, we suspect the price could have been as high as 234 USD/tonne, almost double the value of phosphate rock for that month. Internal OCP documents from 2019 revealed online, suggested a cargo price of Bou Craa rock between 139 and 161 USD/tonne. This was substantially higher than the 85.5-102.5 USD/tonne price of Index Mundi in 2019 and the 70.7-83.5 USD/tonne in 2020. The higher prices have been confirmed with sources in the importing countries.

During 2021, the phosphate rock prices have increased substantially from 85 USD/tonne at the start of the year to 176.67 USD/tonne at the end. From the 2020 edition of the P for Plunder report, we have added 10% to the Index Mundi price. The average Index Mundi price for phosphate rock in 2021 was 123.2 USD per tonne. As such, in this report, the price for phosphate rock from Bou Craa was calculated at an average of 246.4 USD per tonne. WSRW still considers this to be a guesstimate.

Fluctuating export levels

In general, WSRW’s calculations for recent years are confirmed in OCP’s own reports. Until 2006 the export of phosphate rock averaged 1.1 million tonnes annually; considerably less than the production capacity of 2.6 million tonnes. In the late 1970s, production stopped for three years during armed conflict in the territory. Only gradually was the phosphate production resumed, achieving 2.0 million tonnes by the late 1990s. WSRW started daily monitoring in 2011. Our first report put OCP’s exports of phosphate rock mined in Bou Craa at 1.4-2.2 million tonnes in 2012-2013. WSRW’s projection of 2.1 million tonnes for 2014 was confirmed with sources in the importing countries.

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## The Importers, 2021

<table>
<thead>
<tr>
<th>Rank</th>
<th>Corporation</th>
<th>Home country of (parent) company</th>
<th>Import destination</th>
<th>Number of shipments</th>
<th>Amount of phosphate purchased (tonnes)</th>
<th>Value of phosphate purchased (USD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Paradeep Phosphates Ltd</td>
<td>India/Morocco</td>
<td>Paradip, India</td>
<td>10</td>
<td>572,336</td>
<td>$141.02 million</td>
</tr>
<tr>
<td>2</td>
<td>Innophos Holdings Inc</td>
<td>USA</td>
<td>Coatzacoalcos, Mexico</td>
<td>7</td>
<td>391,000</td>
<td>$96.34 million</td>
</tr>
<tr>
<td>3</td>
<td>Ballance Agri-Nutrients Ltd</td>
<td>New Zealand</td>
<td>Tauranga/Bluff, New Zealand</td>
<td>5</td>
<td>292,000</td>
<td>$71.95 million</td>
</tr>
<tr>
<td>4</td>
<td>Unknown</td>
<td>China (parent)</td>
<td>Jinhua, China</td>
<td>1</td>
<td>61,000</td>
<td>$15.03 million</td>
</tr>
<tr>
<td>5</td>
<td>Ravensdown</td>
<td>New Zealand</td>
<td>Napier,yttelton, New Zealand</td>
<td>1</td>
<td>55,000</td>
<td>$13.55 million</td>
</tr>
<tr>
<td>6</td>
<td>EuroChem Group</td>
<td>Russia</td>
<td>Silamare, Estonia</td>
<td>1</td>
<td>34,000</td>
<td>$8.37 million</td>
</tr>
<tr>
<td>7</td>
<td>Unknown (possibly Itchio)</td>
<td>Japan</td>
<td>Moji, Japan</td>
<td>1</td>
<td>12,000</td>
<td>$2.95 million</td>
</tr>
</tbody>
</table>

“Companies buying phosphate from Western Sahara are in reality supporting Morocco's presence in the territory, since the phosphate is sold by the state-owned Moroccan company OCP and it must be assumed that the revenues generated by the operation largely flow to the Moroccan State. In its present form, OCP’s extraction of phosphate resources in Western Sahara constitutes a serious violation of norms. This is due both to the fact that the wishes and interests of the local population are not being respected and to the fact that the operation is contributing to the continuance of the unresolved international legal situation, and thus Morocco’s presence and resource exploitation in a territory over which it does not have legitimate sovereignty.”

Council of Ethics of the Norwegian government’s pension fund, upon excluding Innophos Holdings Inc from its investment universe in January 2015.28

## The nationalities behind the shipments

<table>
<thead>
<tr>
<th>Registered owner home country</th>
<th>Number of vessels</th>
<th>Volume of cargos</th>
<th>Value of cargos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Panama</td>
<td>7</td>
<td>373,410</td>
<td>92,048,080 $</td>
</tr>
<tr>
<td>Liberia</td>
<td>6</td>
<td>282,474</td>
<td>69,601,358 $</td>
</tr>
<tr>
<td>Singapore</td>
<td>4</td>
<td>228,250</td>
<td>56,240,900 $</td>
</tr>
<tr>
<td>Marshall Islands</td>
<td>4</td>
<td>107,010</td>
<td>22,838,560 $</td>
</tr>
<tr>
<td>Malta</td>
<td>2</td>
<td>166,900</td>
<td>28,204,160 $</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>1</td>
<td>59,100</td>
<td>10,662,240 $</td>
</tr>
<tr>
<td>Switzerland</td>
<td>1</td>
<td>53,000</td>
<td>10,070,000 $</td>
</tr>
<tr>
<td>USA</td>
<td>1</td>
<td>53,790</td>
<td>10,110,000 $</td>
</tr>
<tr>
<td>Germany</td>
<td>1</td>
<td>51,862</td>
<td>12,778,000 $</td>
</tr>
</tbody>
</table>

**Operator, nationality of controlling interest**

<table>
<thead>
<tr>
<th>Country</th>
<th>Number of vessels</th>
<th>Volume of cargos</th>
<th>Value of cargos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greece</td>
<td>7</td>
<td>360,939</td>
<td>88,943,993 $</td>
</tr>
<tr>
<td>South Africa</td>
<td>4</td>
<td>231,000</td>
<td>56,918,400 $</td>
</tr>
<tr>
<td>Taiwan</td>
<td>4</td>
<td>193,450</td>
<td>47,666,080 $</td>
</tr>
<tr>
<td>Unknown</td>
<td>2</td>
<td>184,000</td>
<td>28,850,400 $</td>
</tr>
<tr>
<td>Turkey</td>
<td>2</td>
<td>131,250</td>
<td>27,536,400 $</td>
</tr>
<tr>
<td>Germany, Hong Kong, Japan, Norway, UAE, United Kingdom, USA</td>
<td>1 each</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Group owner, registered nationality**

| Japan   | 5                | 294,000         | 74,446,600 $   |
| Panama  | 5                | 292,424         | 75,025,273 $   |
| Turkey  | 5                | 174,250         | 42,385,200 $   |
| Liberia | 3                | 163,000         | 40,763,200 $   |
| Germany, Marshall Islands, Netherlands, Singapore, Switzerland, Taiwan, UAE, United Kingdom, USA, Unknown | 1 each |

**Group owner, nationality of controlling interest**

| Greece  | 6                | 307,974         | 75,884,793 $   |
| Japan   | 5                | 294,000         | 74,446,600 $   |
| Taiwan  | 5                | 193,450         | 47,666,080 $   |
| Turkey  | 5                | 174,250         | 42,385,200 $   |
| Germany, Marshall Islands, Netherlands, Singapore, Switzerland, Taiwan, UAE, United Kingdom, USA, Unknown | 1 each |

**Flag**

| Panama | 7                | 370,129         | 81,223,440 $   |
| Liberia | 6                | 337,561         | 83,175,010 $   |
| Singapore | 4   | 228,830         | 56,240,900 $   |
| Marshall Islands | 4 | 196,350         | 41,073,510 $ |
| Malta | 2                | 161,900         | 28,904,750 $   |
| United Kingdom | 1 | 59,100         | 10,662,240 $ |
| Switzerland | 1 | 53,000         | 10,070,000 $ |
| Greece | 1                | 53,000          | 10,070,000 $   |

**P&I Club**

| UK P&I Club     | 6 | 340,000         | 83,776,000 $   |
| North of England P&I Association | 4 | 288,830 | 61,810,320 $ |
| Britannia Steam Ship | 4 | 271,325 | 55,016,500 $ |
| The Swedish Club | 2 | 120,225 | 29,623,440 $ |
| The Standard Club | 2 | 186,914 | 41,822,393 $ |
| The London P&I Club | 2 | 120,225 | 29,623,440 |
| Gard | 2 | 101,900 | 26,725,760 $ |
| American Club | 1 | 55,000 | 13,552,000 $ |
| West of England Ship Owners Mutual Insurance Association | 1 | 53,000 | 13,091,200 $ |
| Skul | 1 | 51,862 | 12,778,000 $ |
| Japan P&I Club | 1 | 53,000 | 13,552,000 $ |
EPICRO/ATLAS COPCO

“We do not have any agreements for maintenance or supply for the Bou Craa mine in Western Sahara and we have no plans to supply the mine in the future”. Epiroc wrote WSRW. This has since been verified from several sources.

Epiroc is a rather new Swedish company established in 2013. The company was created as a result of a decision of the Swedish company Atlas Copco to split out its former business of mining equipment. At the time of the split, Atlas Copco had been selling and servicing equipment to the controversial mine in Western Sahara for several years. Its first sales to the mine took place in 2008, and the deal was revealed by WSRW only in 2015.

Although Atlas Copco and Epiroc did not comment on the matter for a long time after Epiroc’s establishment, it was a common understanding among the owners of both companies that the contract with OCP had been taken over by Epiroc as it was the case with other Atlas Copco contracts. A letter to Epiroc in November 2019 was not responded to, but when confronted by the Business and Human Rights Resource Centre, the company stated that it was “looking into this issue at present.”

Also Atlas Copco confirmed that it is not involved in the mine. Atlas Copco has no operations in Western Sahara. The customer for the Bou Craa mine and Atlas Copco has agreed that there will be no new orders for services to the mine.”

The contract, arranged for ContiTech to supply replacement parts to the conveyor installations of OCP had already expired on 30 June 2020. Continental and OCP had been in dialogue for well over a year to renew the contract. In January 2020, the company confirmed to WSRW that talks were ongoing and that the issue of Western Sahara would be addressed in the negotiations. WSRW had been in dialogue with Continental since 2011. Continental’s involvement in Western Sahara started in 1971, when the territory was still colonised by Spain.

CONTINENTAL

The German company Continental is no longer supplying OCP with key parts for its 10 km-long conveyor belt that carries phosphate rock from the phosphate mine to the coast. The exit came as a consequence of Continental’s subsidiary ContiTech not renewing its agreement with OCP.

The announcement was communicated in writing to Western Sahara Resource Watch (WSRW) in February 2021. The contract, arranging for ContiTech to supply replacement parts to the conveyor installations of OCP had already expired on 30 June 2020. Continental and OCP had been in dialogue for well over a year to renew the contract. In January 2020, the company confirmed to WSRW that talks were ongoing and that the issue of Western Sahara would be addressed in the negotiations.

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SIEMENS GAMESA

German engineering company Siemens delivered, installed and commissioned 22 wind turbines to the 50 MW Foun El Oued wind park in occupied Western Sahara in 2013. The park was commissioned by Morocco’s national agency for electricity ONEE and built in partnership with the Moroccan wind energy company NAREVA – owned by the King of Morocco. The Foun El Oued farm supplies nearby Phosphocrua’s energy needs. OCP today boasts that Phosphocrua is 100% wind powered. In other words: all energy required for the exploitation and transport of the phosphate rock in Western Sahara is now generated by wind mills delivered by Siemens Gamesa.

The green energy production is thus making Morocco’s plunder of the territory even more lucrative. In 2018, the company confirmed to WSRW that it has extended the maintenance contract for the Foun El Oued farm for a further 15 years. WSRW has asked the company several times - in writing and at its AGMs - to clarify whether the people of Western Sahara have consented to their operations - a legal requirement put forth by the EU Court of Justice. The company never responds to that question. At the same time, Siemens says it refrains as a matter of policy from taking positions or making judgements on questions of international law, which is hard to square with the act of engaging in business deals with a state that has no legal mandate to be in Western Sahara.

In its most recent correspondence with WSRW, Siemens Gamesa again referred to an undisclosed “external legal assessment” that supposedly concludes Siemens’ activities to be “in compliance with applicable laws.” The company will not share the document, nor will it clarify which legal framework is allegedly applicable to its activities. Siemens Energy was confronted with the supplies to the phosphate mine during its AGM on 24 February 2022 but failed to respond to the questions.

WORLEY

In 2019, the Australian company Worley Ltd took over the Energy, Chemicals and Resources Division of the American firm Jacobs Engineering Inc. and as such inherited the ownership of a 50/50 joint-venture company with OCP called JESA (Jacobs Engineering SA). The latter is described as a Moroccan construction and engineering firm. JESA has projects in Morocco and in other African countries. JESA is also connected to OCP’s projects in occupied Western Sahara, including through the provision of civil engineering to the Foun El Oued Technopole project near El Aaiun.

This project envisons the creation of a technological hub to advance the economic development of the ‘Southern regions’ in particular through the industrial development of Phosphocrua. WSRW has written to the company three times, latest in December 2021 but has not received a response.

CATERPILLAR

Trucks of the US company Caterpillar have been observed transporting phosphate rock in occupied Western Sahara. The trucks are of the type MT3300, made by a company called Unit Rig, which in 2011 was taken over by Caterpillar. An official licensed Caterpillar agency was established in El Aaiun in the occupied territory by Tractafrique Equipment Corporation in 2015. Tractafrique is a subsidiary of French group Optorg, which is part of the Moroccan holding company SNH, primarily owned by the Moroccan royal family.

The company claims on its website that ‘Laayoun’ (French spelling of El Aaiun) as adopted by Morocco is located in Morocco. WSRW has sent letters to Caterpillar - the last in February 2022 - asking for clarifications about the company’s equipment in the Bou Craa mine, but has never received any reply.

THYSSENKRUPP

The German industrial conglomerate informed a mail to WSRW in 2019 that ‘Thyssenkrupp Mining Technologies has refurbished three stackers and two reclaimers on the phosphate stockyard of the Bou Craa site, which involved an inspection and the engineering, supply and construction of components to be replaced to extend the operational lifetime of the machines.’ The company added that there are no further activities and ongoing projects regarding the Bou Craa site.

While foregrounding past activities in the territory thyssenkrupp does not respond as to whether it will refrain, as a matter of policy from becoming involved again. The company’s approach seems to be that ‘there were no negotiations or other expert instructions on the EU for deliveries to the Western Sahara region at the time and there are still none.

IFM

Equipment of the German automation technology company IFM Electronic has been reported to be used in the conveyor belt. WSRW contacted the company twice in 2020-2022, without response.

OCP’s helpers at the mine

The 12-year long practice of Swedish companies supplying drilling equipment to the operation of the controversial Bou Craa mine in occupied Western Sahara came to an end in 2020.

The German-Spanish company Siemens Gamesa is providing all the energy needed at Morocco’s illegal phosphate mining operation in Western Sahara. Refugee Khadis Bédjéd confronted Siemens during its 2019 and 2020 Annual Meetings of shareholders, but the company did not respond to her questions.
Morocco is heavily investing in increasing the profits from the export of the conflict mineral. The investment includes a new, sheltered port, a wharf, and a large production unit to process the raw phosphates.

In 2016, the king of Morocco inaugurated a series of structuring projects in and near the phosphate port of El Aaiun, from where OCP currently only exports phosphate rock. The overall aim is to diversify Phosphoourea's operations from exporting raw material to producing intermediary products and phosphate based fertilisers.

According to OCP, the USD 2.2 billion investment envisioned the construction of a chemical plant with a production capacity of one million tonnes of fertilizer per year. The facility would be equipped with a sulfuric and a phosphoric acid production unit, and a granulation unit. Parallel to that, a new port would be developed in addition to a washing unit and storage facilities. While new extraction methods would be introduced at the mining site itself.

A recent official OCP document confirms that work on the new phosphate port and washing plant is currently ongoing. This is also verified from sources on the ground and satellite images. The company states it is "considering" new storage and handling capacities, a new drying plant dedicated to export and reiterates the intent of developing "a fully integrated fertiliser production unit that is expected to start operations by 2023 with a capacity of one million tonnes".

In 2020, OCP also reported to be rolling out a reverse flotation process in Bou Craa to enrich phosphate that is of low phosphorous content, to make it economically more viable and exploitable. This corroborates earlier statements by OCP that it has proceeded to exploit deeper layers of the open-pit mine, which are said to be of lower quality.

Apace with the expansion of Phosphoourea's operations, a scientific hub focusing on the development of the southern provinces' baptised Technopole is also being developed in Foum El Oued on a 600 ha plot of land.

The main company involved in the construction of the new port is Archirodon from Netherlands/Greece. It reported that its works for Phosphoourea take place in Morocco, were to last from 2019 to 2023, through a contract worth USD 450 million. Other companies involved include Eccher/DEAL (Italy), SYSTRA (France), TERRASOL (France), Bygging-Uddemann AB (Sweden), Jan de Nul Group (Netherlands), Kataskevastiki J. Dimitriou Ltd (Greece), Geotechnikai SARL (Morocco), COWI A/S (Denmark), Negri France (France), Tecno Group (Morocco)...

Other recent involvement related to the port or the exports: Daewoo E&C and Korea Port Engineering Corp (South Korea), Tecalemit Flexibles (France), Mobilis (France), DV Offshore (France), GM Equipments (Morocco), DEME Group (Belgium) showed interest in the construction of the port.

Further details on these companies can be found on WSRW’s website.
The Saharawi Arab Democratic Republic (SADR) represented the people of Western Sahara in the court. The SADR is not recognized as a UN member state, but is a full-fledged member of the African Union. The republic represents both the people of Western Sahara that fled after the Moroccan invasion, and those who still live under Moroccan illegal occupation. The state’s structure overlaps with that of the Frente Pueblo, which the UN recognizes as the national liberation movement of the territory.

On 1 May 2017, an incident took place in South Africa that is highly relevant even to this date. That day, the bulk vessel AM Cherry Blossom was detained in Port Elizabeth under court order, on the application of the Saharawi Arab Democratic Republic (SADR). The vessel had only planned a brief visit in order to take on fuel for the long journey from Western Sahara to New Zealand. But a short time after it had entered port, the SADR government made application to the South African High Court, claiming the 55,000 tonne cargo was illegally mined and exported from Western Sahara by the Moroccan government.

On 15 June, a three-judge panel of the High Court in Port Elizabeth confirmed the acceptability of the order of 1 May 2017 and decided that the case was to continue to a trial.63 The central legal issue for the Court was the question of rights to the cargo: Who owns it, and could the New Zealand importer have acceptably purchased it after it had been warned over the years by Saharawi authorities?64

On 23 February 2018, the High Court confirmed that the SADR had the owner of the entire cargo aboard of the vessel, and thus acted as the owner in the legal proceedings. That July, however, OCP SA, Morocco’s state-owned phosphate company, bought back the cargo – and AMN acted as the owner in the legal proceedings over the years by Saharawi authorities. The contract expires in 2018, and there are no plans for further contracts after that. The company wrote.65

On 17 April 2017, the Danish company Maersk took over the Oetker Group’s shipments over the last decade. Upon the arrival of the vessel Furness Nickolas in Western Sahara, the OCP bought back the cargo – and AMN acted as the owner in the legal proceedings over the years by Saharawi authorities.66

The Saharawi phosphate rock. The letter was also sent to the companies involved in the transport, as well as to the local reporter. In 2017, the Danish company Maersk took over the Oetker Group’s shipments over the last decade.60

In 2017, while waiting for the legal case to proceed, the charterer had complained to the court about the financial loss caused to the shipping company for chartering vessels from Western Sahara for many years. The charterer of the transport vessel to New Zealand was Furness Witty Chartering and Maersk.61

The Saharawi cargo has passed through Vancouver. 30 hours later, a bond was placed for the release of the ship by the shipping company. On 5 June, the maritime court in Panama decided – without organising a formal hearing – that the matter could not be dealt with by that court. Since then, a single vessel with Saharawi cargo has passed through the Panama Canal.

The Saharawi cargo has passed through the Panama Canal. The Saharawi cargo has passed through the Panama Canal.61

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A massive change has taken place in the client base since 2011.

The number of importing companies dropped from 15 in 2011 to 7 by 2021.

The effect of Nutrien’s exit from the trade is tremendous. The termination of Nutrien’s purchases on 31 December 2018 means that OCP lost the client that received 50% of all purchases from Bou Craa.

The resumption of Mexican imports from 2021 has replaced some of this lost volume to North America.

The two New Zealand importers (Ravensdown and Ballance Agri-Nutrients) have been relatively stable over the entire period, constituting around 20%-25% of the trade.
Western Sahara’s phosphate reserves are discovered 150 kilometres southeast of El Aaiun in a place called Bou Craa.

The discovery of phosphate reserves is the first potential source of mineral revenues for the colonial power. Spain.74

July 1962: The Empresa Nacional Mineo del Sahara is founded in order to operate the mine, which is owned by a Spanish public industrial sector company.

May 1966: The company is renamed Fosfatos de Bucraa, S.A., also known as Phosphoboucraa or Fos Bucraa.

1972: Spain starts to operate the mine. Many Spaniards find employment in the mines, as did the Saharawis, the native population of the Spanish Sahara, as the territory known at the time.

1975: Mounting international pressure to decolonise forces Spain to come up with a withdrawal strategy from Spanish Sahara. A UN mission that was sent to Spanish Sahara in view of an expected referendum predicts that Western Sahara could very well become the world’s second largest exporter of phosphates, after Morocco.

Maintaining a claim to the phosphates, after Morocco.

2002: Spain sells its 35% ownership of Bou Craa.

2014: OCP files for public subscription on the Irish Stock Exchange an inaugural bond issue of USD 1.55 billion.71 It files a similar debt financing prospectus on the Exchange a year later.72

In November, Morocco violated the 1991 UN-brokered ceasefire arrangement with the Polisario Front. Armed clashes ensued. Western Sahara. The average exports over the last years have generated an annual income of around USD 150-350 million from a mine which is not theirs.68

“An unfortunate mistake”

Uglands Rederi regarding a transport done by a chartering company in 2015.76

“A regrettable situation”

Belships ASA regarding a transport to Innophos in 2021.79

“We bought the vessel Golden Keen with charter party attached early 2017 and regretfully West-Sahara was not excluded in the charter party we assumed. The vessel was time chartered out to a third party for the remainder of 2017, and therefore we were not in a position to stop the trade out of West Sahara on this particular vessel. For new charter contracts we enter into we include an exclusion of West Sahara. […] We have also included in our policy to exclude cargoes from West Sahara, expanding beyond standard contract clauses.”

Golden Ocean Management AS. In February 2018. regarding a 79,000 tonnes shipment to the USA in August 2017.73

“We have a separate clause excluding trade in Western Sahara”

Seven Seas Carriers. 2015.75

“We have excluded Western Sahara as a territory for trade”

Span Shipping on 10 January 2019.73

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Golden Ocean Management AS. In February 2018. regarding a 79,000 tonnes shipment to the USA in August 2017.73
Companies involved in the trade

Seven companies and co-operatives were involved in the imports of Western Sahara phosphates rock in 2021.

1. O.C.P SA (Morocco/Ireland)

OCP SA is a Moroccan state-owned company, which since 1975 has been in operation of the mine in Western Sahara. The work is carried out through its subsidiary Phosphates de Boucraa S.A.

Primarily a state-owned company, it is not possible for foreign investors to buy shares in OCP. However, OCP bonds have been offered to Moroccan investors via the Casablanca Stock Exchange since 2011, and to international investors through the Irish Stock Exchange since 2014. Several institutional investors have since excluded OCP from their portfolios for its involvement in Western Sahara.

2. PARADEEP PHOSPHATES LTD (India/Morocco)

Paradeep Phosphates Limited (PPL) produces, markets and distributes phosphate-based fertilizers and by-products for agricultural use. The company was established in 1981 as a joint venture of the government of India and the Republic of Nauru. In 1993, the government of India took complete ownership of the company. Due to significant losses near the end of the nineties, the government of India decided to divest 74% in February 2002. That stake was bought by Zuari Maroc Phosphates Pvt Ltd, a 50-50 joint venture of Zuari Agro-Chemicals Ltd (a subsidiary of Adventz Group of India) and Maroc Phosphore SA - a wholly owned subsidiary of OCP today. PPL operates as a subsidiary of Zuari Maroc Phosphates, which holds 60.45% stake, while the government of India holds the remaining 39.55%.

In other words, PPL is owned by the Government of Morocco, an Indian private conglomerate (Adventz Group) and the Government of India. In 2021, however, India’s Securities and Exchange Board (Sebi) approved Paradeep’s plans to mop up funds through an initial public offering (IPO) through which both Zuari Maroc Phosphates and the Government of India will offer up equity shares.

PPL is headquartered in Bhubaneswar, India and receives its phosphate rock at the port city of Paradip, approximately 120 kilometers to the east. A Prospectus filed by PPL in August 2021, learns that the company entered into a long-term supply agreement with OCP on 1 January 2021 for the procurement of what the firm calls “our most important raw material by value: Phosphate Rock”. The agreement has a term of three years, expiring 31 December 2023, and can be automatically renewed for successive periods of two years. Under the deal, PPL is obliged to purchase a minimum quantity of 0.8 million MT to 1.5 million MT per contract year. It should be noted that PPL also imports from mines that are managed by OCP in Morocco proper.

The Prospectus also clarifies that the price per MT is calculated in accordance with a formula that is included in the agreement and subject to a floor price. OCP does grant PPL a certain discount on the total value of the annually purchased quantity, if PPL purchases all its required rock exclusively from OCP during that contract year.

Due to the termination of exports to North America, Paradeep has since 2019 been, by far, the biggest importer of phosphate rock from the territory. The company purchased 40% of the Bou Craa production during 2021.

2021 is the sixth year of regular imports by PPL, though the firm has imported from occupied Western Sahara before. WSRW has traced a previous purchase from Phosboucraa during the financial year 2015-2016. None of the letters sent by WSRW to PPL since 2015, have ever been answered.

O.C.P’s affairs at the Irish Stock Exchange are managed by Barclays, Morgan Stanley and JP Morgan; multinational financial services corporations based in the UK and USA.

The company has commissioned the firms SenatorsHL, DLA Piper, Covington & Burling, Palacio y Asociados, Edelman and Dechert LLP to advocate the suppositious legality of OCP’s operations in Western Sahara. Besides carrying out lobbying-campaigns, the mentioned companies also write reports that allege the legal solidity of the Bou Craa exploitation on the grounds of being supposedly beneficial to the Saharawi people. None of these reports have been made available to Saharawis or to WSRW.
The bulk ship Oceanmaster is observed at the port of Napier, New Zealand, in August 2021, during its mission to offload an approximately 55,000 tonnes of phosphate rock for OCP’s client Ballance Agri-Nutrients.

In spite of earlier promises, the US company Innophos Holdings has resumed imports of phosphate rock from occupied Western Sahara into Mexico. The company became the leading importer during the second half of the year from the arrival of the first shipment on 2 August 2021 until the end of the year. Innophos took in 33.4% of all phosphate rock from occupied Western Sahara. The seven shipments that it received during the last five months of 2021 totalled 730,000 tonnes. More than any other importer involved in that same timeframe.

The company has previously been involved in the same trade. This happened in two different ways. On one hand, its subsidiary Innophos Mexicana imported directly to Coatzacoalcos until 2015. On the other hand, the company was involved in the former trade to the US by being the main customer of the PotashCorp’s factory in Geismar, Louisiana. The product was shipped from PotashCorp to Innophos through a pipeline. The PotashCorp plant, which had provided Innophos with Saharawi phosphate, was closed by the end of 2011 by Nutrien, the merger of PotashCorp Inc. and AgraCorp Inc. From 2010 to 2012, WSRW sent Innophos seven letters about the company’s purchases from the occupied territory, without receiving a reply. Until its former exit from the trade in 2015, Innophos was the subject of multiple divestments from shareholders. A lengthy analysis for the ethical exclusion of the firm was prepared by the Council on Ethics of the Norwegian Government Pension Fund in 2015. For the same reason, the company has also been kicked out of the portfolios of the Luxemburg Pension Fund and Danske Bank, among others.

In 2019, the company announced its departure from Western Sahara trade. As part of Innophos’ commitment to overall social responsibility and good corporate stewardship, Innophos will no longer indirectly participate in a raw material supply chain which sources phosphate rock from the Western Sahara region in Africa, an area from which the Company has not directly purchased raw materials for more than three years. Innophos Holdings wrote in a press release on 2 July 2020. In 2020, Innophos Holdings delisted from the Nasdaq stock market. The company normally imports to its plants in the US from PotashCorp, PotashCorp Inc. and Agrium Inc. From 2010 to 2012, WSRW sent Innophos seven letters about the company’s purchases from the occupied territory, without receiving a reply. Until its former exit from the trade in 2015, Innophos was the subject of multiple divestments from shareholders. A lengthy analysis for the ethical exclusion of the firm was prepared by the Council on Ethics of the Norwegian Government Pension Fund in 2015. For the same reason, the company has also been kicked out of the portfolios of the Luxemburg Pension Fund and Danske Bank, among others.

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In 2021, for the third consecutive year, a very small cargo vessel undertook the long journey from the phosphate harbour in El Aaiún to Moji, Japan. On 17 August 2021, the vessel Franbo Logic arrived with what WSRW suspects is 12,000 tonnes of phosphate rock.

WSRW has reason to consider Itochu Corp as responsible for the imports. Itochu Corp is regarded as a leading ‘sogo shosha’, a Japanese company that trades in a wide variety of products and materials, acting as intermediary and often also engaging in logistics, plant development and international resource exploitation. WSRW and Friends of Western Sahara Japan sent a letter to the company on 23 February 2022, but no response was received.

EUROCHEM GROUP (Estonia/Switzerland/Russia)

IMPORTER IN JAPAN POSSIBLY ITOCHU CORP


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UNKNOWN IMPORTER IN CHINA

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Companies under observation

Some companies have in the past been identified and named as importers. The following companies have not been involved in the trade during recent years, but WSRW sees a risk that they would resume purchasing.

Morocco’s exports of phosphate rock from occupied Western Sahara to a Chinese-owned company in Brazil will not happen again, according to the Chinese importing company.

In 2021, Western Sahara Resource Watch (WSRW) wrote that it had tracked shipments of phosphate rock from occupied Western Sahara to an industrial compound in Cubatão, Brazil. A fleet of trucks was seen transporting the cargo the 20 minutes from the port, until they passed through security gates of the large industrial area.

From what WSRW learned from sources in Santos, in fact two importers were behind the incidents. One of the two companies, Copebras, a subsidiary in Brazil of the company China Molybdenum, did not respond to a Brazilian media request following the revelation. WSRW also contacted China Molybdenum earlier in 2021, with no response. However, the company’s investors have been more successful. WSRW has been in contact with three of the owners of China Molybdenum who have all received this same information from the investor relations department of the company. The company has stopped the purchases.

"We made contact with the company in order to learn more about the incident. We had a good dialogue with the company, where they assured us that it was a one-time incident, and that it is a topic that they are following closely. The company clarified that it will not purchase phosphate without first having carried out further due diligence," Kiran Aziz, senior analyst in KLP Asset Management in Norway told WSRW.

Another China Molybdenum investor had received the response that no further imports will take place.

On 20 June 2020, the bulk carrier Lalis D arrived in Santos, Brazil, with phosphate rock from the Bou Craa mine. A fleet of trucks transported the cargo to the closed industrial area of Cubatão, losing some of the rock alongside the road.

The Chinese company has allegedly clarified to the owners that the incidents were not part of a long term agreement.

WSRW has identified three shipments to Brazil in 2020 and two in 2019, with a total cargo of around 166,600 tonnes. No shipments of phosphate rock have been made from Western Sahara to Brazil since December 2020.

From what WSRW learned from sources on the ground in Brazil in December 2020, was that another company - Cesari Fertilizantes (Cefertil) part of Grupo Cesari - also was involved in the imports of rock from the territory. That company denied to Brazilian media its involvement.

The Brazilian Cesari group, owner of Cefertil, replied that Cefertil does not use Saharawi phosphates for its formulations. "In addition to this, our industrialization and storage contracts contain specific clauses in which the customer is responsible for the origin of the product," the company explained.

Grupo Cesari’s large industrial area in Cubatão offers storage facilities to more than one company, including companies that are not part of Cesari’s portfolio. One such company is Mosaic Fertilizantes, the Brazilian subsidiary of Mosaic Company, the USA’s largest phosphate-based fertilizer producer. In 2015, Mosaic informed that it would no longer import phosphate from Western Sahara. That position has also been confirmed to WSRW in 2019.
Incitec Pivot Ltd also referred to as IPL is an Australian multinational corporation that engages in the manufacturing, trading and distribution of fertilizers. The company’s fertilizer segment includes Incitec Pivot Fertilizers (IPF), Southern Cross International (SCI) and Fertilizers Elimination (Felim).

Incitec Pivot has imported from Western Sahara for three decades. Since 2013, when Incitec Pivot arose out of a merger between Incitec Fertilizers and Pivot Limited, the company had been importing continuously.

Incitec Pivot has its headquarters in Melbourne, Victoria, Australia, and is registered on the Australian Securities Exchange. Today, Incitec Pivot is the largest supplier of fertilizer products in Australia, but also markets its products abroad, such as in India, Pakistan and Latin America. IPL manufactures a range of fertilizer products and used the Saharawi phosphate for its so-called superphosphate products produced at plants in Geelong and Portland.

The last shipments observed to Incitec Pivot were in 2016, when the firm procured three consignments of phosphate rock from Western Sahara, totalling 105,000 tonnes, worth an estimated USD 12.1 million. That was a substantial increase from its 2015 imports of 63,000 tonnes of Saharawi phosphate, as confirmed by the company.

Incitec Pivot told the Australian Western Sahara Association in December 2017 that there had been no imports since December 2016, as it now sources its phosphate rock in Togo. WSRW has indeed not tracked any shipments to the company since then.

WSRW last wrote IPL on 5 December 2019, without reply.

On 28 November 2018, the Chinese company Sinofert Holdings Limited imported a shipment from Western Sahara. Sinofert is the largest fertilizer producer and distributor in China. This is described in P for Plunder 2019. The Chinese government-owned Sinochem Group holds a 55% interest in Sinofert, while the Canadian company Nutrien Ltd holds 22%, and the remainder is listed on the Hong Kong Stock Exchange. WSRW has written a letter to Sinofert on 22 January 2019, questioning their new involvement in the controversial trade. The company has not responded.

WSRW sent a letter to Nutrien on 22 January 2019, to inquire about the Sinofert matter. No reply has been received. Early 2018, Nutrien was formed through the merger of Agrium Inc and Potash Corporation of Saskatchewan Inc (PotashCorp). Both latter firms were major importers of Western Sahara phosphate rock. At the end of 2018, Nutrien terminated the imports, following years of intensive shareholder engagement vis-à-vis the two companies.

From 2013 until 2018, Nutrien purchased half of all the Bou Craa phosphate for its so-called superphosphate products, produced at plants in Geelong and Portland.

The first import shipments were in 2012, totalling 150,000 tonnes, worth an estimated USD 190 million. Nutrien has been importing from Western Sahara for three decades.

The company procured five consignments in 2014, totalling 378,000 tonnes, worth an estimated USD 464 million. The last shipment was a single consignment of 13,800 tonnes, worth an estimated USD 14 million, in 2015.

Nutrien has 12% of the Bou Craa project. Since 2013, when Nutrien was formed out of the merger of Agrium Inc and Potash Corporation of Saskatchewan, both latter firms were major importers of Western Sahara phosphate rock.

On 28 February 2018, Nutrien sent a letter to the United Nations Security Council on the Western Sahara issue, stressing the company’s support for the U.N. Special Representative of the Chief by Sect. The company has not responded.

NUTRIEN/SINO FERT (China/Canada)

THE GOVERNMENT OF VENEZUELA (Colombia/Venezuela)

The Venezuelan government has traditionally been involved in the trade in two different ways: through imports to subsidiaries in both Colombia (Monome ros) and Venezuela. The related companies have been importing from the occupied territory for decades.

Since May 2011, when Saharawi phosphate shipments were detained in South Africa and Panama, no transports to Colombia and Venezuela have been observed. The Colombian Company Monomer os Colombo Venezuela S.A is a petrochemical company fully owned subsidiary of the Venezuelan state owned petrochemical company Pequiv en (Petroquimica de Venezuela S.A). The company used to import to Barranquilla. The last proven import incident to Monomer os was a single shipment in calendar year 2011, totaling approximately 17,000 tonnes. The imports have thus reduced dramatically in 2016. Monomer os imported 56,000 tonnes in 2017, totaling approximately 17,000 tonnes. WSRW has observed several occasions raised the matter with both Monome ros and its parent company Pequiv en, as well as the Venezuelan government. None of them responded to any of our letters. The Venezuelan importer Tripoliven in 2013 denied importing from Western Sahara, which later proved to be incorrect.

For more about the imports to Puerto Cabello, Venezuela, please see P for Plunder 2016.

INDIAN IMPORTERS

On 6 March 2019, a vessel carrying 59,600 tonnes of Western Sahara phosphates departed El Aaiún. It arrived at the port of Visakhapatnam India. On 3 April WSRW expects the importer to be Coromandel International Ltd. the same company that imported a shipment to Visakhapatnam a year earlier. The company is registered on the National Stock Exchange of India, and has several large international investors among its owners. WSRW sent letters to Coromandel in January 2019 and February 2020 to ask whether it had fulfilled the legal requirement of obtaining prior consent from the representatives of the territory for such trade, and whether this was a one-off import. No reply was received. No transports have been observed to Coromandel since 2019. An earlier shipment was made in March 2014 to the port of Tuticorin, where the importer must have been yet another company. This incident is covered in P for Plunder 2014.

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Companies no longer involved

Some companies have in the past been identified and named as importers. These have not been involved in the trade since 2012 or have publicly stated they’d halt all further purchases, and WSRW sees little risk that they would resume purchases.

Impact Fertilisers Pty Ltd
(Australia/Switzerland)

Impact Fertilisers in Tasmania has not imported since the arrival of Alycia in Hobart harbour on 7 August 2012.

Australian phosphate importer Impact Fertilisers imported phosphates from Western Sahara, at least from 2002 through 2012. The company imported the rock to Hobart, Tasmania. In 2010 the company became part of Ameropa, a Swiss privately owned grain and fertilizer trading company. Western Sahara groups in both Australia and Switzerland campaigned against the company for many years.

In 2013 Impact announced it had halted the imports from Western Sahara. WSRW has not observed shipments to Impact since August 2012.

Nidera Uruguaya S.A.
(Uruguay/The Netherlands)

The Uruguayan company Nidera Uruguaya S.A., subsidiary of Dutch trading company Nidera NV, received one vessel containing phosphate rock from Western Sahara in 2009.

WSRW confronted Nidera Uruguaya with the information about the 2009 vessel in a letter 21 June 2010. As no answer was received, new letters were sent to the parent company in The Netherlands in October 2011. The outcome of the following correspondence with Nidera was a statement from the company underlining that ‘If our subsidiary in Uruguay again needs to import phosphate rock in the future, the matter which is now brought to our attention is something we shall definitively take into consideration’. The company at the time also stated that its subsidiary in Uruguay had not received any phosphate rock from Western Sahara during the years 2007, 2008, 2010, 2011.\footnote{33}
Yara International ASA (Norway)

Yara is the world’s leading supplier of mineral fertilizers. It used to be a large importer of phosphates from Western Sahara in the past, but has since decided not to import from Western Sahara. The main motive for the decision to cease doing so has been that the Norwegian government urges Norwegian companies not to trade with goods from Western Sahara due to concerns of international law. The company has today as a policy only to import or trade with phosphates from Morocco proper, not from the Bou Craa mines.

“We hope the country will be liberated; then the population there will profit from us quickly receiving their phosphates”, Chief Communications Officer, Bente Slaatten told. 127

Mosaic Co (USA)

Mosaic Company is headquartered in Minnesota, USA, and listed on the New York Stock Exchange. WSRW confirmed 15 shipments from occupied Western Sahara to Tampa, Florida, USA in the period from 2001 to 2009. Tampa is home to the headquarters of Mosaic’s phosphate operations and many of the firm’s phosphate production facilities.

On 25 August 2010, Mosaic informed WSRW that it had received its last shipment of Western Sahara phosphate rock on 29 January 2009 and that it ‘has no plans’ to import from the territory again. Mosaic confirmed to the Swedish investor and shareholder Nordea that it had halted imports. Mosaic has now disclosed that they have discontinued their purchase of phosphate from Western Sahara, which also has been independently confirmed. The company has acknowledged the human rights issues involved with importing phosphate from Western Sahara. Nordea wrote. 128

BASF SE (Germany/Belgium)

BASF was one of the leading importers through the 1990s. It received its last known shipment to Belgium in 2008. 129 BASF’s sustainability centre was confident such import did not violate international law, but confirmed to WSRW that it would not expect more imports. A part of BASF’s phosphate demand is covered by Moroccan phosphate delivered by Office Chimie des Phosphates (OCP). OCP has been a reliable supplier of phosphate from mines in the Kingdom of Morocco for over 20 years. In spring 2008, OCP contacted us because of a supply shortage at the Moroccan mine from which BASF usually receives the phosphate. OCP offered a temporary replacement order with phosphate in an alternative quality from a different mine operated by OCP in the Western Sahara region, which we accepted. For the time being, this was an isolated replacement delivery from this territory which we do not expect to be repeated in the future. 130

Wesfarmers Ltd (Australia)

Wesfarmers Limited is one of Australia’s largest public companies headquartered in Perth, Western Australia. The company is listed on the Australian Securities Exchange. Its fertiliser subsidiary, Wesfarmers CSBP was a major importer from occupied Western Sahara for at least two decades. Earliest known imports of Saharawi phosphates by CSBP date back to 1990. In 2009, the firm announced it would ‘reduce the company’s dependency on phosphate rock from Western Sahara’. The company said it would invest in new technology that would make it possible to use other phosphate sources. CSBP did however: leave open the possibility that the imports could continue, albeit to a limited degree, depending on price and availability of alternative sources. This decision followed a wave of European divestments over ethical concerns on trade in phosphate from occupied Western Sahara. Wesfarmers used to import between 60 and 70% of its phosphates from Western Sahara.

Wesfarmers has on numerous occasions since shown a will to phase down imports from Western Sahara, but has not committed categorically to completely stop imports. As the de facto imports seem to have stopped, some investors have returned to the company.

WSRW has not observed any shipments to Wesfarmers since it started its daily monitoring of vessels in October 2010.

Other companies

Some companies that have previously been on WSRW’s observation list were later moved over to the list of companies that are no longer involved. The reason for this is that such a long time has passed since a shipment took place that we expect them not to be engaged again. These are Petrokemija PLC from Croatia (last shipment in 2001), Tata Chemicals from India (last shipment in 2000), Zen Noh from Japan (last shipment in 2006) and Agropolichim AD from Bulgaria (last shipment in 2008). None of these companies have responded to requests from WSRW.
In defense of their phosphate imports from Western Sahara, several companies have referred to legal opinions by different law firms retained by OCP.

These legal opinions are systematically used by the international phosphate importers to legitimize their imports vis-à-vis shareholders. The confidential analyses are said to establish that the local people benefit from the industry. However, the local people - the owners of the phosphates - are themselves not allowed to see the opinions, and are thus unable to assess their veracity. All aspects related to Terms of Reference, methodology or findings are thus impossible for the Saharawis to question.

WSRW believes that there is little reason to withhold them from the Saharawis.

Four international lobbying law firms are behind such undisclosed opinions:

**Covington & Burling LLP** is an international law firm with offices in Europe, USA and China, which advises multinational corporations. Among its clients is OCP.

Both the Belgian importer BASF and the Spanish importer FMC Foret referred to Covington & Burling’s legal opinion made for OCP, but neither wished to disclose the report. BASF at the time (November 2008) urged WSRW to contact Covington & Burling for further questions. WSRW had contacted the firm in February 2008, but received no reply. When phoning the company to ask for a meeting, Covington & Burling replied that they “would not engage with you at all regarding anything at all. You’re not my client, and as far as I can see you have no interest or stake in our company.”

It should be noted that Covington & Burling will travel around the world to defend the unethical trade to shareholders looking into divesting from any of the companies that import phosphate from Western Sahara.

More recently, the law firm **DLA Piper** teamed up with the firm **Palacio y Asociados** to provide OCP with another legal opinion to justify the trade. Based on statements from the importing companies, this second opinion seems to follow the analysis of the Covington & Burling opinion, citing potential benefits to the ‘local population’ as a validation for the exploitation and subsequent trade to take place. As part of the work on the legal opinion, DLA Piper had also commissioned KPMG, a professional service company, to study the economic and social impacts of OCP’s operations, and their sustainability ‘in the region’.

**DLA Piper** is an international law firm that has offices in around 50 countries throughout the Americas, Asia Pacific, Europe and the Middle East. Palacio y Asociados is headed by Spain’s former Minister of Foreign Affairs and former MEP Ana Palacio, and has offices in Madrid, Brussels and Washington.

WSRW contacted both firms with the request to share their legal opinion with the Saharawis. DLA Piper replied that it could not share the opinion that “was written for the benefit of Phosphates de Boucraa S.A. and its holding company, Office Chérifien des Phosphates S.A., due to legal privilege.” Ana Palacio, head of Palacio y Asociados, wrote back to express her disagreement with WSRW’s analysis and also cited legal privilege. Palacio herself sits on the international advisory board of OCP.

In November 2019, PotashCorp named the firm **Dechert LLP** and Palacio y Asociados as co-authors of a legal opinion. Dechert LLP is an international law firm headquartered in Philadelphia, USA, with offices in 14 countries.

Up until August 2014, PotashCorp had named DLA Piper as the partner of Palacio y Asociados. It is not clear whether the Dechert-Palacio opinion is different from the DLA Piper-Palacio opinion. The missing link between the two could be Myriam González Durántez, wife of Britain’s former Deputy Prime Minister Nick Clegg, who represented OCP when working at DLA Piper, but who is said to have taken the OCP contract with her when she moved to Dechert. OCP has reportedly paid an estimated USD 1.5 million for work carried out by both Dechert and DLA Piper.

Dechert replied to WSRW’s letter of 8 February 2016 that it could not disclose its legal opinion for OCP due to client confidentiality. WSRW has asked Dechert and Palacio y Asociados whether their client would consent to waiving privilege, as the confidentiality of the legal opinions has already been given up by making their existence public. WSRW never received a reply to that request.

From 2019, a New Zealand lobby firm, **SenateSHJ**, started representing OCP in New Zealand, handling the Moroccan company’s public relations in the country. WSRW wrote SenateSHJ on 2 March 2022. No answer has been received.

OCP has failed to answer requests from Saharawis to share copies of the reports.
Morocco lobbies for more toxics in EU farmlands

In the spring of 2019, the European Parliament and the European Council adopted a regulation limiting the amount of contaminants such as cadmium contained in fertilisers. The aim is to limit the EU population’s exposure to this heavy metal due to its adverse health effects, particularly in terms of its potential of causing cancer. Phosphate fertilizers are responsible for 60% of current cadmium deposits to crops and soils within the EU, as documented in a February 2017 study by the European Parliament’s Policy Department.

The Regulation now caps the cadmium level at 60 mg/kg. Starting from 16 July 2022, the sale of phosphate-based fertilizers containing more than 60 mg of cadmium per kg of P2O5 will be barred throughout the EU. Further tightening of restrictions on cadmium will be considered in July 2026. Member States are still permitted to use stricter limitations, which is already the case in countries like Germany, Finland, Denmark, Czech Republic, Hungary, Netherlands, Sweden and Slovakia.

The original proposal by the EU Commission was stricter: a 60 mg/kg of phosphate at the date of the deal application, 40 mg/kg three years later, and 20 mg/kg after another 12 years. This proposal was accepted by the European Parliament, albeit with an adjusted timeline (40 mg/kg in six years after date of application, 20 mg/kg in six years).

But Member States such as Spain, Italy, Poland, Portugal and the UK opposed any limits below 60 mg/kg, while the fertilizer industry mounted tough opposition. Fierce counter-lobby however also came from Morocco.

The phosphate rock managed by OCP – thus including the Western Sahara rock – is said to contain on average between 29.5 to 72.7 mg/kg. The European Parliament’s Policy Department paints an even bleaker picture, citing levels of 98-200 mg Cd/kg.

Since the initially proposed regulation would have resulted in the nullification of that sales figure over time, OCP unleashed an intense counter-lobby. OCP argued that there is not enough scientific proof to underpin the idea of limiting cadmium levels, and suggested the EU to even raise cadmium levels to 80 mg/kg rather than the suggestion of the EU Commission. On 1 May 2016, OCP sent a letter to the Commission, stating it disagreed with the proposal. OCP also lamented that ‘major fertilizer producers [...] had not been consulted’. The irony is that OCP itself refuses to seek the consent from the people of Western Sahara, through cooperating with the UN for a referendum for the people of the territory.

To the Government of Morocco:
– To respect international law and immediately terminate the production and exports of phosphates from occupied Western Sahara until a solution to the conflict has been found.
– To respect the right to self-determination of the people of Western Sahara, through cooperating with the UN for a referendum for the people of the territory.
– To compensate the Saharawi people for the benefits it has accrued from the sales of phosphate rock from the illegally occupied territory.

To the purchasers of phosphates from Bou Craa mine:
– To immediately end all purchasing of phosphate illegally exploited and exported from occupied Western Sahara.

To the governments of the importing countries:
– To clearly state to the involved importing companies that they should refrain from imports from Western Sahara and to assist these businesses in diversifying their supply base.

To the government of New Zealand:
– To immediately proceed to quantify the cost and take measures to retrofit Raversdrov’s and Balanced Ag’s processing facilities to enable use of alternative sources.

To the suppliers of the Bou Craa mine and constructors of the new phosphate port:
– To immediately terminate all works, supplies and maintenance.

To the shipping companies transporting phosphate rock out of Western Sahara:
– To refrain from shipping commodities out of Western Sahara.
– To install a provision in shipping contracts preventing the use of vessels for transporting commodities out of the territory.

To investors:
– To engage with the mentioned companies and divest unless action is taken to halt the imports.

To Covington & Burling, Dechert, DLA Piper, SenatesSHJ, KPMG, Edelman and Palacio y Asociados:
– To publish all reports written for OCP which aim to justify OCP’s activities in occupied Western Sahara and the illegal expert trade in Saharawi phosphate.
– To refrain from defending Morocco’s plunder of the territory by stopping the undertaking of assignments to legitimize its continuation.

To the European Union:
– To assess trade in products originating in Western Sahara and adopt policies that ensure that such trade is consistent with the Court of Justice of the EU judgment of 21 December 2016 and with the duty on States under international law not to recognize Morocco’s sovereignty over occupied Western Sahara.
– To develop business advisory guidelines warning of the legal and reputational risks of doing business with Moroccan interests in the territory.
– To ensure European companies adhere to the principles established in the Court of Justice of the EU judgment of 21 December 2016, assuring that EU companies do not purchase phosphates from Western Sahara.

To the United Nations:
– To create a UN administration to oversee or otherwise administer Western Sahara’s natural resources and revenues from such resources pending the self-determination of the Saharawi people.

Recommendations

4,000 kilometer long conveyor belt carries phosphates from the Bou Craa mine to the coast. The rubber belt was maintained by the German company Continental AG, until the company departed the territory in 2005.
Annex 2: The shipping companies behind the controversial phosphate transports, 1 January 2021 to 31 December 2021

<table>
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<tr>
<th>Vessel Name</th>
<th>No.</th>
<th>IMO</th>
<th>Flag</th>
<th>Departure (importer)</th>
<th>Arrival</th>
<th>DWT</th>
<th>Estimated cargo (tonnes)</th>
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<th>Reg. owner address</th>
<th>Reg. owner nationality of registration</th>
<th>Group owner</th>
<th>Group owner nationality of controlling interest</th>
<th>Operator</th>
<th>Operator address</th>
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</tbody>
</table>

The table shows the owners and operators that WSRW has been able to confirm as having a connection to the cargo vessels at the time when the transport from Western Sahara took place. The companies that operated/owned these vessels at the time of the publication of this report, or who operate/own the vessels today, did not necessarily have a link to the vessels at the time of the shipment. WSRW has contacted most of the operators representing the 26 vessels. Letters from WSRW, and answers are found on https://www.wsrw.org/news/shipping-company-responses-to-the-report-p-for-blunder-2021.
| Vessel Name | No. | IMO | Flag | Departure | Destination (Importer) | Arrival | DWT | Estimated cargo (Tonnes) | Reg. owner | Reg. owner nationality of registration | Group owner | Group owner nationality of controlling | Operator | Operator nationality of control | Operator website | Operator email |
|-------------|-----|-----|------|-----------|------------------------|---------|-----|--------------------------|------------|-------------------------------|------------|--------------------------------|$              |
| Georgios P | 13  | 9476680 | Greece | 11.08.2021 | Coatzacoalcos, Mexico | 29.08.2021 | 57 000 | 55 000 | Adventure Shipping Co | Trust Company Complex, Ajaytike Road, Ajaytike, Mayore MIH 9690. Marshall Islands | Common Progress Company | Panama | Greece | Common Progress Company | Greece | info@common-progress.gr | commonprogress.gr | uk P&I Club |
| Al Warthba | 14  | 9812743 | Liberia | 22.08.2021 | Paradip, India (Paradip) | 15.10.2021 | 63 555 | 60 500 | Al Warthba Inc | 80 Broadway Street, Monrovia, Liberia | Adnoc Logistics & Services | United Arab Emirates | Adnoc Logistics & Services | United Arab Emirates | info@adnoclogistics.com | North of England |
| Genavia | 15  | 975548 | Switzerland | 02.09.2021 | Coatzacoalcos, Mexico | 20.09.2021 | 57 587 | 55 000 | Bulk Shipping | Zeilwerder Zurich AG, Ramstrasse 6. 8001 Zurich Switzerland | Zurich AG | Switzerland | Zurich AG | Switzerland | gard.ch | Gard |
| FAS Hayata | 17  | 9760158 | Panama | 20.09.2021 | Taungaragliff, New Zealand (Ballance Agri-Nutrients) | 09.11.2021 | 60 492 | 58 000 | Trinity Bulk SA | C/O Trinity Shipping Co Ltd, Shioh-SUNEITEL Nakedgeuro Building, M1. Kamiyoneuro, Ichinomiya, Higashi-Ku, Tokyo 135 001, Japan | Max Shipping Corp | Japan | Japan | Island View Shipping | South Africa | handyship@ivc-int.com | uk P&I Club |
| Captamyaness L | 18  | 9543546 | Marshall Islands | 26.09.2021 | Coatzacoalcos, Mexico | 17.10.2021 | 55 688 | 54 000 | Akki Maritime SA | C/O Sea Orbis Management & Trading Inc, 6, Akti Possasotrotos, Kalithea 71 74 Athens, Greece | Sea World Management & Trading Inc | Greece | Libya | Sea World Management & Trading Inc | Greece | admin@seaworldmt.gr | North of England |
| Alimos Hero | 20  | 9752401 | Panama | 15.11.2021 | Paradip, India (Paradip) | 15.11.2021 | 63 409 | 61 225 | Alimos Hero SA | C/O Marinos Harris Lines SA, 2nd Floor, 237, Fuxing 5-Road, Section 2, Da-an District, Taipei City, 10667, Taiwan | Wisdom Harris Lines SA | Taiwan | Taiwan | Wisdom Harris Lines SA | Taiwan | chartering@wisdomlines.tw | Britannia P&I Club |
| Basalino | 21  | 9450818 | Marshall Islands | 25.10.2021 | Coatzacoalcos, Mexico | 13.11.2021 | 55 700 | 54 000 | SPV S LLC | Trust Company Complex, Aptyike Road, Aptyike, Mayore MIH 9690. Marshall Islands | Technomar Shipping Inc | Greece | Libya | Technomar Shipping Inc | Greece | info@technomar.gr | uk P&I Club |
| Ince Karadeniz | 22  | 9446192 | Singapore | 09.11.2021 | Paradip, India (Paradip) | 06.12.2021 | 56 956 | 54 450 | Ince Karadeniz Shipping Pte | 15-05 The Concourse, 300 Beach Road, Singapore 199555 | Ince Shipping Group | Singapore | Turkey | Ince Denizcilik ve Ticaret AS | Turkey | chartering@inceco.com | London P&I Club |
| Kelkippen | 23  | 9803049 | Panama | 18.11.2021 | Coatzacoalcos, Mexico | 06.12.2021 | 63002 | 61 000 | Almariter Shipping SA | C/O Shoji Kisan KK, 4-52 Kira cho, Ichome, Wasabanchi, Etohe-kun, 799 281, Japan | Shoji Kisan KK | Japan | Bulhiships ASA | Norway | administration@bulhships.com | North of England |
| Renzo | 24  | 9524683 | Liberia | 30.11.2021 | Coatzacoalcos, Mexico | 20.12.2021 | 55 442 | 53 000 | Noreaster Maritime Ltd | C/O Unisa Shipping Ltd, 4, Jenius Street, Kifisia 145 62 Athens, Greece | Unknown | Unknown | Unisa Shipping Ltd | Greece | marina@unisa.gr | unisa.gr | West of England |
| Barge Catherine | 25  | 9586309 | Panama | 02.01.2022 | Taungaragliff, New Zealand (Ballance Agri-Nutrients) | 16.01.2022 | 63 500 | 61 000 | Batu Shipping Co SA | 19th Floor, Nihonbashi Ichome Building, 4-1 Nihonbashi Ichome, Chuo-ku, Tokyo 103 0027, Japan | Nishin Shipping Co Ltd | Japan | Japan | Nishin Shipping Co Ltd | Japan | ship@bgtms.co.jp | Britannia P&I Club |
| Ince Tokyo | 26  | 9750438 | Singapore | 28.11.2021 | Paradip, India (Paradip) | 06.01.2022 | 61 251 | 58 800 | Biosphorus Shipping Pte Ltd | 15-05 The Concourse, 300 Beach Road, Singapore 199555 | Ince Shipping Group | Singapore | Turkey | Ince Denizcilik ve Ticaret AS | Turkey | chartering@inceco.com | London P&I Club |
“The Court’s conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of General Assembly resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory.”

International Court of Justice, 16 Oct 1975