

WSRW REPORT — APRIL 2018

P FOR PLUNDER

Morocco's exports of phosphates from occupied Western Sahara

Fertilizer companies from across the globe import controversial phosphate rock from Western Sahara, under illegal Moroccan occupation. This report shows which of them were involved in the trade in 2017.

2017



WSRW

WESTERN SAHARA
RESOURCE WATCH

Western Sahara benefits. It's r

For the fifth time, West
annual overview of the
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The list we preser
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2017 thus saw the
WSRW. To compare, in
the numbers are down

This report details
in 2017 of 1.59 million to
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shipments in 2017.

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WSRW calls on all
halt all purchases and
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nveyor	WSRW.org (P. 19 Sparkjøp.	Western Sahara Resource	To strengthen our research
rate	29, 30, 35).	Watch (WSRW) is an	and intensify our international
ines	Adam Gamble (P. 21).	international organization	campaigns. WSRW needs
	John Hermans (P. 25 SBI	based in Brussels. WSRW,	your help. Learn how to
	Tango), Alwyn Frost (P. 25.	a wholly independent non-	make monetary donations at
	Anarita).	governmental organization,	www.wsrw.org
	Rick Vince (P. 29).	works in solidarity with the	
	John Tordai (P. 37)	people of Western Sahara.	



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.”

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Swedi
all Swi
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Swedish government pension fund, AP-Fonden, upon exclusion of PotashCorp and Incoitec Pivot from its portfolios.¹²

sovereignty over Western Sahara by any state, nor by the UN. Its territory were rejected by the office of Justice.² Office has analysed the legality of extraction and exploitation in Western extraction activity – one now in exploration of a similar nature to phosphate activities were to proceed in disregard of wishes of the people of Western Territories.³ After the 1975 invasion of the territory of the Bou Craa mine in Western Africa, Europe and Australasia, is managed by the Office Chérifien (OCP), now known simply as OCP phosphate company and today country's biggest source of income.

However, that tale could be coming to an end. The Bou Craa phosphate deposit consists of two layers. Until 2014, only the first, top layer had been mined. This particular layer contained phosphate rock of the highest quality across all reserves controlled by OCP. In 2014, Bou Craa phosphate mining moved on to the second layer, which is of lower quality.⁷ Morocco has 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, with around 2,100 employees⁸ – more than half of those are said to be locally recruited. 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.⁹ 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.¹⁰

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."¹¹

Boucraa S.A. (Phosboucraa) is a subsidiary of OCP. Its main activities are the extraction, transportation and marketing of phosphate from the Bou Craa mine, including operation and treatment plant located on the Aaiun. OCP puts production capacity at 2.6 million tonnes annually.⁴ Though

“Agrum’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 OCP guidelines for responsible investment.”

Norwegian insurance company KLP regarding its divestments from Agrium Inc.¹³

“Illegal exploitation of natural resources”

Fonds de Compensation commun au régime général de pension, Luxembourg, 15 November 2014, upon blacklisting of all involved phosphates companies.¹⁴

“Human rights violations in



Vancouver

Baton Rouge

Barranquilla

Paradip

Port Elizabeth

Inverc

colonial power, Spain.

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

in 1979, announcing 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.¹⁹

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.²⁰

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 US \$1.55 billion.²¹ It files a similar debt financing prospectus on the Exchange a year later.²²

2018: Morocco continues to operate the mine in occupied Western Sahara. The average exports over the last years have generated an annual income of around US \$200 million from a mine which is not theirs.



Large plans

An investment and development program worth US \$2.45 billion has been set up by OCP across all its operations for the period of 2012-2030. In that timeframe, the program will aim to modernize the Bou Craa mine, exploit deeper phosphate layers, create higher added-value products for export, increase the El Aaiun harbour capacity for phosphate activities and expand the social and sustainable development projects in the Bou Craa area.²³

OCP states that, as part of its long-term investment program, financing of industrial development is planned, such as mining investments (worth around US \$250 million) that will include the building of a flotation/washing unit and upgrading of extraction equipment, as well as new infrastructure to extract lower phosphate layers.²⁴

Peak P

Phosphate is a vital component of the which much of the global food product security depends. For some time, there about the world population's reliance c of phosphorus, and the implications of tural productivity, food prices and nutr in developing countries. The term "peak has joined the concept of "peak oil" in century scarcity. There are no substitu rus in agriculture.²⁶

Morocco, including Western Sahar the world's biggest phosphate reserve largest producer of phosphates in the The increasing global need for phc

1,331,040 tonnes

1,000,000 tonnes

\$142.74 million

\$213.7 million

\$80 million

\$80 million

\$62 million

\$130 million

\$7,084 million

\$8,325 million

\$1,524 million

\$1,725 million

27

37

59,000 tonnes

50,000 tonnes

\$5.3 million

\$5.6 million

\$89.67

\$112

tracked and confirmed
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 ls of lading and port
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believes that is has
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 ected.

Fluctuating export levels

In general, WSRW's calculations
 over the last years are confirmed
 in OCP's own reports.²⁸

Until 2006 the export of
 phosphate rock averaged 1.1
 million tonnes annually, consid-
 erably less than the production
 capacity of 2.6 million tonnes.²⁹ 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 million tonnes in 2012 and
 2.2 million tonnes in 2013. WSRW's
 projection of 2.1 million tonnes of
 exported phosphate rock from
 Bou Craa in 2014 was confirmed

more in line with the levels we
 have observed in the past. In
 2017, the exported volume has
 dropped again, largely explained
 by the continuing withdrawal of
 purchasing companies.

OCP estimates the Bou Craa
 reserves at 500 million tonnes.³¹
 Bou Craa contributes around
 7% of OCP's total extracted
 volumes³², and around 25% of its
 total sales of phosphate rock.³³

333,000

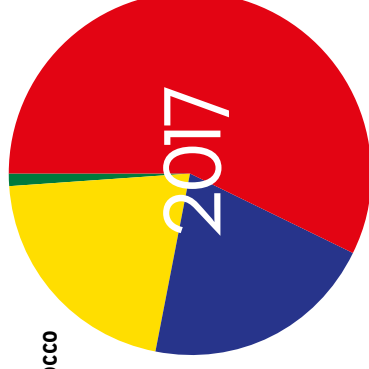


New Zealand
349,000

Clients per nationality of (parent) companies

Figures in metric tonnes.

Venezuela
17,000



Austrie
105,000

India/Morocco
344,000

Canada
911,840

New Zealand
333,000

New Zea
349,000

Value per importing country

Figures in \$ US

Colombia
1.52 million



Li
7.1

Australia
12.1 million

USA
33 million

	Shipments	Capacity (MW)	Value (\$ million)
Vancouver, Canada	9	529,840	\$47.51 million
Geismar, USA	5	382,000	\$34.25 million
Paradip, India	6	330,000	\$29.59 million
Tauranga/Bluff Cove/Invercargill, New Zealand	4	223,000	\$20 million
Napier, New Zealand	2	110,000	\$9.86 million
Barranquilla, Colombia	1	17,000	\$1.52 million



SIEMENS

German engineering company Siemens constructed the Fom el Oued wind park in occupied Western Sahara in 2013. The park was commissioned by Morocco's national agency for electricity, ONEE. Siemens collaborated with the Moroccan wind energy company NAREVA - owned by the King of Morocco. Fom el Oued, consisting of 22 wind mills, today supplies 95% of Phosboucrâa's energy needs. In other words: practically all energy required for the exploitation and transport of the phosphate rock in Western Sahara, is generated by wind mills delivered by Siemens. The green energy production is thus

ATLAS COPCO

Swedish industrial company Atlas Copco in 2008 sold important drill rigs to OCP for use in the Bou Craa mine. Through the sales, Atlas Copco also obliged itself to provide maintenance and spare parts to the same rigs. It is not known for how many years the company is tied to that contract. WSRW first confronted Atlas Copco about its deliveries in May 2013.³⁵ While the company appeared open to meet with WSRW at first, it later declined. WSRW sent Atlas Copco another letter on 27 March 2017, detailing our concerns and question.³⁶

which commenced the audit that the case was to be decided by the Court was the question of whether the New Zealand Government could be held liable for the damage caused by the vessel being warned over the

OCPSA, Morocco's the cargo from Ballance. In July 2017, however, the cargo, accusing the political opinion" and undermining "the UN re

On 23 February 2017, the owner of the entire vessel, that the ownership was held by Boucraa SA, who was the sole shareholder of Ballance Agri-Nutrients

It is the first such case involving a vessel of this size and on the high seas. And on the financial risk of compensation. This risk had already been estimated by the EU on 21 December 2016 as "separate and distinct from Morocco".⁴⁴

The value of the vessel is around ten per cent of the value of the refugee camps in Africa.

In 2017, while waiting for the court to be established, the shipowner had complained to the court records, the firm of the vessel's detentions, according to the court records. In April 2018, the vessel was valued at around 3.5 million US dollars.

The stop-over in South Africa was a farmer co-operative owned by around 3 vessels each, the second biggest importers of agricultural products from New Zealand-bound vessels in the Pacific. To the north, the vessel had never before travelled to African ports and the territory to India at

3	100,000	14,603,720
3	165,000	14,795,550
2	141,000	12,643,470
2	134,000	12,015,780
2	113,000	10,132,710
2	77,000	6,904,590
1 each		

5	290,840	26,079,622.8
4	239,000	21,431,130
3	176,000	15,781,920
2	133,000	11,926,110
2	120,000	10,760,400
2	110,000	9,863,700
2	77,000	6,904,590
1 each		

6	361,840	32,446,193
5	299,000	26,811,330
3	220,000	19,727,400
3	168,000	15,064,560
2	133,000	11,926,110
2	110,000	9,863,700
2	77,000	6,904,590
1 each		

6	361,840	32,446,193
5	299,000	26,811,330
3	220,000	19,727,400
3	187,000	16,768,290
3	165,000	14,795,550
2	77,000	6,904,590
1 each		

6	365,000	34,522,950
5	299,000	26,811,330
4	231,840	20,789,092
2 each		
1 each		

4	224,000	20,086,080
4	248,000	22,238,160



Port Elizabeth



The players in the South Africa court case



Vessel: **NM Cherry Blossom** IMO: **9703655** Flag: **Marshall Islands**
Estimated cargo phosphate rock: **55,000 tonnes** Operator: **AM Nomikos**

Departed: **El Aaiun, Western Sahara, 13 April 2017**

WSRW has identified around 20 probable – but not confirmed – Furness/Oetker shipments over the last decade.⁴⁸ 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.⁵⁰

On 14 March 2017, the Oetker Group announced an agreement to sell its subsidiary Hamburg Süd to Danish company Maersk.⁵¹ The Danish company confirmed to WSRW in a mail on 13 June 2017 that Furness Withy will be part of the package. "Until the final agreement has been concluded (which we expect to take place at fourth quarter in 2017), Hamburg Süd runs as a totally independent company. This means that there is no way for us to exchange sensitive information or in any way influence the business until the transaction is completed", Maersk wrote to WSRW. The Maersk takeover was completed on 30 November 2017.⁵² Maersk's company overview of 2017 includes the Furness companies.⁵³

BALLANCE AGRI-NUI

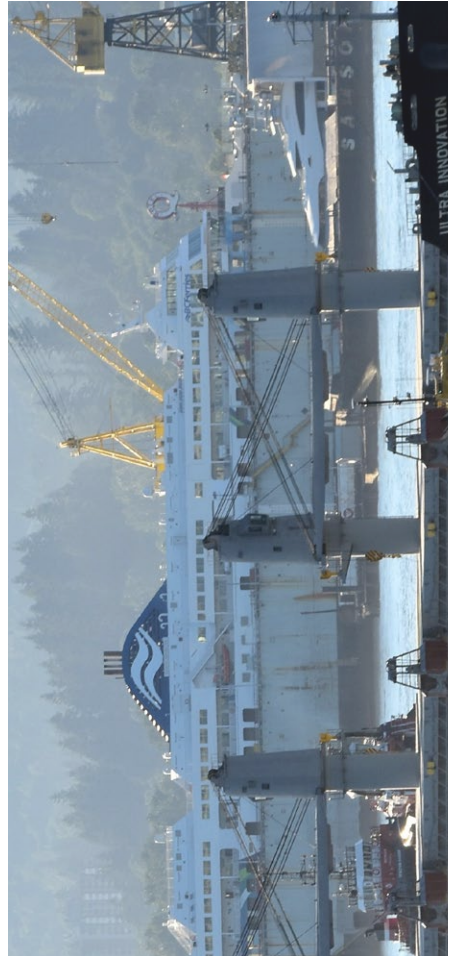
Ballance Agri-Nutrie purchased the cargo OCP bought back the legal proceedings – Ballance Agri-Ni and distributes fertilizer. Ballance, and the plaintiffs, have been pursuing the firm for years. The firm signed a long-term OCP to supply phosphate for 15 days after the vessel, *Common Spirit*, cargo.⁴⁷ That vessel was around South America

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policy to exclude
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tonnes shipment to the USA in August 2017.⁵⁵

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...ing a New Zealand-bound shipment, 2008.⁵⁶

**...clause excluding
...ara”
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investors to buy shares:
However, OCP boni
Irish Stock Exchange si
blacklisted OCP from th
OCP's affairs at th
Morgan Stanley and JP
tions based in the UK a
The company has
Burling, Palacio y Asoci
suppositious legality of
carrying out lobbying-c
reports that allege the
grounds of being supp
these reports have bee

**“Further to the emails I sent yo
19 October 2013, 15 November 2
15 July 2014, 10 September 2014,
16 October 2014, 10 February 20
4 March 2015, 5 January 2016,
14 January 2016, 2 February 201
10 February 2016, 15 March 2016
30 August 2016, 27 September ;
13 October 2016, 16 November 2
12 January 2017, 13 February 20
17 March 2017 27 April 2017 and**

Agrium Inc. was a global producer and marketer of nutrients for agricultural and industrial markets. The company was a public traded company, based in Calgary, Canada, and was listed on the New York Stock Exchange and the Toronto Stock Exchange.

Agrium signed a contract with OCP in 2011, and announced it would start importing in the second half of 2013. The phosphates, imported in order to replace an exhausted source in Canada, were claimed to be originating from "Morocco".⁶⁰ However, they do not. The phosphates are from Western Sahara. A first shipment arrived in the Canadian west coast port of Vancouver in October 2013.⁶¹ Agrium then transports the landed phosphate from a dock in Vancouver, by rail to a fertilizer manufacturing plant in Redwater, in the province of Alberta.

In 2016, Agrium commissioned an assessment of the firm's impact on human rights in Western Sahara, carried out by Norton Rose Fulbright Canada LLP. The report contains several flaws in terms of content, analysis and methodology. The analysis explicitly underlines that it "is beyond the scope of this Assessment" to conclude whether or not Morocco is the administering power of Western Sahara.

Yet, the report's assessment repeatedly takes for granted that Morocco is the administering power, and that it therefore has a right to manage the resources of the territory.

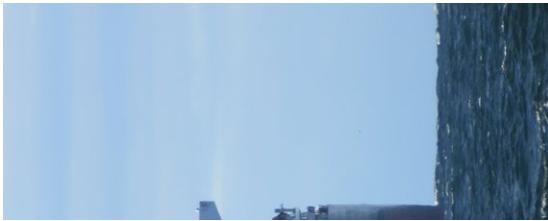
This report is used today to convince investors that the company's operations are ok. At the same time, Agrium commented to WSRW on 30 March 2017 that "any issues you may have with its content or the background work that they did, should be taken up with [Norton Rose Fulbright] directly and we would be happy to help facilitate that discussion."⁶²

The company systematically refuses to answer any question relating to what steps it has taken to seek the consent of the Saharawi people.

In 2017, Agrium received 9 shipments of phosphate rock sourced in Western Sahara, amounting to an estimated 529,840 tonnes with a total value of US \$47.5 million. That is a slight decrease compared to the 579,000 tonnes import of 2016, however well underneath the 779,000 tonnes of its first full year of importing, 2014.

WSRW asked Nutrien in February 2018 whether the company had undertaken any steps to obtain the consent of the people of Western Sahara with regard to the imports of phosphate rock by Agrium in 2017, and enquired about the announced termination of the imports.⁶³ The company did not reply.

Chuck Magro, former CEO of Agrium and current CEO of Nutrien, announced on 25 January 2018 that the contract between the legacy company Agrium and OCP would be terminated by the end of the year. The company is still assessing what to do with the imports to the factory controlled by the legacy company PotashCorp, and announced it would make a statement on the matter mid-2018.⁶⁴



The vessel Double Rejoice loading phosphate at the pier in El Aaiun, occupied Western Sahara, 5 December 2012. The vessel headed then to PotashCorp US. In the background is a queue of bulk vessels waiting to load.

Potash Corporation of Canada with the longest track upon acquiring Arcadia firm's 1980s import contracts. Saharawi phosphate rock

In 2018, PotashCorp launched Nutrien Inc – phosphate imports from Canada, and was registered in the company's phosphate rock from Western Sahara. The company's long-term agreements with OCP have been terminated by the end of 2018, the imports taken

In 2017, PotashCorp phosphate rock from occupied Western Sahara. The imports valued at \$34 million. The 287,000 tonnes of phosphate rock imports came in five shipments to meet a growing demand for food products

Through the years, PotashCorp's position statement on Western Sahara. The November 2016. In its February 2018, Nutrien stated that its involvement in Western Sahara is not permissible to exploit the "standards to gain control" previously referred to in 2016. Nutrien maintains that its involvement in phosphate imports will not cease. Nutrien doing so would involve "economic well-being of the Saharawi people" cornerstones principle of the company.

In February 2018, Nutrien's consent of the Saharawi people was dictated by the CJEU, a decision in the view of Nutrien did not respond to the question at OCP's operations "provide for the Saharawi people". PotashCorp's decision to cease

in India and the Republic of Mauritius. In 1995, the government of Mauritius 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 Ltd, a 50-50 joint venture of Zuari Industries Ltd (a subsidiary of Adventz Group of India) and Maroc Phosphate SA - a wholly owned subsidiary of OCP.⁷⁰ Today, PPL operates as a subsidiary of Zuari Global Limited, which holds 80.45% stake, while the government of India holds the remaining 19.55%.⁷¹ In other words, PPL is owned by the Government of Morocco, an Indian private conglomerate (Adventz Group) and the Government of India.

PPL is headquartered in Bhubaneswar, India and receives its phosphate rock at the port city of Paradip, approximately 120 kilometers to the east.⁷²

According to WSRW's research, PPL received six shipments of phosphate rock from occupied Western Sahara throughout 2017, totaling approximately 330,000 tonnes worth an estimated US \$29.6 million. The imported volume is as such at a comparable level to that of the previous year, of an estimated 344,000 tonnes. The 2017 shipments averaged around 55,000 tonnes.

2017 constitutes the second 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 2011-2012.⁷³

WSRW has contacted PPL several times. WSRW wrote to PPL in February 2015, again in March 2017, and more recently in February 2018.⁷⁴ The company has never replied.



SBI Tango upon arrival at the port of Taranga on 27 November 2017, about to commence discharging its cargo of 59,000 tonnes of phosphate from occupied Western Sahara. The local importer is Ballance Agri-Nutrients.

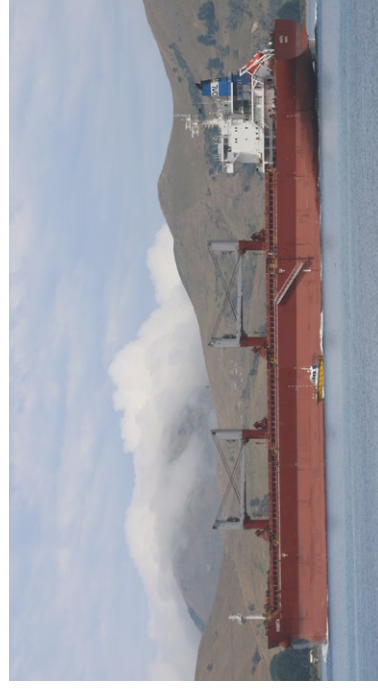
New Zealand. It is a list stock exchange.⁷⁵ Ballance company changed its name to BOP Fertiliser and then to fertilizer companies. From February 1998, when that time Fernz was all

The firm signed a contract with OCP to supply phosphate rock to the company on at least one occasion visit. During the course of the phosphate rock illegally cargoes have a project around US \$20 million - the occupied territory in were consistent with a decrease to 104,000 tonnes. WSRW has contacted the company and never received an answer to WSRW that "The United Nations from Western Sahara. It is a legal opinion".⁸⁰

6 RAVENSDOWN LT (New Zealand)

Ravensdown Fertiliser is a company that operates in New Zealand. It is listed on the New Zealand Stock Exchange. The company's main product is phosphate fertilizer. The company has a long history in the industry and is one of the largest fertilizer producers in New Zealand. The company's revenue in 2017 was approximately \$1.2 billion. The company's profit in 2017 was approximately \$150 million. The company's market capitalization in 2017 was approximately \$1.5 billion. The company's share price in 2017 was approximately \$15. The company's dividend yield in 2017 was approximately 4%. The company's P/E ratio in 2017 was approximately 15. The company's debt to equity ratio in 2017 was approximately 0.5. The company's return on equity in 2017 was approximately 15%. The company's return on assets in 2017 was approximately 10%. The company's operating margin in 2017 was approximately 15%. The company's net profit margin in 2017 was approximately 10%. The company's gross profit margin in 2017 was approximately 25%. The company's operating assets in 2017 were approximately \$1.2 billion. The company's total assets in 2017 were approximately \$1.5 billion. The company's total liabilities in 2017 were approximately \$300 million. The company's equity in 2017 was approximately \$1.2 billion. The company's number of employees in 2017 was approximately 1,000. The company's headquarters are in Auckland, New Zealand. The company's website is www.ravensdown.co.nz.

The bulk vessel Anarita is a New Zealand, on 23 July



Colombia/Venezuela)



A Mexican subsidiary of
has for many years been
rock. Yet since 2015, WSRW
Innophos's plant in Coahuila,
However, WSRW believes
Geismar, Louisiana, is currently
ern Sahara, sold to the
That has now been controlled
on 3 April 2016, at the time
being printed.

"We are also subject to
conditions in those jurisdictions
ports our operations in
PCS to supply MGA to Colombia
social and political conditions
the phosphate rock, with
political upheaval. If political
amounts of phosphate rock
our ability to manufacture
affected". Innophos is
in its annual report of 2015.

WSRW contacted Innophos
revelation that it was still
its Geismar plant, yet has
WSRW sent Innophos
occupied territory, with

Colombian S.A. is a
calcium phosphate
company with its
headquarters in West-
Virginia as a non-listed,
publicly traded
company. It is a
wholly owned
subsidiary of the
Venezuelan
company (Petroquímica
de Venezuela) and
produces
phosphate from occupied
territory. It
produces
approximately 17,000
tonnes of
phosphate
annually and its parent
company
recently
announced
that it was
acquiring
the
company.
In 2018,⁸² neither
company
has
commented
on the
acquisition.
It has
been
involved
in
disputes
with
the
government
of
Venezuela
in
both
the
1980s
and
the
1990s.
The
company
has
been
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The
company
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WSRW's hypothesis that Innophos was still purchasing phosphate rock from

FERILIZERS WSRW, SUUMIYU GROSS INTERNATIONAL (SGI) AND FERTILIZERS Elimination (Elim).

Incitec Pivot has been importing from Western Sahara for the past 30 years. Since 2003, when Incitec Pivot arose out of a merger between Incitec Fertilizers and Pivot Limited, the company has been importing continuously.

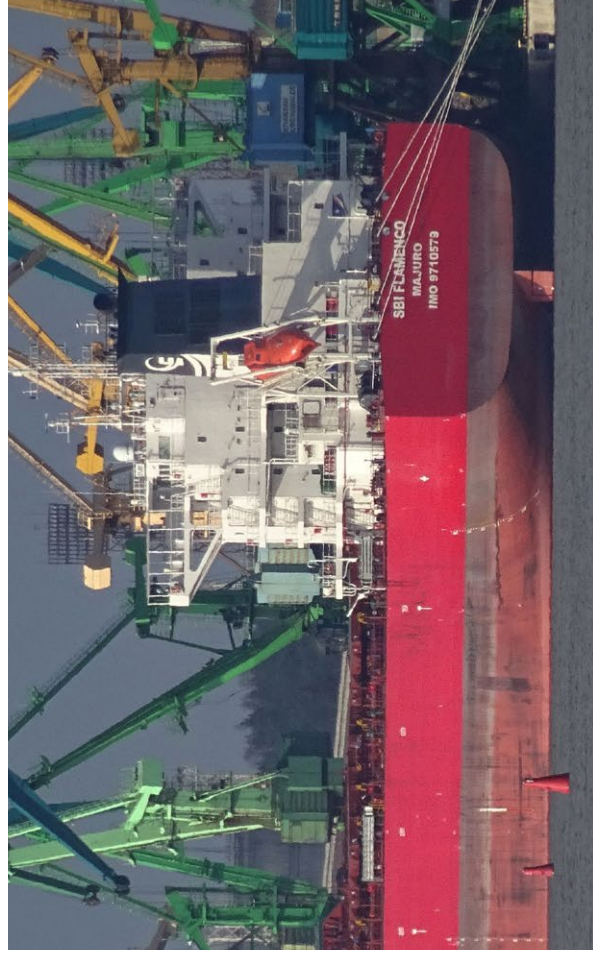
Incitec Pivot has its headquarters in Melbourne, Victoria, Australia, and is registered on the Australian Securities Exchange. Today, Incitec Pivot is the largest supplier of fertilizer products in Australia, but also markets its products abroad, such as in India, Pakistan and Latin America.⁸⁹ IPL manufactures a range of fertilizer products, but uses the Saharawi phosphate for its so-called superphosphate products produced at plants in Geelong and Portland.⁹⁰

The last shipments observed to Incitec Pivot were all in 2016, when the firm procured three consignments of phosphate rock from Western Sahara, totalling 105,000 tonnes, worth an estimated US \$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 they now source their phosphate rock in Togo. WSRW has indeed not tracked any shipments to the company in 2017.

WSRW last wrote IPL on 6 March 2018.⁹¹





from 2011 to 2014. WSRW has committed shipments specifically to Agropolychim from 2003 to 2008.

WSRW contacted Agropolychim in October 2008, urging the company to terminate its phosphate imports.⁸⁸ A reply was never received, but the company did defend its imports in Bulgarian media. "Agropolychim has a contract for the import of phosphate from North Africa since 1974 and never had problems with supply", the company stated.⁸⁹

Indian importers

In March 2014, WSRW observed a single shipment to India, unloaded at Tuticorin harbor. This followed the trend from previous years of one annual shipment, arriving at Tuticorin.

WSRW has not yet been able to identify the responsible company, but has identified two potential recipients. One is Greenstar Fertilizers Ltd, a fertilizer manufacturer and marketer, which produces its fertilizers in Tamil Nadu, taking in its material in Tuticorin. The other is Southern Petrochemical Industries Corporation Ltd (SPIC), a petrochemical company that has fertilizer production as its core competency. SPIC has its headquarters in Chennai and is registered on the Bombay Stock Exchange and on the National Stock Exchange of India. The firm's phosphate business is located in Tuticorin. WSRW contacted both, they did not answer.

Lifosa AB is a producer of phosphate mineral fertilizer based in Kedainiai, Lithuania. The company was previously listed on the NASDAQ OMX Vilnius Exchange. Lifosa AB became a subsidiary of the privately Russian-owned Swiss based EuroChem Group in 2002. The company receives its Western Sahara phosphate rock at the harbor of Klaipeda, Lithuania.

The company took in its last shipment on 8 October 2016, in spite of a promise by Eurochem in February that same year that "... the Group does not intend to purchase phosphate rock from Western Sahara in 2016 or at any time over the foreseeable future."⁹² The cargo was destined for Lifosa, as Lifosa's managing director admitted to Lithuanian media.⁹³ EuroChem confirmed to WSRW on 23 March 2017 that its subsidiary had indeed imported 68,250 tonnes on board the SBI Flamenco.⁹⁴

"EuroChem believes in vertical integration for economic and strategic reasons and this remains the case. We aspire toward the goal of raw material self-sufficiency and our investments in Kazakhstan and Kovdorskiy were intended to help us become self-sufficient in the production of phosphate rock. The production of our own raw materials from these two investments has progressed at a slower pace than projected and so we continue to require third-party supplies of phosphate rock", the company wrote.

WSRW has been in dialogue with both Lifosa and its owners EuroChem Group since 2010. But the company's initial reluctance to thoroughly respond to WSRW's questions resulted in its June 2011 delisting from the UN List of Socially Responsible Corporations.

Ever since, Lifosa/EuroChem has actively sought ways to maintain its dialogue with WSRW and conduct further due diligence with regard to importing from Western Sahara while under occupation. The

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imported since the
arrival of Alycia in
Hobart harbour on
7 August 2012.



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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 to cease doing so. The main motive for the decision to stop purchasing has been that the Norwegian government urges Norwegian companies not to trade with goods from Western Sahara, due to concerns of international

impact is none 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.¹⁰⁴ 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.¹⁰⁵

BASF SE (Germany/Belgium)



BASF was one of the leading importers through the 1990s. It received its last known shipment to Belgium in 2008.¹⁰⁷ 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 Chérifien des Phosphates (OCP). OCP has been a reliable supplier of phosphate from mines in the Kingdom of Morocco for over 20 years.

OSCP, was a major import two decades. Earliest k date back to 1990.

In 2009, the firm said it would invest in to use other phosphate possibility that the imp depending on price and sion followed a wave c trade in phosphate fro import between 60 and

Wesfarmers has o phase down imports fr categorically to comple to have stopped, some WSRW has not ob; started daily monitorin

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

111 ANÁLISIS DE LOS INTERES DE PALACIO, ANA Y SUS INTERES EN 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.¹¹² Ana Palacio, head of Palacio y Asociados, wrote back to express her disagreement with WSRW's analysis and also cited legal privilege.¹¹³

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 Durán, 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 US \$15 million for work carried out by both Dechert and DLA Piper.¹¹⁴

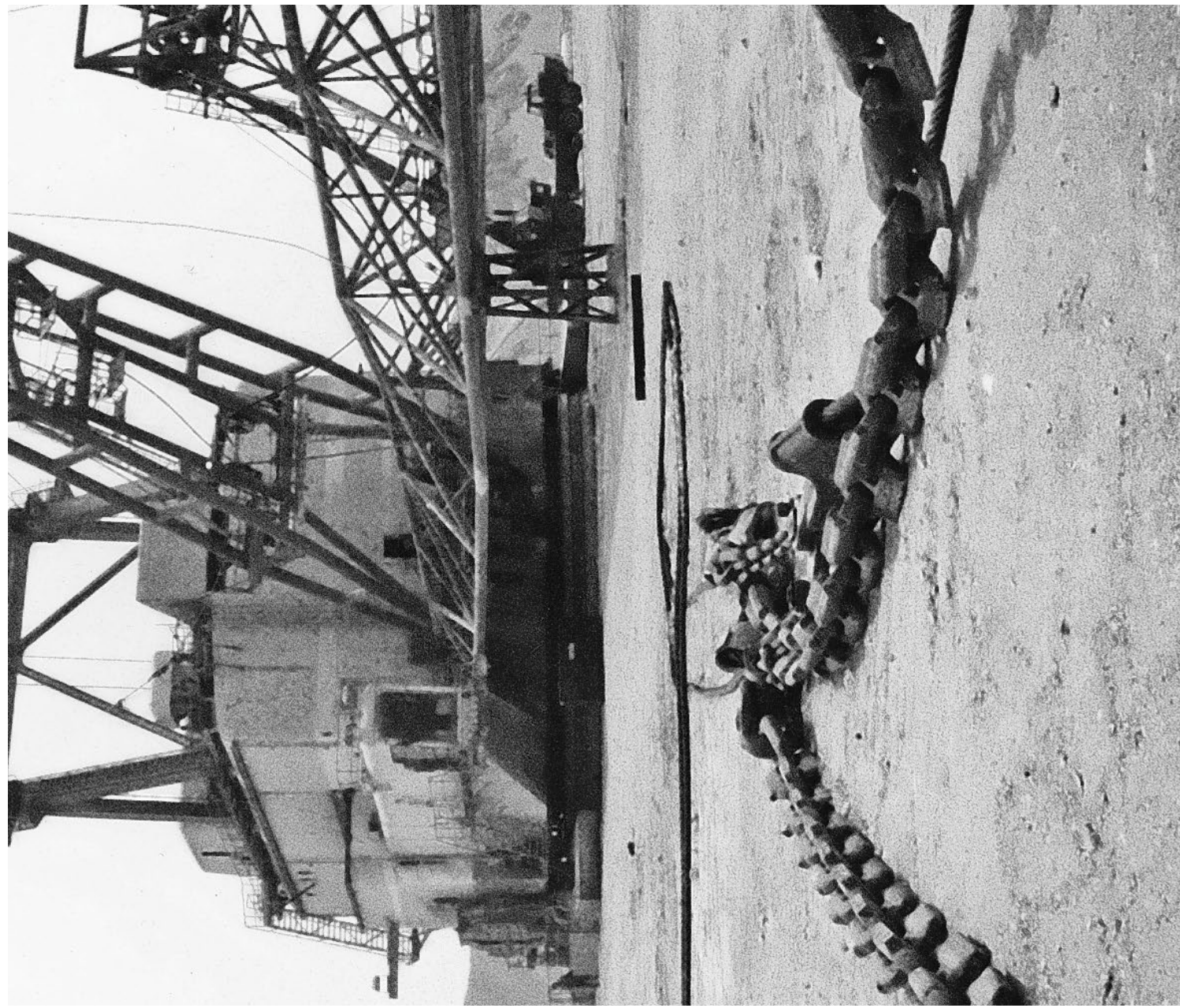
Dechert replied to WSRW's letter of 8 February 2016 that it could not disclose its legal opinion for OCP due to client confidentiality.¹¹⁵

WSRW has asked Dechert and Palacio y Asociados whether their client would consent to waiving privilege, as the confidentiality of the legal opinions as already been given up by making their existence public. WSRW never received a reply to that request.

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

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WSRW has contacted operators representing 21 of the 24 vessels. Letters from WSRW, and answers are found on <http://wsrw.org/a105x4147>

For the remaining 3 vessels, WSRW has not had the relevant email addresses.

Arrival	Vessel Details	Estimated cargo (tonnes)	Reg. owner	Reg. owner address	Reg. owner nationality	Group owner	Group owner - registered nationality	Group owner - nationality of controlling interest	Operator address	Operator nationality	Operator email
19/03/2017	IMO # 9289013 MMSI 257316000 53,565 DWT	50000	Spar Shipping AS	Kokstadflaten 30, 5257 Kokstad	Norway	Spar Shipping AS	Norway	Norway	Kokstadflaten 30, 5257 Kokstad	Norway	mail@sparshipping.com
04/04/2017	IMO # 9668893 MMSI 235107902 81,922 DWT	75000	Chujin Shipping SA	Care of Kambara Kisen Co Ltd, 1083, Tsuneishi, Numakuma-cho, Fukuyama-shi, Hiroshima-ken, 720-0396	Japan	Tsuneishi Group	Japan	Japan	d'Amato Fratelli SpA Via dei Fiorentini 21, 80133 Naples NA	Italy	operation@fratellidamato.com, technical@fratellidamato.com, chartering@fratellidamato.com
01/06/2017	IMO # 9691814 MMSI 229697000 63,104 DWT	60000	Hako Maritime Ltd	Care of GSD Denizcilik Gayrimenkul Insaat Sanayi ve Ticaret AS, Kaptan Rifat Sokak 3, Aydinevler Mah, Maltepe, 34854 Istanbul	Turkey	GSD Holding AS	Turkey	Turkey	GSD Denizcilik Kaptan Rifat Sokak 3, Aydinevler Mah, Maltepe, 34854 Istanbul	Turkey	
ca 12/05/2017	IMO # 9724764 MMSI 538007288 63,025 DWT	60000	GH Northern Dancer LLC	Care of Union Apex Shipping Co Ltd, 12th Floor, 200, Gloucester Road, Wan Chai	China	Great Harvest Maeta Group	Cayman Islands	Hong Kong	Union Apex Shipping Co Ltd 12th Floor, 200, Gloucester Road, Wan Chai, Hong Kong	China	
Detained in South Africa	IMO # 9703655 MMSI 538006164 60,494 DWT	55000	NM Shipping SA	Care of AM Nomikos Transworld Maritime Agencies SA, Euroco Building, 1, Alamanas Street, Marousi, 151 25 Athens	Greece	AM Nomikos Transworld Maritime	Panama	Greece	AM Nomikos Euroco Building, 1, Alamanas Street, Marousi, 151 25 Athens	Greece	amngr@nomikos.gr
09/06/2017	IMO # 9767481 MMSI 374883000 61,188 DWT	59840	La Darien Navegacion SA	Care of Shoen Kisen Kaisha Ltd, 4-52, Kora-cho 1-cho, Imabari-shi, Ehime-ken, 799-2111	Japan	Shoen Kisen Kaisha Ltd	Japan	Japan	Ultrabulk Shipping A/S Camillo Eitzen House, Amerika Plads 38, 2100	Denmark	operations.cph@ultrabulk.com

d.	01/10/2017	IMO # 9520004 MMSI 271000836 18830 DWT	17000	ve Ticaret AS Sokak 2. Altunizade Mah. Uskudar. 34662 Istanbul	Turkey	Demir Celik Endustrisi	Turkey	ve Ticaret AS Kaynak Sokak 2. Altunizade Mah. Uskudar. 34662 Istanbul	Turkey	maritime@turship.com.tr
Zealand (n)	27-30/08/2017	IMO # 96600619 MMSI 545568000 57936 DWT	55000	Ratu Shipping Co SA Care of Nisshin Shipping Co Ltd (Nisshin Kaiun KK), 19th Floor, Nihonbashi 1-chome Building, 4-1, Nihonbashi 1-chome, Chuo-ku, Tokyo, 103-0027	Japan	Nisshin Shipping Co Ltd	Japan	Nisshin Shipping Co Ltd	Japan	ship@bigthree.co.jp, tramp@bigthree.co.jp
nited p Inc)	ca 10/08/2017	IMO # 9626687 MMSI 232005859 81150 DWT	78000	BW Dry Cargo Ships Ltd Care of BW Maritime Pte Ltd, 18-01, Mapletree Business City, 10, Pasir Panjang Road, Singapore 117438	Bermuda	BW Group Ltd	Bermuda	BW Maritime Pte Ltd	Singapore	marinesafety.sgp@ bwshipping.com
Canada)	01/10/2017	IMO # 9520780 MMSI 477925300 58107 DWT	56000	SITC Taishan Shipping Co Ltd Care of SITC Steamships Co Ltd, 44, Xiaogang Yilu, Shinan Qu, Qingdao, Shandong, 266011, China.	Hong Kong, China	SITC Inter- national Holdings Co	China, People's Republic Of	SITC Steam- ships Co Ltd	China, People's Republic Of	icefeng@sitc.com.cn
New nts)	29/09/2017	IMO # 9622813 MMSI 370699000 56088 DWT	54000	M&S Ship Holding SA Building, 18-11, Kamimeguro 1-chome, Meguro-ku, Tokyo, 153-0051	Japan	Meiji Shipping Group	Japan	Dry Bulk Handy Holding Inc	Monaco	operations@ctmmc. com
nited p Inc)	14/09/2017	IMO # 9595723 MMSI 538004290 81586 DWT	79000	Golden Keen Inc Care of Golden Ocean Group Ltd (GOLJ), Par la Ville Place, 14, Par la Ville Road, Hamilton, HM 08, Bermuda.	Liberia	Golden Ocean Group Ltd	Bermuda	Golden Ocean Group Ltd	Bermuda	operation@golden- ocean.no
Canada)	16/10/2017	IMO # 9757826 MMSI 374654000 61084 DWT	59000	Tatei Naviera SA Care of MMSL Pte Ltd, 10-03, 78, Shenton Way, Singapore 079120	Panama	Chiba Shipping Co Ltd	Japan	Ultrabulk Shipping A/S	Denmark	operations.cph@ ultrabulk.com
Canada)	06/11/2017	IMO # 9699036 MMSI 636016819 65531 DWT	63000	Nautical Bulk Shipping I Ltd Care of C Transport Maritime SAM (CTM SAM), 7, rue du Gabian, 98000 Monte Carlo, Monaco.	Bermuda	Nautical Bulk Holding Ltd	Bermuda	C Transport Maritime SAM	Monaco	operations@ctmmc. com
Canada)	29/11/2017	IMO # 9589798 MMSI 566157000 61412 DWT	59000	Ultra Summit Singapore Pte Ltd Care of Belships Management Singapore Pte Ltd, 9-104, Trade Hub 21, 18, Boon Lay Way	Singapore	Ultrabulk Shipping A/S	Chile	Ultrabulk Shipping A/S	Denmark	operations.cph@ ultrabulk.com

// AUIERIS,
Greece.

New	27/11/2017	IMO # 9714707 MMSI 538006140 6192 DWT	59000	SBI Tango Shipping Co Ltd	Care of Scorpio Commercial Management SAM, Le Millenium, 9, boulevard Charles III, 98000 Monaco-Ville, Monaco.	Marshall Islands	Scorpio Bulkers Inc	Marshall Islands	Monaco	Scorpio Commercial Management	Le Millenium, 9, boulevard Charles III, 98000 Monaco-Ville, Monaco.	Monaco	operations@ scorpiogroup.net	v
Canada)	16/12/2017	IMO # 9712888 MMSI 477900700 61450 DWT	59000	Pacific Constant Shpg Co Ltd	Care of Hong Kong Ming Wah Shipping Co Ltd, 32nd Floor, China Merchants Tower, Shun Tak Centre, 168-200, Connaught Road Central, Central, Hong Kong, China.	Hong Kong, China	China Merchants Energy Shpg	China, People's Republic Of	China, People's Republic Of	Hong Kong Ming Wah Shpg Co Ltd	32nd Floor, China Merchants Tower, Shun Tak Centre, 168-200, Connaught Road Central, Central, Hong Kong, China.	Hong Kong, China	mwte@hkmm.com.hk	v
Canada)	31/12/2017	IMO # 9543782 MMSI 241183000 57436 DWT	55000	Desert Oasis ENE	Care of Atlantic Bulk Carriers Management Ltd, 41-43, Akti Miaouli, 185 35 Piraeus, Greece.	Greece	Atlantic Bulk Carriers Mgmt	Marshall Islands	Greece	Atlantic Bulk Carriers Mgmt	41-43, Akti Miaouli, 185 35 Piraeus, Greece.	Marshall Islands	atlanticbulk@ atlanticbulk.gr	v h
Jia Phos-)	13/12/2017	IMO # 9653692 MMSI 477017700 53000 DWT	51000	Wellway Shipping Ltd	Room 1102, 11th Floor, Bupa Centre, 141, Connaught Road West, Sheung Wan, Hong Kong, China	Hong Kong, China	China Govt	China, People's Republic Of	China, People's Republic Of	Fujian Hua- rong Marine Shipping	28th Floor, Zhongfu Plaza, 92, Dong Jie, Gulou Qu, Fuzhou, Fujian, China.	China, People's Republic Of	go@huarongmarine.cn	v
Jia Phos-)	23/12/2017	IMO # 9728681 MMSI 477307800 63376 DWT	61000	On Great Ltd	Rooms 601 & 602, Tower A, Sinotrans Plaza, A43, Xizhimen Beidajie, Xicheng Qu, Beijing, 100044	China	SINOTRANS China	China	China	Sinotrans Ship Management Ltd	21st Floor, Great Eagle Centre, 23, Harbour Road, Wan Chai, 999077	Hong Kong	marine@sinotranship. com, technical@ sinotranship.com	v
elton/ uranga, nd vn)	14/01/2017	IMO # 9636008 IMO 9636008 58000 DWT	55000	Anarita Maritime Ltd	Care of Ocean Agencies Ltd, 2nd Floor, Mariborough House, 298, Regents Park Road, London, N3 21J, United Kingdom.	Liberia	Unknown	Unknown	Unknown	Ocean Agencies Ltd	2nd Floor, Mariborough House, 298, Regents Park Road, London, N3 21J, United Kingdom.	United Kingdom	operations@ ocean-agencies.com	n
Canada)	26/01/2018	IMO # 9570486 MMSI 355176000 61484 DWT	59000	Cypress Maritime/Koyo Shosen	Care of Shoen Kisen Kaisha Ltd, 4-52, Kora-cho 1-chome, Imabari- shi, Ehime-ken, 799-2111	Japan	Shoen Kisen Kaisha Ltd	Japan	Japan	Ultrabulk Shipping A/S	Camillo Eitzen House, Amerika Plads 38, 2100 Copenhagen	Denmark	operations.cph@ ultrabulk.com	v

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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