

Agence Française de Développement  
5 rue Roland Barthes  
75 598 Paris Cedex 12  
France



Brussels  
12 November 2020

To the attention of Mr Rémy Rioux  
General Director of Agence Française de Développement

Dear Mr Rioux,

Western Sahara Resource Watch (WSRW) is privileged to present you with our compliments. We are writing to ask for a clarification regarding the policy of Agence Française de Développement (AFD) on Western Sahara, particularly in view of its financial support to OCP SA.

AFD refers to OCP SA in terms of a strategic partnership with a public enterprise in its 2017-2021 Strategy Paper on Morocco.<sup>1</sup> It is of great concern that OCP, Morocco's state-owned phosphate company, operates the Bou Craa mine in the part of Western Sahara that is under Morocco's military occupation. OCP regularly refers to AFD as one of the long-term funders of its projects. See e.g. its 2018 financial statements to the Moroccan Authority for Financial Markets (AMMC), where it refers to AFD as such, alongside KfW (Kreditanstalt für Wiederaufbau).<sup>2</sup>

KfW has this year clarified that it will not finance projects in Western Sahara. In relation to a credit accorded to OCP's water investment programme, the German Federal Ministry for Economic Cooperation and Development stated in May 2020 that "the existing contracts for the above-mentioned development credit explicitly exclude the financing of economic activities in Western Sahara."<sup>3</sup>

As you will know, recent years have witnessed an emerging body of law pertaining to Morocco's claim to the territory and its resources. In four consecutive rulings, the Court of Justice of the European Union (CJEU) has concluded that Morocco has no sovereignty over Western Sahara, nor any international mandate to administer it, as the territory is separate and distinct from Morocco. As a consequence, the Court ruled, EU agreements with Morocco cannot be extended to Western Sahara in a lawful manner, unless with the explicit consent of the people of the territory – the latter being the natural corollary of the people of Western Sahara's right to self-determination, which is backed by the entire international community (except Morocco).<sup>4</sup> The CJEU as such echoed the Opinion of the International Court of Justice, which could find no evidence of any ties of sovereignty between the two territories and reaffirmed the Saharawi people's right to self-determination.<sup>5</sup>

We would be grateful if AFD could answer the following questions:

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<sup>1</sup> <https://www.afd.fr/fr/ressources/cadre-d'intervention-maroc>

<sup>2</sup> [http://www.ammc.ma/sites/default/files/NI\\_EO\\_OCP\\_006\\_2018.pdf](http://www.ammc.ma/sites/default/files/NI_EO_OCP_006_2018.pdf)

<sup>3</sup> <https://www.kfw-entwicklungsbank.de/ipfz/Projektdatenbank/Wasser-OCP-31533.htm>

<sup>4</sup> The Rulings for cases T-512/12, T-180/14, C-266/16 and T-275/18 can be accessed at the site of the EU Court of Justice, <http://curia.europa.eu>.

<sup>5</sup> International Court of Justice, Advisory Opinion of 16 October 1975, Western Sahara, <https://www.icj-cij.org/files/case-related/61/6197.pdf>

1. What measures does AFD have in place to ensure that its financial support to OCP will not be used in Western Sahara?

In addition, in view of the multitude of projects in 'Morocco' that receive funding from AFD, there is a likelihood that this financial support is used in Western Sahara. E.g. the 800,000€ AFD accorded to Morocco's National Port Agency (ANP) with a view to improving competitiveness of the ports managed by ANP,<sup>6</sup> may very well be used on the new port in Dakhla, occupied Western Sahara – a flagship project under Morocco's National Port Strategy. That same risk exists for e.g. funds granted for the promotion of sustainable agriculture<sup>7</sup> and for socio-economic stabilisation<sup>8</sup>.

2. Does AFD have a policy that rules out the possibility of its funding being used for projects in Western Sahara?

We thank you for your consideration of our concerns and look forward to hearing from you.

Sincerely,

Sara Eyckmans  
Coordinator  
Western Sahara Resource Watch  
[coordinator@wsrw.org](mailto:coordinator@wsrw.org)

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<sup>6</sup> <https://Int.ma/lanp-et-lafd-renforcent-leur-partenariat/>

<sup>7</sup> <https://aujourd'hui.ma/economie/agriculture-durable-credit-agricole-du-maroc-et-lafd-pleinement-mobilisees>

<sup>8</sup> <https://www.challenge.ma/afd-pres-de-150-millions-deuros-debloques-au-profit-du-maroc-sur-les-3-prochains-mois-138047/>