

WSRW REPORT – APRIL 2022

P FOR PLUNDER

**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.

2022 With
data
from
2021



WSRW WESTERN SAHARA
RESOURCE WATCH

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 1.4 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 1.8 million tonnes. A doubling of the phosphate prices during 2021 means the illegal exports are increasingly lucrative, perhaps to a value of 349 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.

After vessels transporting Western Saharan phosphate were detained in Panama and South Africa in 2017, still no shipment has gone via Cape of Good Hope or through the Panama Canal.

WSRW calls on all companies involved in the trade to immediately halt all purchases and all shipments of Western Sahara phosphates until a solution to the conflict has been found. Investors are requested to engage or divest unless action is taken.

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Front page

The world's largest conveyor belt transports phosphate rock from Bou Craa mines to the coast.

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

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List of abbreviations

DWT	Deadweight tonnage
IMO	International Maritime Organization
OCP	Office Chérifien des Phosphates SA
UN	United Nations

The Controversy



Morocco's claim to Western Sahara has been rejected by the International Court of Justice.¹ To date, the UN considers Western Sahara to be a Non-Self-Governing Territory – a colony – without an administering power. According to the UN, the 'permanent sovereignty over natural wealth and resources' is a 'basic constituent of the right to self-determination'.²

The UN Legal Office has analysed the legality of petroleum exploration and exploitation in Western Sahara, a resource extraction activity that is of a similar nature to phosphate mining. The UN concluded that "if further exploration and exploitation activities were to proceed 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."³

The UN Treaty Body on Economic, Social and Cultural Rights⁴ 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".⁵

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.⁶

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 S.A. (Phosboucraa) 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 Aaiún. OCP puts its production

capacity in Western Sahara at 2.6 million tonnes annually and estimates the Bou Craa reserves at 500 million tonnes.⁷ Bou Craa contributes around 8% of OCP's total extracted volumes, and around 20% of its total export of phosphate rock.⁸ OCP claims that the Bou Craa mines represent only 2% of all phosphate reserves exploited by Morocco.⁹ 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.¹⁰ 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 Phosboucraa is the largest private employer in the area, citing 2,029 employees in 2019¹¹ – and 75 percent are said to be "locals" (without specifying whether they are Saharawis or settlers).¹² It also alleges that Phosboucraa is a major provider of economic viability and well-being of the region's inhabitants. OCP equally boasts the social impact of Phosboucraa, in terms of providing pensions to retirees, medical and social advantages to employees, retirees and their families, etc.¹³ 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.¹⁴

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 return, Russia could guarantee a freeze on the Sahara file within the UN."¹⁵

A Saharawi in the occupied territories is asking New Zealand farmers to wake up. The Pacific nation is one of the very few remaining that import. Saharawis living both under occupation and in exile have continuously protested those imports.

"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.¹⁶

"Agrium's purchase of phosphates from Western Sahara by means of a long-term contract with OCP constitutes an unacceptable risk of complicity in the violation of fundamental ethical norms, and thereby contravenes KLP's guidelines for responsible investment."

Norwegian insurance company KLP regarding its divestments from Agrium Inc.¹⁷

"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"

MP Pension, Denmark. Decision to exclude OCP from investment universe, 17 January 2019.¹⁸

"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.¹⁹

"Human rights violations in Western Sahara"

PGB Pensioenfonds, the Netherlands, third quarter of 2015, upon excluding OCP SA from its portfolios.²⁰

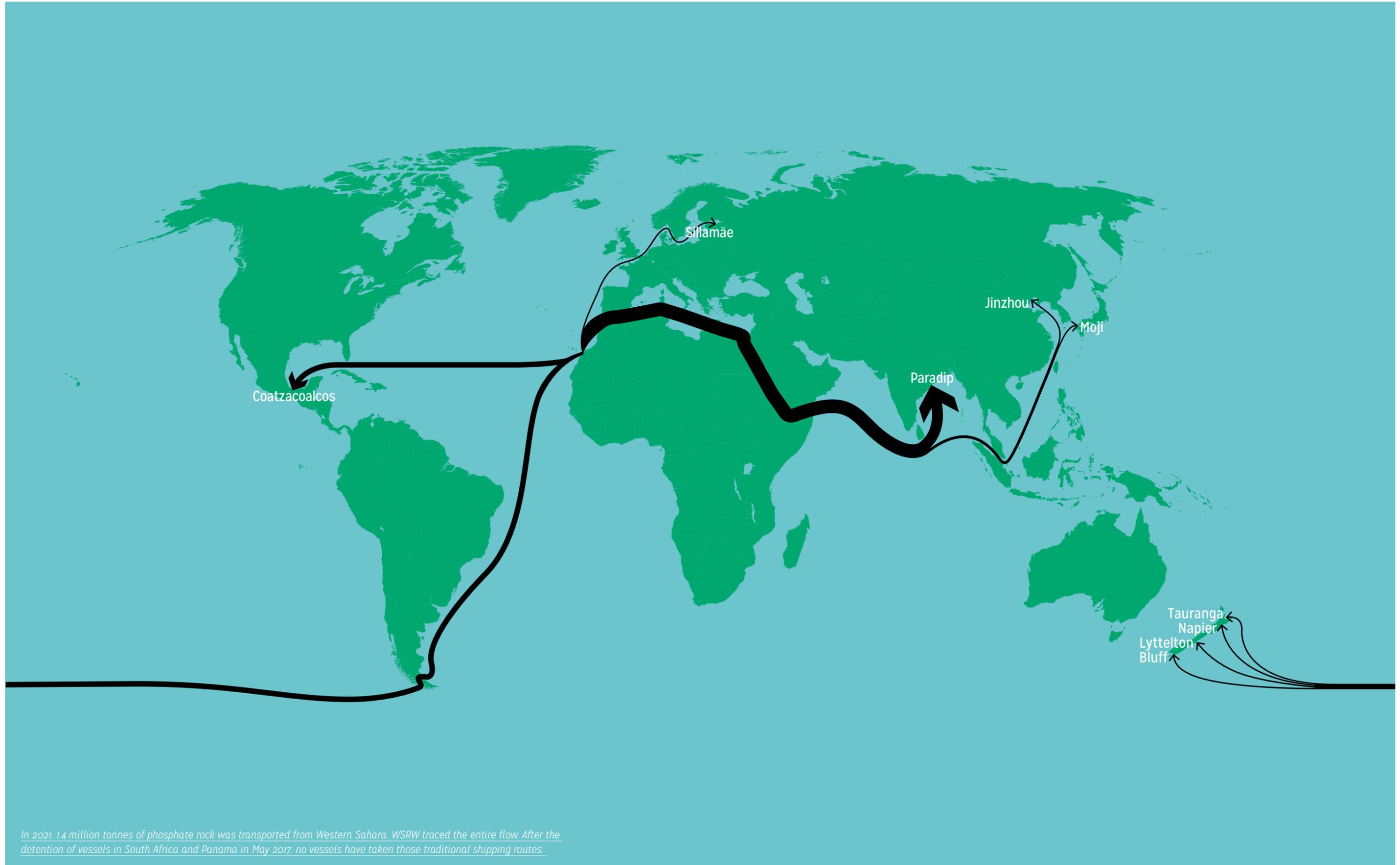
"Nutrien is excluded for breaches of international norms through its continued sourcing of phosphate rock from occupied Western Sahara, without the consent of the Sahrawi people."

Nykredit Realkredit Group, Denmark, explaining its exclusion of Nutrien, April 2018.²¹

"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 Agrium."

Swedish Ethical Council, 9 April 2015, explaining why all Swedish government funds have now divested from Agrium Inc.²²

The Shipments, 2021



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

	2020	2021
Estimated exported amount of phosphate	1,123,000 tonnes	1,417,000 tonnes
Estimated value of exported phosphate	\$170.8 million	\$ 349.1 million
Estimated value of largest single shipment from the territory	\$9.6 million	\$ 15.1 million
Estimated value of smallest single shipment from the territory	\$1 million	\$ 2.8 million
Number of ships that departed with phosphate from the territory	22	26
Average amount of phosphate exported in each ship	51,050 tonnes	54,500 tonnes
Estimated average value of phosphate exported in each ship	\$7.76 million	\$13.4 million
Estimated average annual phosphate price of Bou Craa rock (per tonne)	\$152.1	\$ 246.6

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 stores) 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 2012-2020 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 234USD/tonne, almost the double of the Index Mundi

price for that month. Internal OCP documents from 2019 revealed online, suggested a cargo price of Bou Craa rock between 139 and 161 USD/tonne.²³ This was substantially higher than the 98.5-102.5 USD/tonne price of Index Mundi in 2019 and the 70.7-83.3 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 2021 edition of the P for Plunder report, we have added 100% 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 is 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.

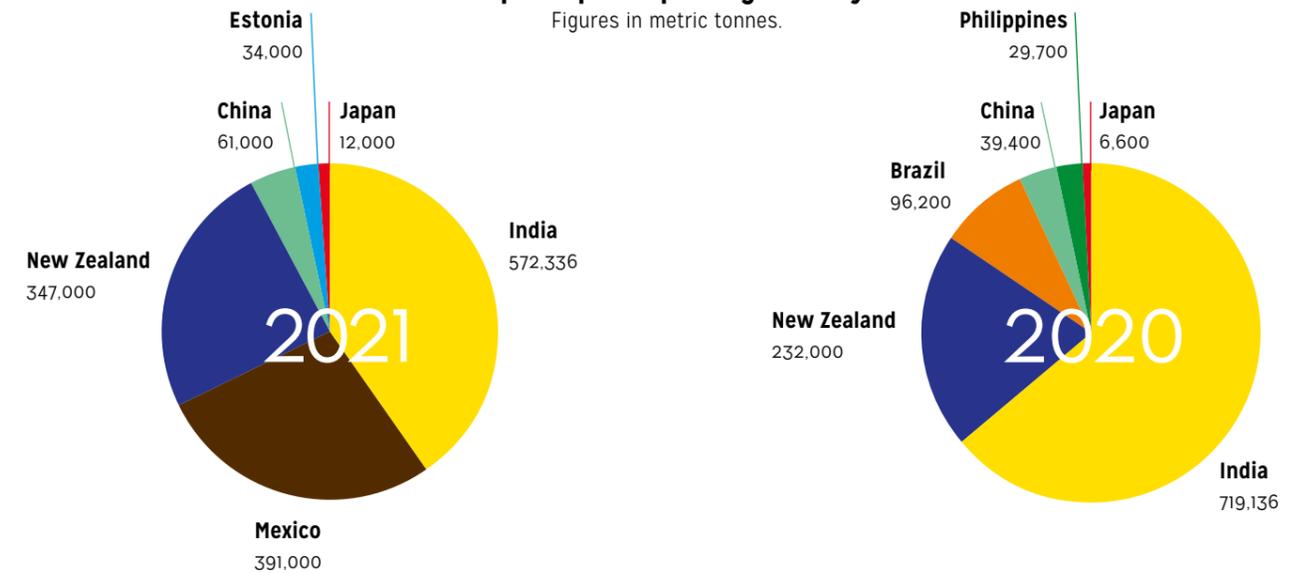
Until 2006 the export of phosphate rock averaged 1.1 million tonnes annually, considerably less than the production capacity of 2.6 million tonnes.²⁴ In the late 1970s, production stopped for three years during armed conflict in the territory, only gradually

achieving 2.0 million tonnes by the late 1990s. WSRW started daily monitoring in 2011. Our first report put OCP's exports of phosphate mined in Bou Craa at 1.8-2.2 million tonnes in 2012-2013. WSRW's projection of 2.1 million tonnes of exported phosphate rock from Bou Craa in 2014 was confirmed in the volume of "processed" phosphates as mentioned in an OCP prospectus.²⁵ After the unusually low level of exports in 2015, the 2016 volume was more in line with the levels we have observed in the past. WSRW's approximations regarding the exported volumes for 2015, 2016 and 2017 are confirmed to be in the ballpark by OCP's latest Prospectus, issued in 2018.²⁶

According to a report from the Moroccan government port agency, a 21.9% increase in phosphate exports from El Aaiún took place from 2020 to 2021.²⁷ This corresponds roughly with our shipment data, which suggests a 26.2% increase.

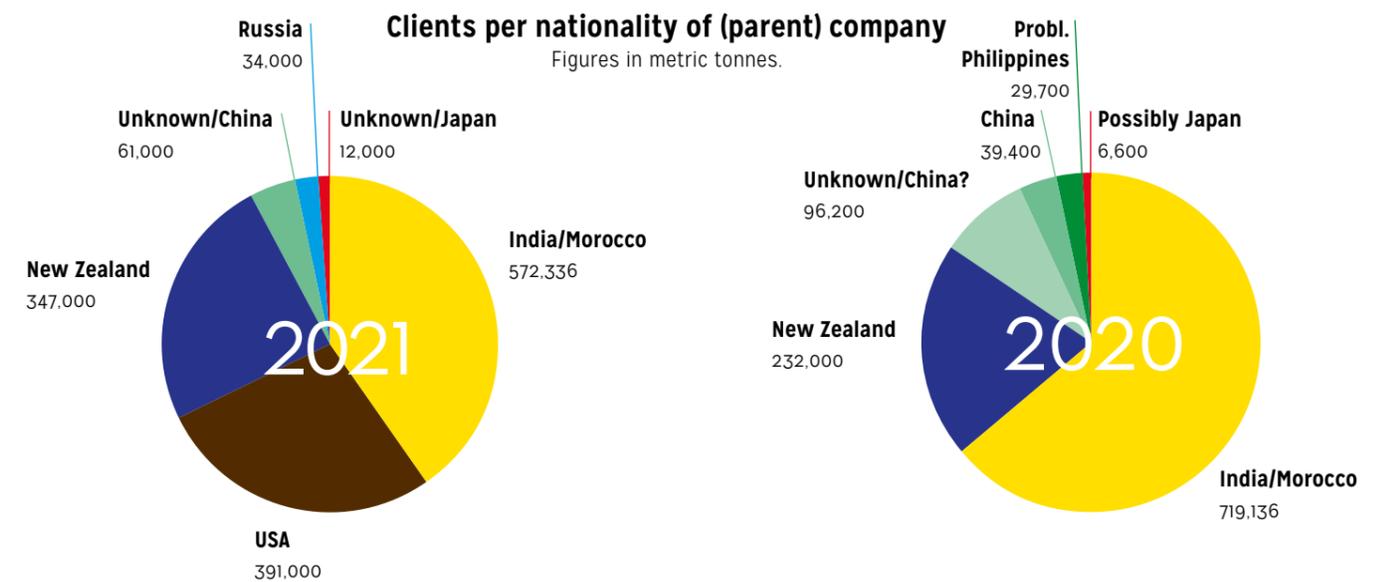
Imports per importing country

Figures in metric tonnes.



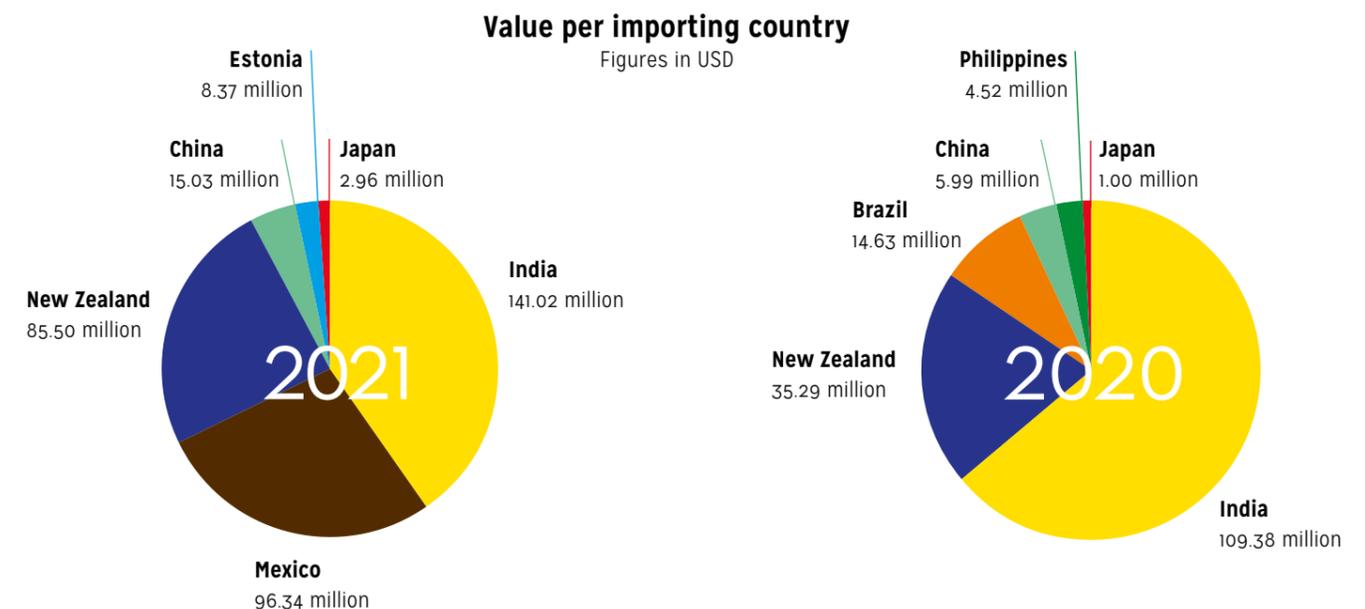
Clients per nationality of (parent) company

Figures in metric tonnes.



Value per importing country

Figures in USD



The Importers, 2021

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

“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

	Number of vessels	Volume of cargos	Value of cargos
Registered owner home country			
Panama	7	373,450	92,018,080 \$
Liberia	5	282,474	69,601,593 \$
Singapore	4	228,250	56,240,800 \$
Marshall Islands	4	197,000	48,540,800 \$
Malta	2	116,900	28,804,160 \$
United Kingdom	1	59,100	14,562,240 \$
Switzerland	1	55,000	13,552,000 \$
USA	1	53,300	13,113,120 \$
Germany	1	51,862	12,778,796 \$
Operator, nationality of controlling interest			
Greece	7	360,974	88,943,993 \$
South Africa	4	231,000	56,918,400 \$
Taiwan	4	193,450	47,666,080 \$
Singapore	2	116,000	28,582,400 \$
Turkey	2	113,250	27,904,800 \$
Germany, Hong Kong, Japan, Norway, UAE, United Kingdom, USA	1 each		
Group owner, registered nationality			
Japan	5	294,000	72,441,600 \$
Panama	5	292,424	72,053,273 \$
Turkey	3	174,250	42,935,200 \$
Liberia	3	163,000	40,163,200 \$
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	72,441,600 \$
Taiwan	4	193,450	47,666,080 \$
Turkey	3	174,250	42,935,200 \$
Germany, Netherlands, South Africa, Switzerland, UAE, United Kingdom, USA, Unknown	1 each		
Flag			
Panama	7	370,225	91,223,440 \$
Liberia	6	337,561	83,175,030 \$
Singapore	4	228,250	56,240,800 \$
Marshall Islands	4	195,300	48,121,920 \$
Malta	2	116,900	28,804,160 \$
United Kingdom	1	59,100	14,562,240 \$
Switzerland	1	55,000	13,552,000 \$
Greece	1	55,000	13,552,000 \$
P&I Club			
UK P&I Club	6	340,000	83,776,000 \$
North of England P&I Association	4	288,800	71,160,320 \$
Britannia Steam Ship	4	215,325	53,056,080 \$
The Swedish Club	2	120,225	29,623,440 \$
The Standard Club	2	116,974	28,822,393 \$
The London P&I Club	2	113,250	27,904,800 \$
Gard	2	110,900	27,325,760 \$
American Club	1	55,000	13,552,000 \$
West of England Ship Owners’ Mutual Insurance Association	1	53,000	13,059,200 \$
Skuld	1	51,862	12,778,796 \$
Japan P&I Club	1	12,000	2,956,800 \$

Key suppliers pulled out

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.



EPIROC/ATLAS COPCO

"We do not have any agreements for maintenance or supply for the Boucraa mine in Western Sahara and we have no plans to supply the mine in the future", Epiroc wrote WSRW.²⁹ This has since been verified from several sources.

Epiroc is a rather new Swedish company, established in 2018. 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 operation took place in 2008, and the deal was revealed by WSRW only in 2013.³⁰

Though 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 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 delivery of equipment, spare parts and service to Western Sahara", Atlas Copco wrote WSRW in an email on 18 September 2020. This was confirmed to the Business and Human Rights Resource Centre in a letter 9 March 2020. "Atlas Copco has no operations in Western Sahara. The mining equipment business is now part of a separate publicly traded company, Epiroc AB. [...] There is no service performed by Atlas Copco personnel in Western Sahara", the company wrote.³¹

CONTINENTAL

The German company Continental is no longer supplying OCP with key parts for its 100 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 2021.³²

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.

WSRW had been in dialogue with Continental since 2017. Continental's involvement in Western Sahara started in 1971, when the territory was still colonised by Spain.

OCP's helpers at the mine



SIEMENS GAMESA

German engineering company Siemens delivered, installed and commissioned 22 wind turbines to the 50 MW Fom 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 Fom el Oued farm supplies nearby Phosboucraa's energy needs. OCP today boasts that Phosboucraa is 100% wind powered.³³ 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.³⁴ In 2018, the company confirmed to WSRW that it has extended the maintenance contract for the Fom el Oued park for a further 15 years.³⁵ 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, yet claims that its work is to the benefit of the "local population".

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.³⁶

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.³⁷ 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.³⁸

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).³⁹ 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 Fom el Oued Technopole project near El Aaiún.⁴⁰ This project envisions the creation of a technological hub to advance the economic development of the "Southern regions", in particular through the industrial development of Phosboucraa.⁴¹ WSRW has written to the company three times, latest in December 2021, but has not received a response.⁴²

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 Aaiún in the occupied territory by Tractafic Equipment Corporation in 2013. Tractafic is a subsidiary of French group Optorg, which is part of the Moroccan holding agency SNI, primarily owned by the Moroccan royal family. The company claims on its website that "Laayoune" (French spelling of El Aaiun, as adopted by Morocco) is located in Morocco.⁴³

WSRW has sent letters to Caterpillar - the last in February 2022 - asking for clarifications

The German-Spanish company Siemens Gamesa is providing all the energy needed at Morocco's illegal phosphate mining operation in Western Sahara. Refugee Khadja Bedati confronted Siemens during its 2018, 2019 and 2020 Annual Meetings of shareholders, but the company did not respond to her questions.

about the company's equipment in the Bou Craa mine, but has never received any reply.⁴⁴

THYSSENKRUPP

The German industrial conglomerate informed in a mail to WSRW in 2021 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."⁴⁵ The company added that there are no further activities and ongoing projects regarding the Bou Craa site.

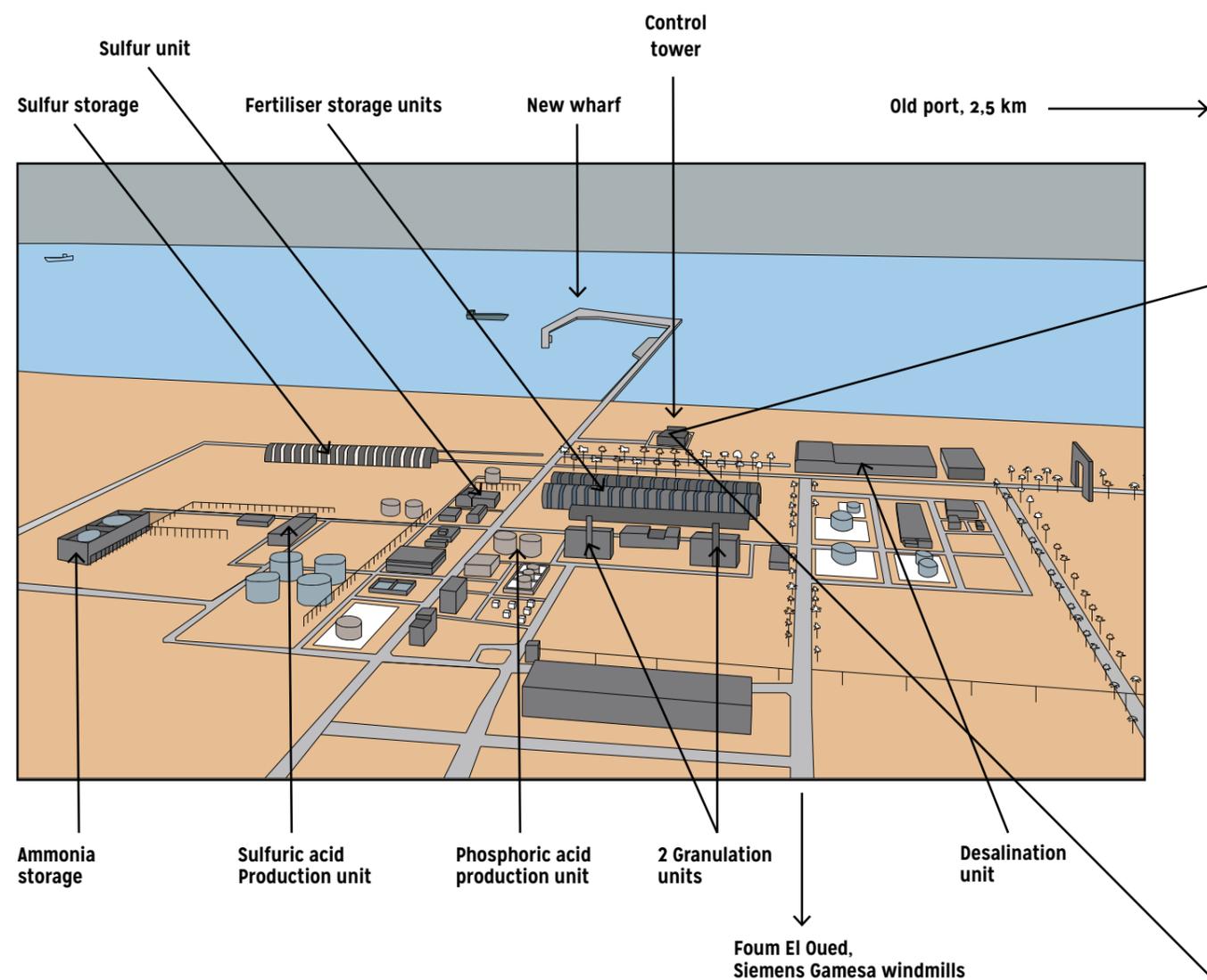
While forthcoming on past activities in the territory, thyssenkrupp does not respond as to whether it will refrain, as a matter of policy, from becoming involved again. The company's approach seems to be that "there were no embargoes or other export restrictions on the EU for deliveries to the Western 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 2021-2022, without response.⁴⁶

New Plunder Port

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 Aaiún, from where OCP currently only exports phosphate rock.⁴⁷ The overall aim is to diversify Phosphocraa'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 fertiliser 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.⁴⁸

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".⁴⁹

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.⁵⁰ 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.⁵¹

Apace with the expansion of Phosphocraa's operations, a scientific hub focussing on the development of "the southern provinces" baptised Technopole is also being developed in Foum El Oued on a 600 ha plot of land.⁵²

The main company involved in the construction of the new port is Archirodon from Netherlands/Greece.⁵³ It reported that its works for Phosphocraa take place in "Morocco", were to last from 2019 to 2023, through a contract worth USD 450 million.⁵⁴ The company did not respond to WSRW letters in 2019 and 2022.⁵⁵

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), **Geotehnika SARL** (Morocco), **COWI A/S** (Denmark), **Negri France** (France), **Tectone 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 Equipements** (Morocco), **DEME Group** (Belgium) showed interest in the construction of the port.

Further details on these companies can be found on WSRW's website.⁵⁶



The new fertiliser factory and port is located 2.5 kilometers south of the existing wharf. The main parts of the port structure are already in place as of 2022, whereas the foundations of some of the industrial units are about to be completed.

In 2021, the foundations were made of what is most likely a new control tower, near the new wharf.

OCP

OCP SA is a Moroccan state-owned company, which since 1975 has operated the mine in Western Sahara through its subsidiary, Phosphates de Boucraa SA. It is OCP that claimed to own the cargo in the South African court.

Funded by the USD 200 million plunder from Western Sahara every year, OCP has contracted a large troop of global law firms and PR firms to defend its case and help manage perceptions of its operations.⁵⁷

SADR

The Saharawi Arab Democratic Republic (SADR) represented the people of Western Sahara in the court. 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 Polisario, which the UN recognizes as the national liberation movement of the territory.

Panama court released vessel

On 17 May 2017, a maritime court in Panama ordered the detention of the vessel *Ultra Innovation*, carrying rock from Western Sahara to Agrium in Canada, through the Port of 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, not a single vessel with Saharawi cargo has passed through the Panama Canal.



The case of the looted goods



Vessel:	IMO:	Flag:
NM Cherry Blossom	9703655	Marshall Islands
Estimated cargo phosphate rock:	Operator:	
55,000 tonnes	AM Nomikos	
Departed:		
El Aaiún, Western Sahara, 13 April 2017		
Detained:	Released:	
Port Elizabeth, South Africa, 1 May 2017	8 May 2018	

Cargo auctioned:
Court ordered an auction on the cargo, an auction that closed on 19 April 2018. The cargo was bought back by the charterer.

FURNESS WITHY CHARTERING and MAERSK

The charterer of the transport vessel to New Zealand was Furness Withy, a London/Melbourne based dry cargo ship operating and brokering company which at the time was part of German company Hamburg Süd. This entity was in turn wholly owned by the Oetker Group, particularly known internationally for its Dr Oetker frozen pizzas. But its shipping branch has seemingly been responsible for chartering vessels from Western Sahara for many years, likely via its subsidiary in Australia, which deals in Australia-Europe bulk cargoes.⁵⁹

WSRW has identified around 20 probable – but not confirmed – Furness/Oetker shipments over the last decade.⁶⁰ Upon the arrival of the vessel *Furness Karumba* in Australia in 2008, representatives of the Maritime Union of Australia boarded the vessel to hand over a letter to the captain of the vessel, protesting the trade in Saharawi phosphate rock. The letter was also sent to the companies involved in the transport, as well as to the local importer.⁶¹

In 2017, the Danish company Maersk took over the Oetker Group's subsidiary Hamburg Süd. In June 2018, Maersk announced that it would discontinue the historical engagements of Hamburg Süd's transports from Western Sahara. "The contract expires in 2018, and there are no plans for further contracts after that", the company wrote.⁶²

AM NOMIKOS

AM Nomikos Transworld Maritime was the owner and operator of the *NM Cherry Blossom*. WSRW contacted the company on 8 May 2017, and has yet to receive an answer.⁶³ AM Nomikos was also the owner/operator of the vessel *Sophiana* transporting a similar cargo to Ballance in November-December 2016.

BALLANCE AGRI-NUTRIENTS

Ballance Agri-Nutrients, a co-operative from New Zealand had purchased the cargo aboard the *NM Cherry Blossom*. OCP bought back the cargo – and thus acted as the owner in the legal proceedings – immediately after the vessel was detained in South Africa.

Ballance Agri-Nutrients Limited manufactures, markets and distributes fertilizers and related products in New Zealand. Ballance, and the plants that the company has acquired over the years, have been purchasers of Bou Craa phosphates for decades. The firm signed a long-term agreement with OCP in 1999, requiring OCP to supply phosphates to Ballance.

On 1 May 2017, an incident took place in South Africa that is highly relevant even to this date. That day, the bulk vessel *NM 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.⁶⁵ 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?

OCP SA, Morocco's state-owned phosphate company, bought back the cargo from the importing company Ballance Agri-Nutrients, thus acting as the owner in the legal proceedings. That July, however, OCP decided to drop defending its right to the cargo, accusing the South African court of rendering "a transparently political opinion" and committing "a serious abuse of power", as such allegedly undermining "the UN resolution process".⁶⁴

On 23 February 2018, the High Court confirmed that the SADR was the owner of the entire cargo aboard of the *NM Cherry Blossom*, and that the ownership was never lawfully vested in OCP SA or Phosphates

de Boucraa SA, who were not entitled to sell the phosphate rock to Ballance Agri-Nutrients.⁶⁵

It is the first such case regarding the pillage of the territory's resources.⁶⁶ It illustrates the increased legal and financial risk of companies taking part in Morocco's illegal plunder. This risk had already augmented after the judgment of the Court of Justice of the EU on 21 December 2016 concluding that Western Sahara has a "separate and distinct" status to any country in the world, including Morocco.⁶⁷

The value of the *NM Cherry Blossom*'s cargo was around 5 million USD. To compare, the 2020 budget of UNHCR Algeria, which manages humanitarian aid to the refugee camps in Algeria, whose inhabitants are the real owner of the rock, is USD 37 million.

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 the delay. From what WSRW has obtained from court records, the firm Furness Withy Chartering alleges that the costs of the vessel's detention amounted to 10,300 USD/day.

The vessel was finally released in May 2018, after 370 days of detention. The charterer lost around 3.5 million USD.

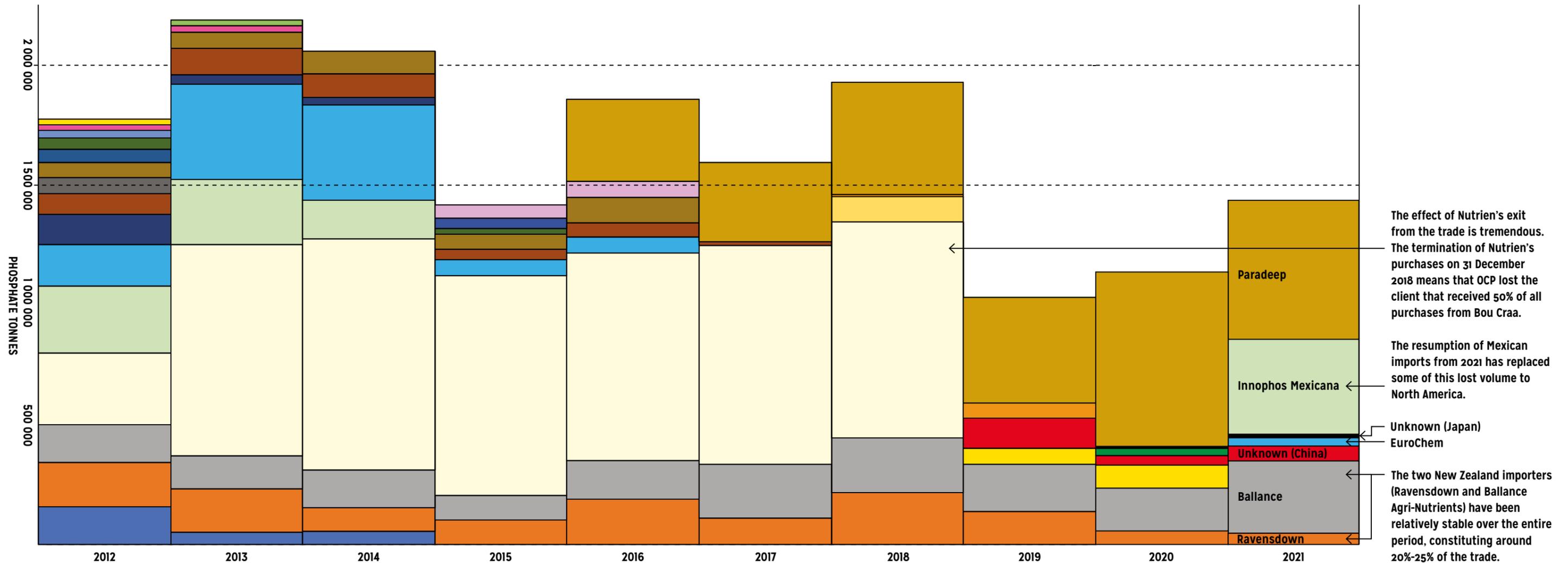
The stop-over in South Africa was a one-off incident for the New Zealand-based importer Ballance Agri-Nutrients. All New Zealand-bound vessels had normally travelled westwards via South America and the Pacific. To WSRW's knowledge, ships to New Zealand had never before travelled via South Africa and the Indian Ocean. After the detentions of vessels in South Africa and Panama, no vessels have taken these routes.

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

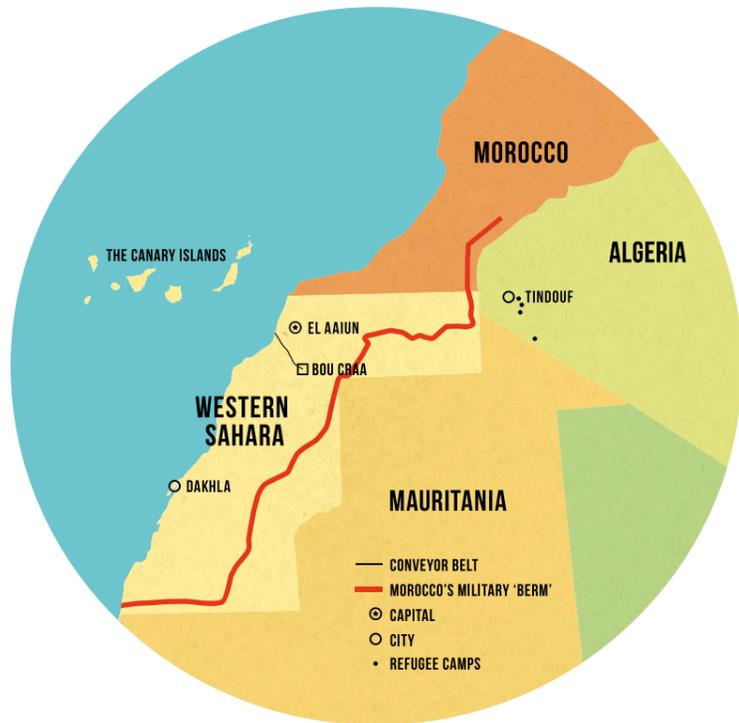
The number of importing companies dropped from 15 in 2011 to 7 by 2021.

Imports per company as percentage of total exports

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Paradeep Phosphates Ltd.					18.5%	20.7%	24.3%	42.4%	64.0%	40.0%
Innophos Mexicana	15.7%	12.3%	7.7%							27.6%
Ballance Agri-Nutrients Ltd.	8.9%	6.4%	7.6%	7.3%	8.7%	14.0%	11.8%	18.6%	15.8%	20.6%
Unknown (China)								12.1%	3.5%	4.3%
Ravensdown Ltd	10.4%	8.2%	4.9%	7.1%	10.1%	6.9%	11.2%	13.3%	4.9%	3.9%
EuroChem (Lithuania/Estonia)	9.8%	18.3%	19.4%	4.8%	3.7%					2.4%
Unknown (Japan)								1.0%	0.6%	0.9%
Unknown (Brazil)	1.4%							6.8%	8.5%	
Unknown (Philippines)									2.6%	
Coromandel Ltd							0.5%	5.7%		
Impact Fertilisers Pty. Ltd.	1.8%									
Incitec Pivot Ltd.	3.4%	3.2%	4.6%	4.5%	5.7%					
ISUSA	1.4%	1.2%								
Monomeros S.A.	4.7%	4.9%	4.8%	2.9%	3.1%	1.1%				
Nutrien (incl. Agrium/PotashCorp until 2018)	16.8%	40.3%	46.8%	64.7%	46.6%	57.3%	46.7%			
Sinofert Holdings Ltd							5.5%			
Tripoliven, CA	7.1%	1.8%	1.6%							
Unknown (Argentina)	3.1%									
Unknown (India)	8.8%	2.3%	2.6%							
Unknown (Lifosa AB?)					3.2%					
Unknown (Point Comfort, USA)		1.1%								
Unknown (South Korea)	3.9%									
Unknown (Ukraine)	2.6%			1.8%						
Unknown (Venezuelan Government)				3.7%	3.7%					
Amount of total export (tonnes)	1 775 000	2 187 000	2 058 400	1 415 000	1 858 250	1 591 840	1 928 000	1 027 818	1 123 036	1 417 000



The Moroccan take-over of Bou Craa mine



1947: Western Sahara's phosphate reserves are discovered 130 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.⁶⁸

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

May 1968: The company is renamed Fosfatos de Bucraa, S.A., also known as Phosboucraa 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 is 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 phosphate deposits is a key consideration for the colonial power. Failing to decolonise Western Sahara properly, by allowing the people of the territory to exercise their right to self-determination, Spain strikes a deal, through the *Madrid Accords*. It illegally transfers administration over the territory to Morocco and Mauritania, while retaining a 35% share of the Bou Craa mine. No state in the world, the UN, nor the people of Western Sahara, recognises the transfer of authority from Spain to the two states. Mauritania

withdraws in 1979, admitting it had been wrong to claim and to occupy the territory.

At the same time in 1975, recouping his authority after two failed coups d'état, Morocco's King Hassan II orders the Moroccan army to invade Western Sahara. The King may have hoped that this would give Morocco as much leverage to determine world phosphate prices as OPEC has over oil prices.⁶⁹

1 January 1976: The Madrid Accords come into effect and after a transition period of 16 months OCP would take over the management of the mines.⁷⁰

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

2020: In November, Morocco violated the 1991 UN-brokered ceasefire arrangement with the Polisario Front. Armed clashes ensued. Polisario declared war a few days later, urging "all countries in the world and public and private sector to refrain from any activity of any kind in the Sahrawi Territory that has become an open war zone."⁷³

2022: Morocco continues to operate the mine in occupied 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.

“We bought the vessel Golden Keen with charter party attached early 2017 and regrettably 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 2017.⁷⁵

“Being headquartered in Asia, we confess we knew nothing about Western Sahara. We have only had this one charter ... but now that we understand the issue we will not directly contract any more business out of there”

Jinhui Shipping to South China Morning Post regarding a New Zealand-bound shipment, 2008.⁷⁶

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

Seven Seas Carriers, 2015.⁷⁷

“An unfortunate mistake”

Uglands Rederi regarding a transport done by a chartering company in 2015.⁷⁸

“A regrettable situation”

Belships ASA regarding a transport to Innophos in 2021.⁷⁹

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

Spar Shipping on 10 January 2019.⁸⁰

Peak P

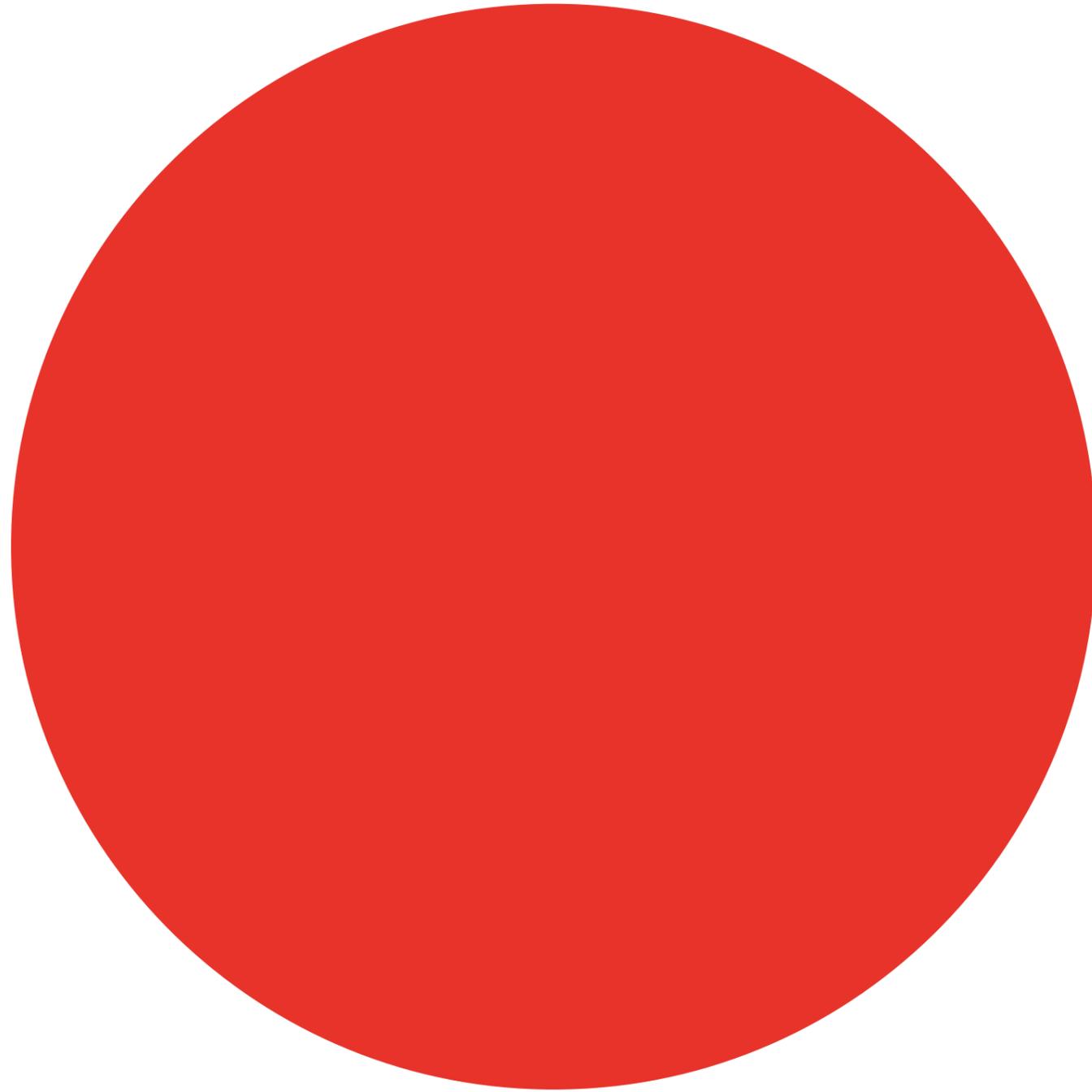
Phosphate is a vital component of the fertilizers upon which much of the global food production and food security depends. For some time now, there has been concern about the world population's reliance on a finite supply of phosphorus, and the implications of this for agricultural productivity, food prices and nutrition, particularly in developing countries. The term "peak phosphorus" has joined the concept of "peak oil" in the lexicon of 21st century scarcity. There are no substitutes for phosphorus in agriculture.

Morocco, with or without Western Sahara, controls the world's biggest phosphate reserves and is the second largest producer of phosphates in the world.⁷⁴

The increasing global need for phosphate rock and fertilizers was a contributing factor in the oddly fluctuating market price of the commodity in 2008. As global food demand and food prices have increased, there has been an added demand for phosphate.

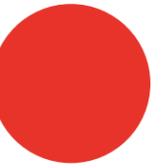
Companies involved in the trade

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.

OCP'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 SenateSHJ, 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.

2

PARADEEP PHOSPHATES LTD (India/Morocco)



Ilia seen in Valencia, Spain, in August 2021, shortly before entering Saharawi waters. There, it picked up 55 974 tonnes of phosphate rock for its client Paradip in India.

Paradeep Phosphates Limited (PPL) produces, markets and distributes phosphate-based fertilizers and by-products for agricultural use.⁸¹ 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 80.45% stake, while the government of India holds the remaining 19.55%.⁸² 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.⁸³

PPL is headquartered in Bhubaneswar, India and receives its phosphate rock at the port city of Paradip, approximately 120 kilometers to the east.⁸⁴

According to WSRW's research, PPL received 10 shipments of phosphate rock from occupied Western Sahara throughout 2021, totaling 572,336 tonnes worth an estimated USD 141.02 million. This is a 63% increase from the year before.

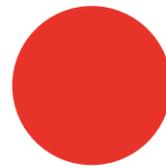
A Prospectus filed by PPL in August 2021, learns that the company entered into a long-term supply agreement with OCP on 1 January 2021 for the procurement of what the firm calls "our most important raw material by value, Phosphate Rock". The agreement has a term of three years, expiring 31 December 2023, 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.⁸⁵

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 2011-2012.⁸⁶ None of the letters sent by WSRW to PPL since 2015, have ever been answered.⁸⁷

3 INNOPHOS HOLDINGS (USA)



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 43% of all phosphate rock from occupied Western Sahara. The seven shipments that it received during the last five months of 2021 totalled 391,000 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 2018 by Nutrien, the merger of PotashCorp Inc. and Agrium Inc.⁸⁸

From 2010 to 2022, WSRW sent Innophos seven letters about the company's purchases from the occupied territory, without receiving a reply.⁸⁹ 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 Luxembourg Pension Fund and Danske Bank, among others.⁹⁰

In 2018, 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 bulk vessel Amis Ace is seen offloading phosphate rock at the dock of the company Innophos in Coatzacoalcos, Mexico, on 3 August 2021. Western Sahara Resource Watch (WSRW) has obtained drone images of the ship offloading the cargo. The images show the phosphate rock originating from occupied Western Sahara being offloaded onto a conveyor belt system and transported vertically up into a large, white building used or owned by Innophos Mexicana, a local subsidiary of the US company Innophos Holdings.

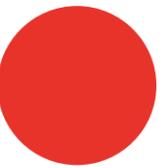
the Western Sahara region in Africa, an area from which the Company has not directly purchased raw materials for more than three years". Innophos Holdings wrote in a press release on 2 July 2018.⁹¹

In 2020, Innophos Holdings delisted from the Nasdaq stock market, and thus no longer has responsible shareholders to be accountable towards.

Some companies claim to have no option than to import the rock from Western Sahara. An incident that took place in January 2022 suggests that the Innophos factory can do well without the Saharawi phosphates, and settle with sourcing from Morocco instead. On 22 December 2021, the bulk vessel *Dynamic Striker* anchored up outside of the Bou Craa export harbour. However, its mission to load cargo was not embarked on, and on 14 January 2022, the ship continued empty to Casablanca. There, it was filled up with cargo from a Moroccan mine, before heading towards Innophos' factory in Coatzacoalcos on 19 January 2022. The incident suggests that the Innophos plants can just as well function with rock from Morocco proper.

When the first vessels left Western Sahara waters for Mexico in 2021, the vessels informed through their so-called AIS communication that they were heading in the direction of Virginia, United States. This proved to be incorrect.

4 BALLANCE AGRI-NUTRIENTS LTD (New Zealand)



Ballance Agri-Nutrients Limited manufactures, markets and distributes fertilizers and related products in New Zealand. The company has two phosphate manufacturing plants, one in Mount Maunganui and the other in Awarua, New Zealand. It is a farmer-owned cooperative, and not registered on any stock exchange.⁹² The Ballance factories have been using Western Sahara rock since the 1980s. The firm signed a long-term supply agreement with OCP in 1999.⁹³ Ballance claims that its "executives and Board members visit the Western Sahara on a regular basis".⁹⁴

During the course of 2021, Ballance received five shipments of phosphate rock illegally excavated in occupied Western Sahara. The cargoes have an observed combined volume of 292,000 tonnes worth around USD 72 million. The import volume in 2021 is the largest ever recorded to this company since WSRW started the daily monitoring in 2012. Earlier years, the Ballance imports has ranged between 104,000 and 215,500 tonnes

WSRW has annually contacted Ballance from 2015 but has never received an answer to its questions. In 2014, Ballance did write to WSRW that "The United Nations does not prohibit trade in resources from Western Sahara. Nor does such trade contravene a United Nations legal opinion".⁹⁵

The company however has a short statement on its website in explanation of its imports from Western Sahara. Here, Ballance compares Western Sahara to the small island of Tokelau - an incorrect parallel, as Tokelau is indeed listed by the UN as a Non-Self-Governing Territory yet its people have so far voted twice in favour of being administered by



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.

New Zealand. Ballance furthermore states that it is operating in unspecified "UN expectations" and is as such comfortable that they are legally and ethically sourcing from Western Sahara.⁹⁶ WSRW wrote to Ballance in January 2022 asking for clarifications about these UN expectations, but did not receive a response.⁹⁷

5 RAVENSDOWN LTD (New Zealand)

Ravensdown Fertiliser Co-operative Limited is a producer of agricultural fertilizers that operates as a farmer owned co-operative that is not listed on any stock exchange. The company normally imports to its plants in Christchurch, Napier and Dunedin, New Zealand. Ravensdown only took in cargo to the two former ports in 2021.

WSRW tracked one shipment to Ravensdown during 2021, containing an estimated cargo of 55,000 tonnes with a net value of around USD 13,5 million. The imports in 2020-2021 is a large decrease from earlier years (2012-2018) when the volume was in the range of 100,000 to 215,000 tonnes. WSRW last contacted the company about the trade on 25 January 2022.⁹⁸ For the first time in years, the company responded, stating to "acknowledge the gravity of your concerns and reiterate our commitment to keeping apprised of international political and legal developments", and suggesting WSRW to contact the New Zealand's Ministry of Foreign Affairs and Trade with any questions relating thereto.⁹⁹

In its 2020 Integrated Report, Ravensdown wrote in relation to the imports from Western Sahara that "to manage supply risks, we continued to explore additional sources of phosphate rock" and that they were trialling several different types of rock.¹⁰⁰ WSRW has asked the company whether its objective is to have such sources as back-up supply or whether it is looking to replace the Western Sahara imports, as advised by the New Zealand government, but has not received a reply. A statement from the company in June 2021 clarifies that the trialling has so far been unsuccessful.¹⁰¹

The company's position on importing from Western Sahara however appears unchanged.

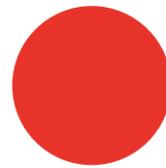


Amoy Dream captured entering the port of Dunedin, New Zealand, on 14 August 2019. During the calendar year 2021, Ravensdown only took in one cargo from the occupied territory, similar to the case of 2020.

The company keeps referring to an unsourced "UN Framework" for "managing resources in territories like these", supposedly dictating that "The operations should promote economic advancement and provide direct and indirect benefits to the inhabitants of the territory and to the territory itself. Working conditions should be non-discriminatory. The operations should be conducted rationally and sustainably to ensure long-term access to resources."¹⁰²

WSRW knows of only one UN Framework that is specifically applicable to the exploitation of mineral resources in Western Sahara, and that is the UN Legal Opinion of 2002.¹⁰³ That opinion clearly concludes that any exploitation of the territory's resources is to be done in line with the wishes and the interests of the people of Western Sahara in order to be lawful. It is the element of wishes - the corollary of the right to self-determination - that has been translated by different UN Treaty Bodies and the EU Court of Justice to the need for prior, free and informed consent. It is this key-element that Ravensdown keeps ignoring and concealing.

6 EUROCHEM GROUP (Estonia/Switzerland/Russia)



A cargo of phosphate rock to Estonia in October 2021 was the first import into Europe for five years. The imports in 2021 was the first known export of conflict minerals from Western Sahara to Estonia ever recorded.

The responsible company, EuroChem Group, is a Russian-owned company headquartered in Zug, Switzerland, with production facilities in several countries internationally. Their subsidiary in Lithuania - Lifosa - used to import from Western Sahara for decades, until the trade stopped in 2016.

EuroChem wrote to WSRW at the time that “increasing the Group’s self-sufficiency in phosphate rock has been a priority for both strategic and social considerations” and that “likely to be of interest to Western Sahara Resource Watch, we can inform you that [...] the Group does not intend to purchase phosphate rock from Western Sahara in 2016 or at any time over the foreseeable future”.¹⁰⁴

However, the new transport contradicts this statement.

In 2020, EuroChem opened its €70 million brand new port terminal in Sillamäe, Estonia. WSRW contacted EuroChem three times in relation to the single imports to Estonia, but has not received a response.¹⁰⁵

WSRW observed the phosphate being loaded over to awaiting trucks, which shuttled between the ship and the EuroChem facility. The Estonian news site Delfi wrote about the imports.¹⁰⁶

In a telephone conversation with Estonian media, a local employee of EuroChem confirmed that *Nazenin’s* transport had arrived at

Western Sahara Resource Watch was present when the cargo ship Nazenin offloaded phosphate rock from occupied Western Sahara in the Estonian port of Sillamäe on 18 October 2021.

EuroChem. However, the company ignored the journalist’s further questions, although they had promised to answer them.

EuroChem not only has a fertilizer factory inside the Sillamäe port itself, but also has logistics services via rail or truck to Europe and Russia.

The former EuroChem trade to Lithuania happened via its subsidiary Lifosa AB, which became a subsidiary of EuroChem in 2002.

WSRW has been in dialogue with both Lifosa and EuroChem Group since 2010. But the company’s initial reluctance to thoroughly respond to WSRW’s questions resulted in Lifosa in 2011 being removed from the list of companies adhering to the UN Global Compact.

The company stated in March 2014 that it was seeking to implement ways to diversify external purchases. In 2013-2014, the trade to Lithuania was around 400,000 tonnes annually.

WSRW has not observed any shipments to Lifosa since October 2016. WSRW wrote to EuroChem on 3 December 2019 to seek confirmation that the company has now stopped all further imports from Western Sahara.¹⁰⁷ The company responded that it has ‘no plans’ to purchase from Western Sahara again.¹⁰⁸

UNKNOWN IMPORTER IN CHINA



One vessel went to China in 2021, to the harbour of Jinzhou. It is not known who the importer of this cargo, estimated to be 61,000 tonnes, is.

IMPORTER IN JAPAN POSSIBLY ITOCHU CORP

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.¹⁰⁹

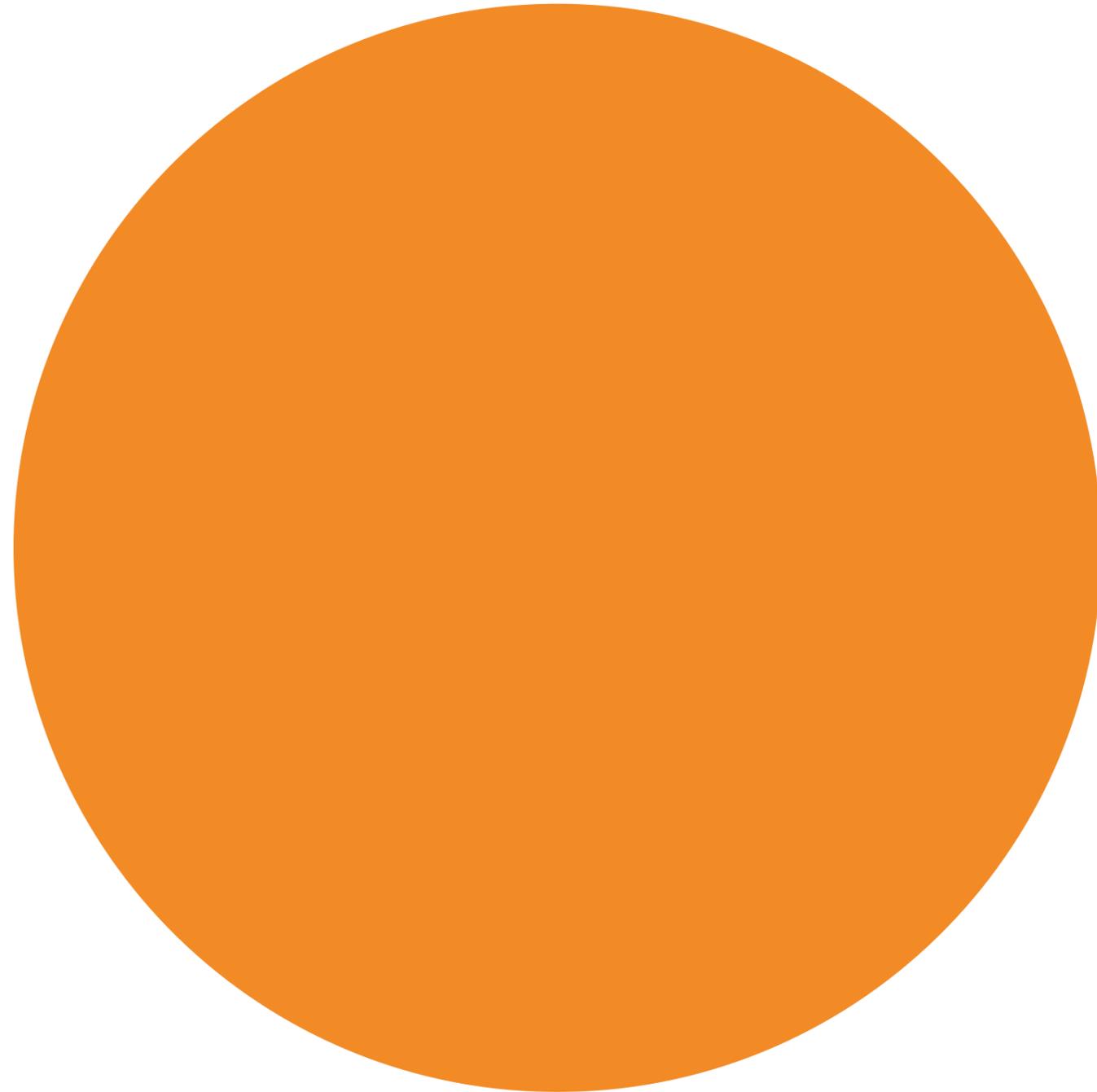
“Further to the emails I sent you on 19 October 2013, 15 November 2013, 15 July 2014, 10 September 2014, 16 October 2014, 10 February 2015, 4 March 2015, 5 January 2016, 14 January 2016, 2 February 2016, 10 February 2016, 15 March 2016, 30 August 2016, 27 September 2016, 13 October 2016, 16 November 2016, 12 January 2017, 13 February 2017, 13 March 2017, 23 April 2017 and 28 March 2018 and April 2019, I am writing once again to follow up on some very important questions.”



Saharawi refugee Senia Bachir Abderahman on 1 February 2020, for the twenty-third time asked OCP for copies of reports commissioned by OCP which the importing companies have claimed document the legality of their operations. She has received no reply.

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.



CHINA MOLYBDENUM, and possibly others (Brazil)



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.¹⁰ 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.¹¹ WSRW also contacted China Molybdenum earlier in 2021, with no response.¹² 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 (Australia)



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 Fertilisers (IPF), Southern Cross International (SCI) and Fertilizers Elimination (Elim).

Incitec Pivot has imported from Western Sahara for three decades. Since 2003, 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.¹³

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.

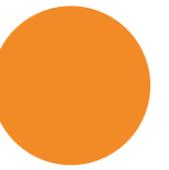
Incitec Pivot told the Australian Western Sahara Association in December 2017 that there had been no imports since December 2016, as it now sources its phosphate rock in Togo. WSRW has indeed not tracked any shipments to the company since then.

WSRW last wrote IPL on 3 December 2019, without reply.¹⁴



Ithaki spotted off Las Palmas harbour on 20 May 2015, where it bunkered shortly after departure from El Aaiún harbour. The vessel subsequently set sail for Australia.

NUTRIEN/SINOFERT (China/Canada)



On 28 November 2018, the Chinese company Sinofert Holdings Limited, imported to the Chinese port of Lianyungang 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 53% interest in Sinofert, while the Canadian company Nutrien Ltd holds 22%, and the remainder is listed on the Hong Kong Stock Exchange.¹⁵ WSRW has written a letter to Sinofert on 22 January 2019, questioning their new involvement in the controversial trade.¹⁶ 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.¹⁷ From 2013 until 2018, Nutrien purchased around half of all the Bou Craa phosphate rock. Nutrien and its legacy firms lost a number of shareholders over the matter, including the Norwegian Government Pension fund, which divested its Nutrien shares worth 190 million USD.¹⁸

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 (Monomeros) and Venezuela. The related companies have been importing from the occupied territory for decades.

Since May 2017, when Saharawi phosphate shipments were detained in South Africa and Panama, no transports to Colombia and Venezuela have been observed. The Colombian Company Monomeros Colombo Venezolanos S.A. is a petrochemical company fully owned subsidiary of the Venezuelan state owned petrochemical company Pequiven (Petroquímica de Venezuela SA). The company used to import to Barranquilla. The last

proven import incident to Monomeros was a single shipment in calendar year 2017, totaling approximately 17,000 tonnes. The imports have thus reduced dramatically; in 2016, Monomeros imported 58,000 tonnes.

WSRW on several occasions raised the matter with both Monomeros and its parent company Pequiven, 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.¹⁹

For more about the imports to Puerto Cabello, Venezuela, please see P for Plunder 2016.²⁰

INDIAN IMPORTERS

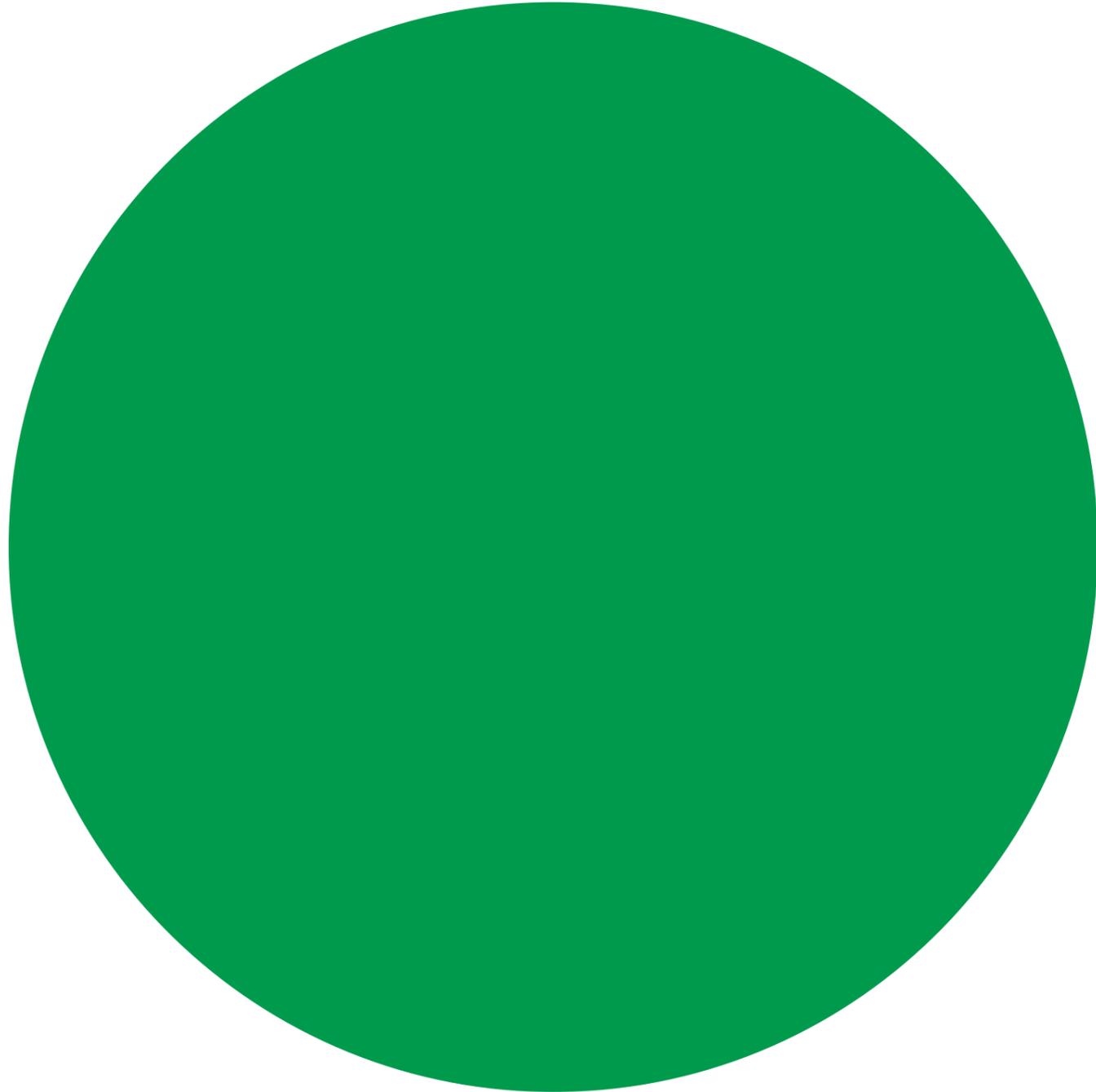
On 6 March 2019, a vessel carrying 59,600 tonnes of Western Sahara phosphates departed El Aaiún. It arrived at the port of Visakhapatnam, India, on 3 April. WSRW expects the importer to be Coromandel International Ltd, the same company that imported a shipment to Visakhapatnam a year earlier. The company 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.²¹ No reply was received. No transports have been observed to Coromandel since 2019.

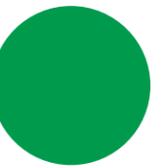
An earlier shipment was made in March 2014 to the port of Tuticorin, where the importer must have been yet another company. This incident is covered in P for Plunder 2014.

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)



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.¹²⁴ WSRW has not observed shipments to Impact since August 2012.

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

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

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

WSRW confronted Nidera Uruguay with the information about the 2009 vessel in a letter 21 June 2010.¹²² 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 definitely 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, 2011.¹²³

Yara International ASA (Norway)



Yara's last imports took place in 2008, on this vessel. Here the African Wildcat is on its way to dock in Herøya, Norway to offload.

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 Communication Officer, Bente Slaatten told.¹²⁵

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.¹²⁶ 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.¹²⁷

BASF SE (Germany/Belgium)



BASF is not known to have imported since the arrival of the bulk vessel Novigrad on 7 October 2008, here seen discharging Saharawi phosphate in Ghent harbour, Belgium.

BASF was one of the leading importers through the 1990s. It received its last known shipment to Belgium in 2008.¹²⁸ 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 Chéri-fien 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."¹²⁹

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.¹³⁰ 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 2011.

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 2006), **Tata Chemicals** from India (last shipment in 2006), **Zen Noh** from Japan (last shipment in 2006) and **Agropolychim AD** from Bulgaria (last shipment in 2008). None of these companies have responded to requests from WSRW.

Lobbying law firms

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.

As the opinions allegedly have found Morocco's exploitation of the Saharawi people's resources lawful, 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."¹³¹

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.¹³²

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".¹³³

DLA Piper is an international law firm that has offices in around 30 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 Saharawi people. 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.¹³⁴ Ana Palacio, head of Palacio y Asociados, wrote back to express her disagreement with WSRW's analysis and also cited legal privilege.¹³⁵ Palacio herself sits on the international advisory board of OCP.

In November 2015, 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.

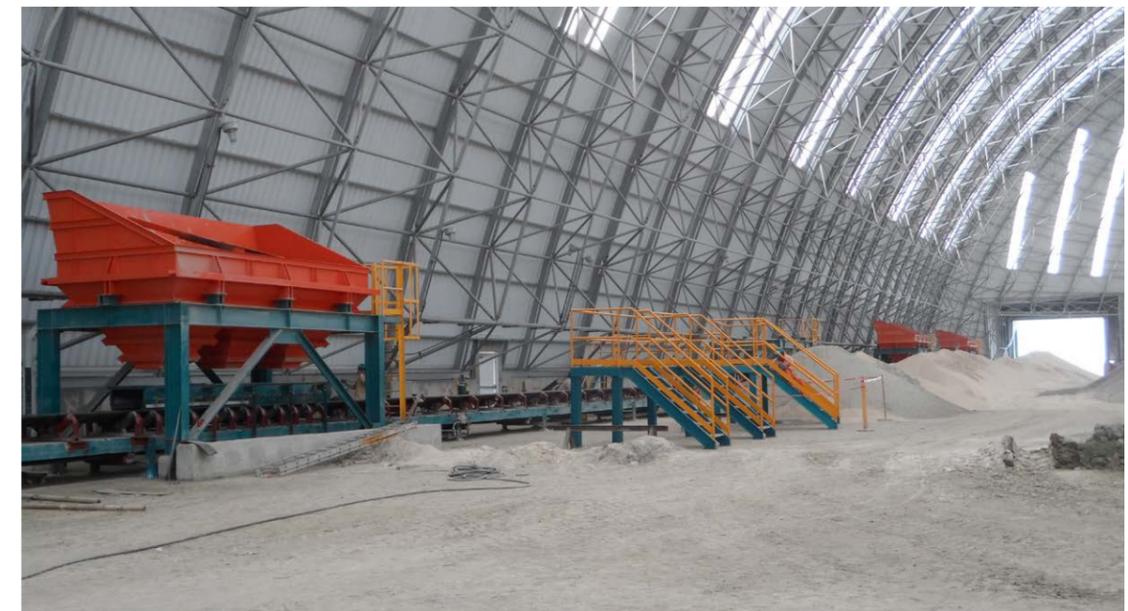
Up until August 2014, PotashCorp had named DLA Piper as the partner of Palacio y Asociados. It is not clear whether the Dechert-Palacio opinion is different from the DLA Piper-Palacio opinion. The missing link between the two could be Myriam González Duránte, wife of Britain's former Deputy Prime Minister 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.¹³⁶

Dechert replied to WSRW's letter of 8 February 2016 that it could not disclose its legal opinion for OCP due to client confidentiality.¹³⁷

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 2022.¹³⁸ No answer has been received.

OCP has failed to answer requests from Saharawis to share copies of the reports.



These images are taken inside of the storage facility of Innophos, the Mexican/US company that renewed its imports in 2021. The pictures show a pile of phosphate rock from the occupied territory.

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 2026.¹³⁹ 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.¹⁴⁰

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 16 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.

Ferocious 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.¹⁴¹ The European Parliament's Policy Department paints an even bleaker picture, citing levels of 38-200 mg Cd/kg.¹⁴²

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, far higher than the suggestion of the EU Commission. On 11 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".¹⁴³ The irony is that OCP itself refuses to seek the consent from the people of Western Sahara upon plundering the territory's phosphate rock.

OCP retained Dechert and the PR firm **Edelman** to lobby against the EU proposal.¹⁴⁴ Edelman has worked for the Moroccan government in the past, as it is on the payroll of the Moroccan American Center for Policy (MACP), a registered agent of the Moroccan Kingdom.¹⁴⁵

While the final Regulation will thus not result in a complete market loss for OCP, it does seem that Western Sahara phosphate rock will no longer be welcome on the EU market. There is consensus among researchers that the cadmium content in phosphate rock from Bou Craa is considered around 100 mg/kg.¹⁴⁶

Cadmium levels from the Khouribga mine, in Morocco proper, are estimated at around 46-63 mg/kg, while those from rock coming from Youssoufia, also in Morocco, are considered to be higher than 120 mg/kg.

Recommendations

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 retool Ravensdown's and Ballance Agri-Nutrients' 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, SenateSHJ, 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 export 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.



A 100 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 2020.

Notes

- 1 ICJ, Advisory Opinion, 16 Oct 1975, Western Sahara, Paragraph 162, <http://www.icj-cij.org/docket/index.php?sum=323&p1=3&p2=4&case=61&p3=5>
- 2 United Nations General Assembly, Resolution 1314 (XIII) of 12 December 1958, resolution 1803 (XVII) of 14 December 1962.
- 3 UN Legal Office, S/2002/161, Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council. <http://www.un.org/Docs/journal/asp/ws.asp?m=S/2002/161>
- 4 UN Economic and Social Council, 22.10.2015, Concluding Observations on the fourth periodic report of Morocco, E/C.12/MAR/CO/4*, S6, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMAR%2fCO%2f4&Lang=en
- 5 UN Human Rights Committee, 01.12.2016, Concluding Observations on the sixth periodic report of Morocco, S10, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/MAR/CO/6&Lang=En
- 6 WSRW.org, 29.09.2021, Court annuls EU deals in occupied Western Sahara, <https://www.wsrw.org/en/news/court-orders-halt-to-eu-deals-in-occupied-ws>
- 7 OCP SA, Prospectus of April 2015, p. 91 & 89. Available via https://www.wsrw.org/files/dated/2019-03-21/2015_prospectus_-_ocp_sa.pdf
- 8 The OCP prospectuses from 2015 and 2018 establish that Bou Craa's share in the total export of OCP's phosphate rock is the following: In 2012: 20.1%. In 2013: 24.4%. In 2014: 24.1%. In 2015: 16%. In 2016: 22%. In 2017: 14%. That corresponds to an average of 20.1% over the course of those 6 years.
- 9 OCP SA, May 2018, Note d'Information, Casablanca Stock Exchange, p. 137. https://www.wsrw.org/files/dated/2019-03-21/ocp_note_to_casa_stock_exchange_may_2018.pdf
- 10 Compare OCP SA, Prospectus of 20 April 2015, p. 91 ("Mining of the second layer, which is less rich in BPL and contains more silica, commenced in 2014, following the completion of the necessary processing infrastructure.") with the OCP SA, Note d'Information, 2016, page 109 ("La valorisation de la couche II est prévue à partir de 2017 après l'achèvement de la réalisation, dans le cadre du projet de développement de Phosboucraâ, de la construction de la nouvelle laverie avec une unité de flottation.")
- 11 OCP SA, September 2020, Sustainability Report 2019, p.68, https://corpo.ocpgroup.ma/sites/default/files/2020-09/Rapport%202020_EN_
- 12 OCP SA, Key Figures, <https://phosboucraa.ma/company/key-figures>
- 13 OCP SA, Annual report 2015, pp. 154-159, <https://www.ocpgroup.ma/sites/default/files/2018-11/RA%20OCP%202015%20VUK.pdf>
- 14 OCP SA, Prospectus of 20 April 2015, p. 33.
- 15 WSRW.org, 25.11.2014, Morocco admits to using Saharawi resources for political gain, <https://www.wsrw.org/en/archive/3070>
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Annex 1:

Terminology

Charterer: A company that reaches an agreement with the manager or owner/manager of a ship for the use of that ship.

Deadweight (DWT): the weight (in metric tonnes) that the ship can carry. 90-97% of this is the actual cargo capacity. The remaining is accounted for by bunker fuel, stores, water etc.

Flag: A ship flies the flag of the country in which the ship is registered, which is often not the country in which the managing or owning companies are based. Many ships owned and managed by companies based in Western countries are registered in countries which have an "open registry". The ships are then said to fly "flags of convenience". There is no genuine link between these vessels and the flag of registry. The majority of the vessels in this report is flying such flags.

Manager: the company that manages the ship, technically and/or commercially. The manager may be different from the owner, although certain owners do manage their own ships.

Registered owner: the company which is at least the nominal owner of the ship. The problem is that a ship often has a registered owner whose total assets consist only of the ship in question. The company may well be owned by another company which also owns a number of other 'single-ship companies'. That company may in turn be owned by yet another company. The name and address of the company which is the registered owner of the ship are easily available. However, it is far more difficult to get to know details of the 'beneficial owner', i.e. the company which is at the end of a chain of owners.

P&I Club: Protection and indemnity insurance, more commonly known as "P&I" insurance, is a form of mutual maritime insurance provided by a P&I Club. A P&I Club provides cover for open-ended risks that traditional insurers are reluctant to insure. Typical P&I cover includes: a carrier's third-party risks for damage caused to cargo during carriage; war risks; and risks of environmental damage such as oil spills and pollution.

Annex 2: The shipping companies behind the controversial phosphate transports, 1 January 2021 to 31 December 2021

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/en/news/shipping-company-responses-to-the-report-p-for-plunder-2022>

Vessel Name	No.	IMO	Flag	Departure	Destination (importer)	Arrival	DTW	Estimated cargo (tonnes)	Reg.owner	Reg. owner address	Reg. owner nationality of registration	Group owner	Group owner - registered nationality	Group owner - nationality of controlling interest	Operator	Operator address	Operator - nationality of control	Operator - nationality of registration	Operator email	Operator website	P&I Club
IVS Phoenix	1	9774862	Panama	12.01.2021	Tauranga/Bluff, New Zealand (Ballance Agri-Nutrients)	27.02.2021	60 477	58 000	Sunarrows Shipping Co Ltd		Liberia	Katayama Kisen YK	Japan	Japan	Grindrod Shipping Pte Ltd	03-01, 200, Cantonment Road, Singapore 089763	South Africa	Singapore	grinshipping.com		UK P&I
Hopa	2	9684213	Malta	08.02.2021	Jinzhou, China (Unknown)	22.03.2021	63 301	61 000	Hopa Navigation Ltd	C/O Ciner Gemi Acente Isletmeleri Sanayi ve Ticaret AS (Ciner Ship Management), Mithat Ulu Unlu Sokak 3, Esentepe Mah, Sisli, 34394 Istanbul, Turkey	Malta	Ciner Ship Management	Turkey	Turkey	SwissMarine Services SA	route de Florissant, 13, 1206 Geneva, Switzerland	Singapore	Switzerland	operations@swissmarine.ch	swissmarine.com	Standard Club
Cumbria	3	9713480	United Kingdom	03.03.2021	Paradip, India (Paradeep)	28.03.2021	61 268	59 100	Sussex Shipping Ltd		United Kingdom	Hadley Shipping Group Ltd	United Kingdom	United Kingdom	Hadley Shipping Co Ltd	4th Floor, 117-119, Houndsditch, London, EC3A 7BT, United Kingdom	United Kingdom	United Kingdom	info@hadleyshipping.com	hadleyshipping.com	Britannia P&I
Ocean Royal	4	9465150	Malta	14.03.2021	Paradip, India (Paradeep)	15.04.2021	58 110	55 900	Aska Marine Ltd	93, Triq il-Mithna, Qormi, QRM 3102, Malta	Malta	NRV Holding Company	Netherlands	Netherlands	FML Ship Management Ltd	Office 601, Ghinis Building, 58-60, Digeni Akrita Avenue, 1061 Nicosia, Cyprus	Hong Kong	Cyprus	fleet-cy-tech@fleetship.com	fleetship.com	Gard
IVS Crimson Creek	5	9732149	Singapore	15.04.2021	Tauranga/Bluff, New Zealand (Ballance Agri-Nutrients)	01.06.2021	57 945	56 000	MMSL Pte Ltd	32-02, Frasers Tower, 182, Cecil Street, Singapore 069547	Singapore	Marubeni Corp	Japan	Japan	Island View Shipping	03-01, 200, Cantonment Road, Singapore 089763	South Africa	Singapore	handymax@ivs-int.com		UK P&I
RHL Clarita	6	9358864	Liberia	28.05.2021	Paradip, India (Paradeep)	25.06.2021	53 828	51 862	RHL Clarita	Brooktorkai 20, 20457 Hamburg, Germany	Germany	Hamburger Lloyd	Germany	Germany	Hamburger Lloyd	Brooktorkai 20, 20457 Hamburg, Germany	Germany	Germany	info@hamburger-lloyd.de	hamburger-lloyd.de	Skuld
Kitakami	7	9430820	Marshall Islands	15.06.2021	Paradip, India (Paradeep)	14.07.2021	55 668	53 300	US Bank Equipment Service	Suite 100, 13010, SW 68th Parkway, Tigard OR 97223-9621, USA	USA	US Bancorp	USA	USA	Cargill International SA	800, Nicollet Mall, Minneapolis MN 55402-7000, USA	USA	USA			North of England
Oceanmaster	8	9641340	Liberia	18.06.2021	Napier/Lyttelton, New Zealand (Ravensdown)	July 2021	56 716	55 000	Smooth Maritime Co Ltd	80, Broad Street, Monrovia, Liberia	Liberia	Oceanstar Management Inc	Liberia	Greece	Oceanstar Management Inc	18, Grigoriou Lampraki Street, Glyfada, 166 74 Athens, Greece	Greece	Liberia			American Club
Al Dhafra	9	9552989	Liberia	10.07.2021	Paradip, India (Paradeep)	06.08.2021	63 555	61 225	Amis Star SA	C/O Wisdom Marine Lines SA, 2nd Floor, 237, Fuxing S Road, Section 2, Da-an District, Taipei City, 10667, Taiwan	Panama	Wisdom Marine Lines SA	Panama	Taiwan	Wisdom Marine Lines SA	2nd Floor, 237, Fuxing S Road, Section 2, Da-an District, Taipei City, 10667, Taiwan	Taiwan	Panama	chartering@wisdomlines.tw	www.wisdomlines.com.tw	Swedish Club
Franbo Logic	10	9742417	Panama	12.07.2021	Moji, Japan (Unknown)	17.08.2021	16 969	12 000	Franbo Logic SA	C/O Franbo Sagacity SA, 3rd Floor, 31, Haibian Road, Lingya District, Kaohsiung City, Taiwan	Panama	Franbo Lines Corp	Taiwan	Taiwan	Franbo Sagacity SA	3rd Floor, 31, Haibian Road, Lingya District, Kaohsiung City, Taiwan	Taiwan	Panama	ism@franbo.com.tw	franbo.com.tw	Japan P&I Club
Amis Ace	11	9552989	Panama	16.07.2021	Coatzacoalcos, Mexico (Innophos)	02.08.2021	60 830	59 000	Amis Star SA	C/O Wisdom Marine Lines SA, 2nd Floor, 237, Fuxing S Road, Section 2, Da-an District, Taipei City, 10667, Taiwan	Panama	Wisdom Marine Lines SA	Panama	Taiwan	Wisdom Marine Lines SA	2nd Floor, 237, Fuxing S Road, Section 2, Da-an District, Taipei City, 10667, Taiwan	Taiwan	Panama	chartering@wisdomlines.tw	wisdomlines.com.tw	Swedish Club
IVS Okudogo	12	9870874	Singapore	28.07.2021	Tauranga/Bluff, New Zealand (Ballance Agri-Nutrients)	11.09.2021	61 331	59 000	IVS Bulk 3720 Pte Ltd	C/O Grindrod Shipping Pte Ltd, 03-01, Southpoint, 200, Cantonment Road, Singapore 089763	Singapore	Grindrod Shipping Pte Ltd	Singapore	South Africa	Island View Shipping	03-01, 200, Cantonment Road, Singapore 089763	South Africa	Singapore	handymax@ivs-int.com	grinshipping.com	UK P&I

Vessel Name	No.	IMO	Flag	Departure	Destination (importer)	Arrival	DTW	Estimated cargo (tonnes)	Reg.owner	Reg. owner address	Reg. owner nationality of registration	Group owner - registered nationality	Group owner - nationality of controlling	Operator	Operator address	Operator - nationality of control	Operator - nationality of registration	Operator email	Operator website	P&I Club	
Georgios P	13	9476680	Greece	11.08.2021	Coatzacoalcos, Mexico (Innophos)	28.08.2021	57 000	55 000	Adventure Shipping Co	Trust Company Complex, Ajeltake Road, Ajeltake, Majuro MH 96960, Marshall Islands	Marshall Islands	Common Progress Compania	Panama	Greece	Common Progress Compania	44, Kifisias Avenue, Marousi, 151 25 Athens, Greece	Greece	Panama	info@common-progress.gr	commonprogress.gr	UK P&I
Al Wathba	14	9852743	Liberia	22.08.2021	Paradip, India (Paradeep)	19.09.2021	63 555	60 500	Al Wathba Inc	80, Broad Street, Monrovia, Liberia	Liberia	ADNOC Logistics & Services	United Arab Emirates	United Arab Emirates	ADNOC Logistics & Services	14th Floor, ZADCO Tower, Sheikh Khalifa Energy Complex, Corniche Road, PO Box 61, Abu Dhabi, UAE	United Arab Emirates	United Arab Emirates			North of England
Genava	15	9731248	Switzerland	02.09.2021	Coatzacoalcos, Mexico (Innophos)	20.09.2021	57 587	55 000	Bulk Shipping Switzerland AG	C/O Reederei Zurich AG, Ramistrasse 6, 8001 Zurich, Switzerland	Switzerland	Zurich AG	Switzerland	Switzerland	SwissMarine Services SA	route de Florissant, 13, 1206 Geneva, Switzerland	Singapore	Switzerland	operations@swissmarine.ch	swissmarine.com	Gard
Ilia	16	9490650	Liberia	11.09.2021	Paradip, India (Paradeep)	12.10.2021	57 970	55 974	Aquamarine Seaway SA	80, Broad Street, Monrovia, Liberia	Liberia	White Sea Navigation SA	Panama	Greece	White Sea Navigation SA	67, Akti Miaouli, 185 37 Piraeus, Greece	Greece	Panama	whitesea@otenet.gr	whitesea.mc	Standard Club
IVS Hayakita	17	9760158	Panama	20.09.2021	Tauranga/Bluff, New Zealand (Ballance Agri-Nutrients)	09.11.2021	60 402	58 000	Trinity Bulk SA	C/O Tohmei Shipping Co Ltd, Shin-SURFEEL Nakameguro Building, 18-11, Kamimeguro 1-chome, Meguro-ku, Tokyo, 153-0051, Japan	Panama	Meiji Shipping Corp	Japan	Japan	Island View Shipping	03-01, 200, Cantonment Road, Singapore 089763	South Africa	Singapore	handymax@ivs-int.com		UK P&I
Captainyannis L	18	9343546	Marshall Islands	26.09.2021	Coatzacoalcos, Mexico (Innophos)	17.10.2021	55 688	54 000	Aliki Maritime SA	C/O Sea Globe Management & Trading Inc, J Laliotis Building, 8, Akti Poseidonos, Kallithea, 176 74 Athens, Greece	Marshall Islands	Sea World Management & Trading Inc	Liberia	Greece	Sea World Management & Trading Inc	J Laliotis Building, 8, Akti Poseidonos, Kallithea, 176 74 Athens, Greece	Greece	Liberia	admin@seaworldmt.gr		North of England
Nazenin	19	9545508	Marshall Islands	04.10.2021	Sillamäe, Estonia (EuroChem)	16.10.2021	35 956	34 000	Nazenine Maritime Ltd	Trust Company Complex, Ajeltake Road, Ajeltake, Majuro MH 96960, Marshall Islands	Marshall Islands	Poseidon Handysize Bulkers Ltd	Marshall Islands	Greece	Empire Bulkers Ltd	88, Vouliagmenis Avenue, Elliniko, 167 77 Athens, Greece	Greece	Marshall Islands	mail@empirebulkers.com	empirebulkers.com	Britannia P&I
Amis Hero	20	9732400	Panama	15.10.2021	Paradip, India (Paradeep)	15.11.2021	63 469	61 225	Amis Hero SA	C/O Wisdom Marine Lines SA, 2nd Floor, 237, Fuxing S Road, Section 2, Da-an District, Taipei City, 10667, Taiwan	Panama	Wisdom Marine Lines SA	Panama	Taiwan	Wisdom Marine Lines SA	2nd Floor, 237, Fuxing S Road, Section 2, Da-an District, Taipei City, 10667, Taiwan	Taiwan	Panama	chartering@wisdomlines.tw	wisdomlines.com.tw	Britannia P&I
Beatrice	21	9430818	Marshall Islands	25.10.2021	Coatzacoalcos, Mexico (Innophos)	13.11.2021	55 700	54 000	SPV 5 LLC	Trust Company Complex, Ajeltake Road, Ajeltake, Majuro MH 96960, Marshall Islands	Marshall Islands	Technomar Shipping Inc	Liberia	Greece	Technomar Shipping Inc	3-5, Menandrou Street, Kifisia, 145 61 Athens, Greece	Greece	Liberia	info@technomar.gr	technomar.gr	UK P&I
Ince Karadeniz	22	9446192	Singapore	09.11.2021	Paradip, India (Paradeep)	06.12.2021	56 956	54 450	Ince Karadeniz Shipping Pte	13-01, The Concourse, 300, Beach Road, Singapore 199555	Singapore	Ince Shipping Group	Turkey	Turkey	Ince Denizcilik ve Ticaret AS	Kat 2, Blok A, Denizciler is Merkezi, Ord Prof Fahrettin Kerim Gokay Caddesi 14, Altunizade Mah, Uskudar, 34662 Istanbul, Turkey	Turkey	Turkey	chartering@incedeniz.com	incedeniz.com	London P&I Club
Belnippon	23	9801249	Panama	18.11.2021	Coatzacoalcos, Mexico (Innophos)	06.12.2021	63602	61 000	Almirante Shipping SA	C/O Shoei Kisen KK, 4-52, Kora-cho 1-chome, Imabari-shi, Ehime-ken, 799-2111, Japan	Panama	Shoei Kisen KK	Japan	Japan	Belships ASA	Lilleakerveien 6D, 0283 Oslo, Norway	Norway	Norway	administration@belships.com	belships.com	North of England
Ilenao	24	9524683	Liberia	30.11.2021	Coatzacoalcos, Mexico (Innophos)	20.01.2022	55 442	53 000	Noreaster Maritime Ltd	C/O Unisea Shipping Ltd, 4, Xenias Street, Kifisia, 145 62 Athens, Greece	Liberia	Unknown	Unknown	Unknown	Unisea Shipping Ltd	4, Xenias Street, Kifisia, 145 62 Athens, Greece	Greece	Greece	marine@unisea.gr	unisea.gr	West of England
Berge Catherine	25	9856309	Panama	30.11.2021	Tauranga/Bluff, New Zealand (Ballance Agri-Nutrients)	16.01.2022	63 500	61 000	Ratu Shipping Co SA	19th Floor, Nihonbashi 1-chome Building, 4-1, Nihonbashi 1-chome, Chuo-ku, Tokyo, 103-0027, Japan	Panama	Nisshin Shipping Co Ltd	Japan	Japan	Nisshin Shipping Co Ltd	19th Floor, Nihonbashi 1-chome Building, 4-1, Nihonbashi 1-chome, Chuo-ku, Tokyo, 103-0027, Japan	Japan	Japan	ship@bigtree.co.jp		Britannia P&I
Ince Tokyo	26	9730438	Singapore	28.11.2021	Paradip, India (Paradeep)	06.01.2022	61 251	58 800	Bosphorus Shipping Pte Ltd	13-01, The Concourse, 300, Beach Road, Singapore 199555	Singapore	Ince Shipping Group	Turkey	Turkey	Ince Denizcilik ve Ticaret AS	Kat 2, Blok A, Denizciler is Merkezi, Ord Prof Fahrettin Kerim Gokay Caddesi 14, Altunizade Mah, Uskudar, 34662 Istanbul, Turkey	Turkey	Turkey	chartering@incedeniz.com	incedeniz.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

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