

ThyssenKrupp AG
Att: Ms. Martina Merz, CEO
PO Box 45063
45143 Essen
Germany

Brussels, 09.02.2021

RE. THYSSENKRUPP'S ACTIVITIES IN WESTERN SAHARA

Dear Ms Merz,

Western Sahara Resource Watch is privileged to present you with its compliments. We hope this message finds you well in the current phase of the COVID-19 crisis.

We are writing regarding ThyssenKrupp's relationship to Western Sahara, statements issued by your company at your latest AGM on 5 February 2020, as well as information about your company that appeared in the media. We look forward to getting some issues clarified. To that purpose, we've included several questions below and would appreciate your response. Your answers will appear in an article that we are publishing on our website on 22 February 2021.

As you probably know, 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 four consecutive rulings by the European Court of Justice, Morocco has no sovereignty over or international mandate to administer the territory. Nevertheless, Morocco continues to militarily control three-quarters of the territory, including the Bou Craa phosphate mines which are operated by *Phosboucraa*, a subsidiary of the Moroccan state-owned company *Office Chérifien des Phosphates*, OCP SA.

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

As part of its efforts to cement the occupation, the Moroccan government encourages settlers from Morocco to move into the territory. The Moroccan settlement policy is well described by the Bundestag Research Service: <https://wsrw.org/en/archive/4699>.

The situation on the ground in Western Sahara has changed dramatically in recent months. The ceasefire agreement between Morocco and Frente Polisario has come to a halt mid-November, and armed conflict has resumed in the territory.

In the last decade, numerous investors globally have excluded importers of phosphate rock from the Bou Craa mine for their support to OCP's operations. Over a dozen companies have stopped importing the contentious conflict mineral due legal and ethical concerns.

An article titled 'Quality dips at OCP's Bou Craa mine', published 7 April 2015 by the news service www.africaintelligence.com explained that ThyssenKrupp "supplies equipment to Bou Craa" and "is said to be restoring port facilities". The Executive Board of ThyssenKrupp stated at the AGM that "ThyssenKrupp has carried out regular audits at the client OCP".

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

1. Does ThyssenKrupp supply OCP with any sort of equipment for its operations in Western Sahara? If yes, what sort of equipment?
2. Has ThyssenKrupp, during the last decade, taken part in the restoration of the Bou Craa port? If yes, what did the work consist of?
3. Does ThyssenKrupp today have a contract for the maintenance of, or supplies to, the port? If yes, when does this contract expire?
4. Does ThyssenKrupp have a maintenance of supply contract that covers any other part of the BouCraa phosphate operation? If yes, when does this contract expire?
5. Does ThyssenKrupp have an agreement for maintenance of, or further supplies to, the CIMSUD/HeidelbergCement cement factory? If yes, what does this agreement consist of, and when does this contract expire?
6. Does ThyssenKrupp have any other contract that involves maintenance in or supplies to the territory of Western Sahara that is not mentioned in this letter? If yes, what do these contracts consist of?
7. Did ThyssenKrupp make any effort to obtain the consent of the people of Western Sahara prior to engaging in the above-mentioned operations in Western Sahara?
8. Considering that ThyssenKrupp has worked for the Moroccan state-owned company OCP in the occupied territory, what legal mandate does ThyssenKrupp consider Morocco to have for its presence in the territory?
9. Will ThyssenKrupp consider abstaining from further operations in Western Sahara unless it has received the explicit permission from the representation of the Saharawi people?

As we are publishing our article regarding your company on 23 February, including this letter, and we look forward to an answer to the questions above before 22 February 2021. We believe that it is in the interest of your company that your position on the matter is accurately described.

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

Sincerely

Sara Eyckmans

Coordinator, Western Sahara Resource Watch

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