

WSRW REPORT — APRIL 2019

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 2018.

2019 With
data
from
2018



WSRW

WESTERN SAHARA
RESOURCE WATCH

At the end of 2018, the Canadian company Nutrien stopped importing the conflict mineral from the Bou Craa mine in occupied Western Sahara. This marked the end of decades of imports into North America from the territory. The North American imports have constituted around 50% of the production in Bou Craa.



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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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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 sixth time, 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. Representatives of 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 2018, naming all shipments of phosphates from occupied Western Sahara. The imports of Morocco's production in Western Sahara in 2018 are attributed to six companies from four countries internationally, while approximately 72 companies worldwide have been identified as owning or operating the vessels that have transported the phosphate rock to the importers.

A remarkable development of 2018 was the end of phosphate rock exports to North America by the close of the calendar year. The North American imports, which have been ongoing since the 1980s, constituted almost 50% of the trade in 2018. The year also saw two new clients emerge, one in India and one in China. Interestingly, the importer to North America, Nutrien, is the second biggest owner of Sinofert Holdings – the new player in China. Since vessels transporting Western Saharan phosphate were detained in Panama and Cape Town in 2017, not a single shipment has gone via Cape of Good Hope or through the Panama Canal.

This report details a total exported volume from Western Sahara in 2018 of 1.93 million tonnes, with an estimated value at \$163.88 million, shipped in 33 bulk vessels. That constitutes an increase in exports since 2017, the report shows. The largest importer in 2018 was Nutrien Ltd. from Canada. The operator most heavily involved is Ultrabulk A/S from Denmark, accounting for 6 of the 33 shipments in 2018.

Of the six remaining importers at the end of 2018, three are registered on international stock exchanges, two are farmer owned cooperatives in New Zealand and one is partially owned by the Government of India.

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.

List of abbreviations

DWT	Deadweight tonnage
OCP	Office Chérifien des Phosphates SA
UN	United Nations
US \$	United States Dollar

The Controversy



A Saharawi in the occupied territories is asking New Zealand farmers to wake up. The Pacific nation is one of very few countries remaining that imports.

Morocco's claim to sovereignty over Western Sahara is not recognised by any state, nor by the UN. Its arguments to claim the territory were rejected by the International Court of Justice.¹

The UN Legal Office has analysed the legality of petroleum exploration and exploitation in Western Sahara, a resource extraction activity – one now in exploration stages – 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.”²

Yet, only weeks after the 1975 invasion of the territory, the phosphorus of the Bou Craa mine in Western Sahara was being exported to fertilizer companies in North America, Latin America, Europe and Australasia. 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 that country's biggest source 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 operation of a loading dock and treatment plant located on the Atlantic coast at El Aaiun. OCP puts production capacity in Western Sahara at 2.6 million tonnes annually.³ Though OCP claims that Bou Craa mines represent only 1% of all phosphate reserves exploited by Morocco⁴, no less than a quarter of its exported phosphate rock departs from El Aaiun.⁵ 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. 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.⁶ 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 employees⁷ – 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.⁸ 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.⁹

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.”¹⁰

“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.¹¹

“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.¹²

“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 MND Article 4”

MP Pension, Denmark. Decision to exclude OCP from investment universe, 17 January 2019.¹³

“Operations in occupied territory (Western Sahara)”

Fonds de Compensation commun au régime général de pension, Luxembourg, 23 November 2018, in reference to all involved phosphates companies.¹⁴

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

Nykredit Realkredit Group, Denmark, explaining its exclusion of Nutrien, April 2018.¹⁵

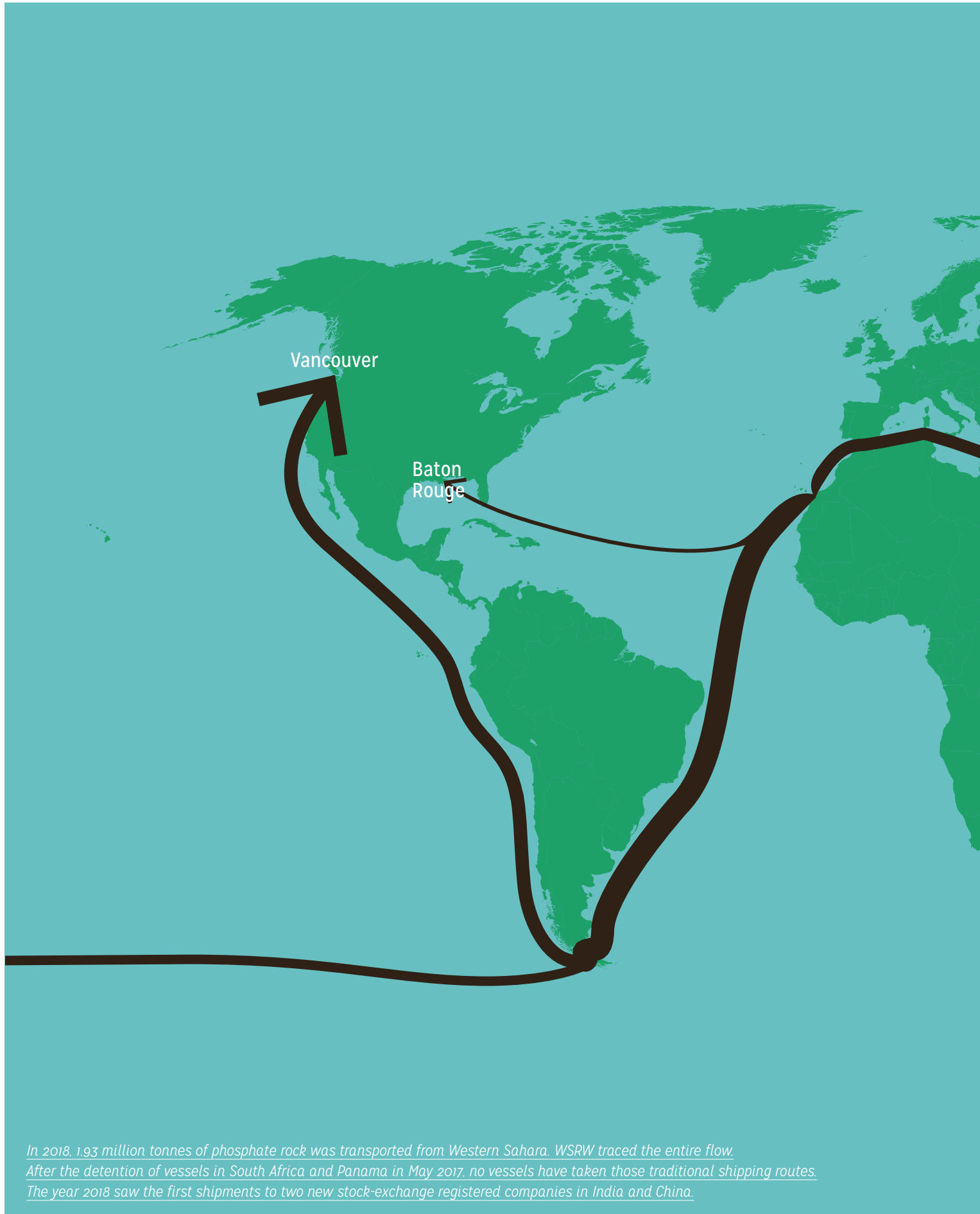
“Human rights violations in Western Sahara”

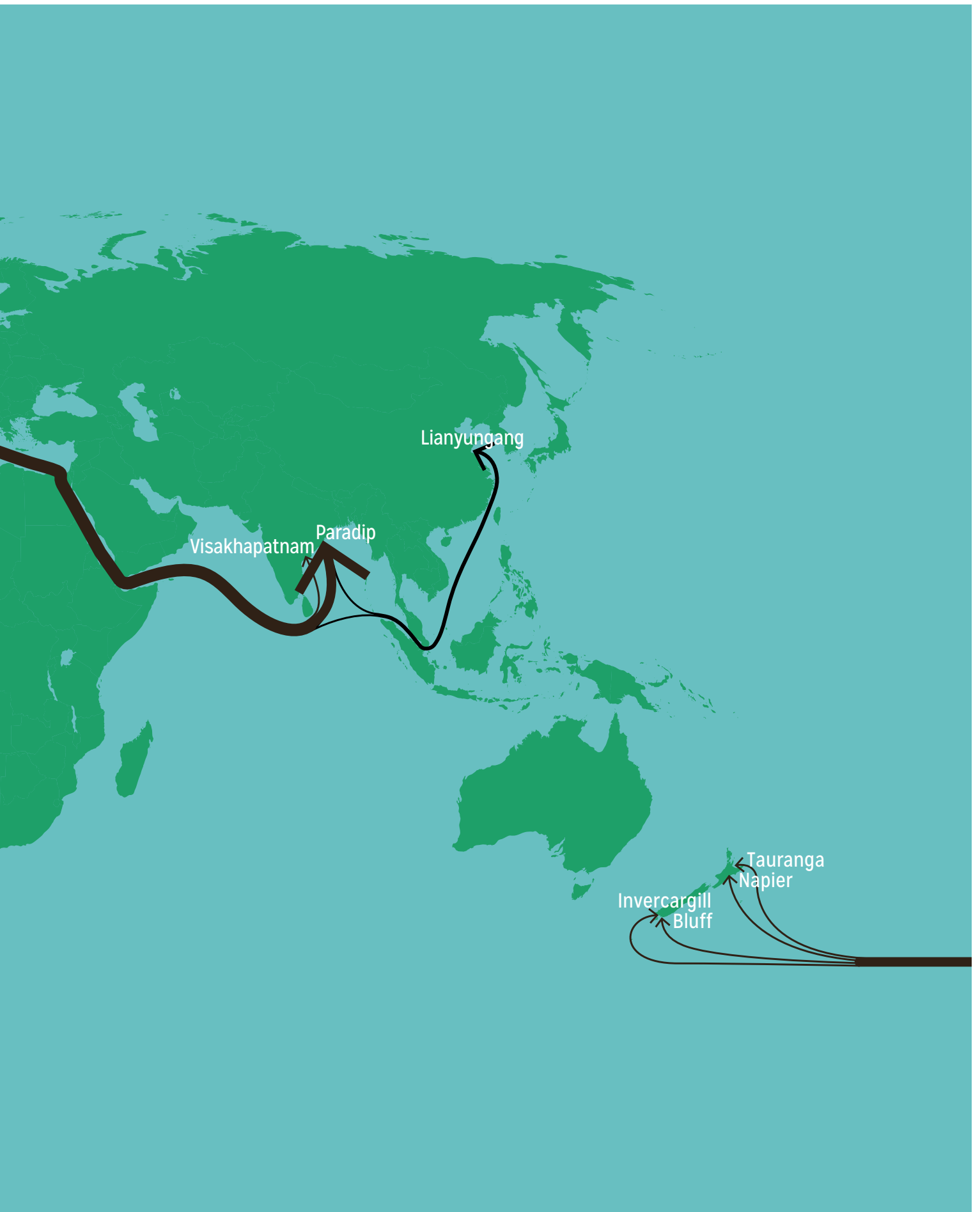
PGB Pensioenfonds, the Netherlands, third quarter of 2015, upon excluding OCP SA from its portfolios.¹⁶

“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.”

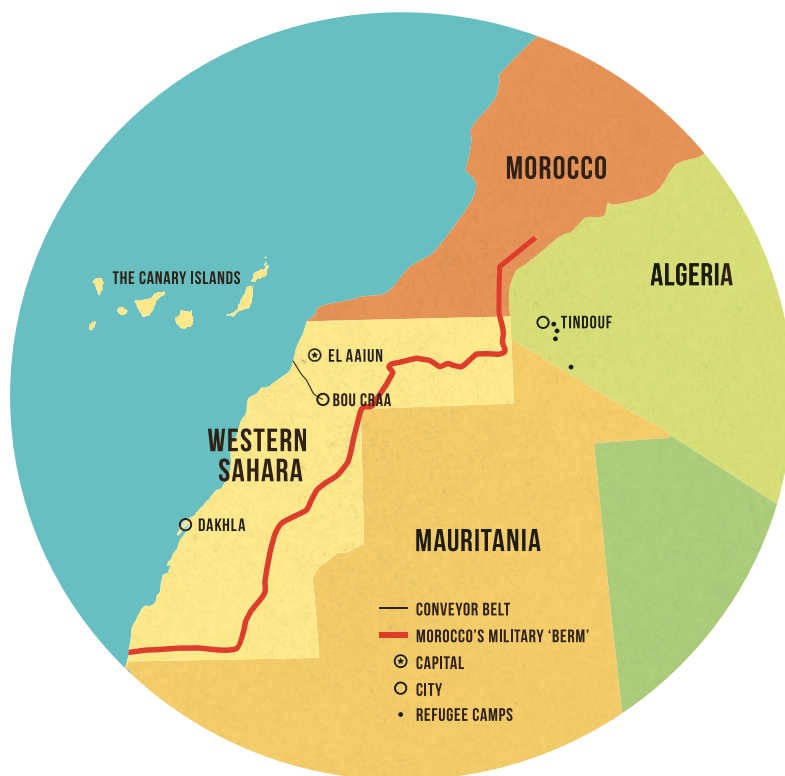
Swedish Ethical Council, 9 April 2015, explaining why all Swedish government funds have now divested from Agrium Inc.¹⁷

The Shipments





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.¹⁸

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.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 later²²

2019: 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 USD 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 USD 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

On 7 November 2015, exactly 40 years after Morocco's invasion of Western Sahara, OCP announced it would invest USD 1.9 billion in Phosboucraa. The stated main objective is to develop Phosboucraa's industrial capacity, in particular by installing a fertilizer production plant. In addition the logistic capacity of Phosboucraa is apparently to be reinforced.²⁵ As of 2019, construction work is reported to be taking place

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, 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.²⁶

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. The world price of phosphate rock globally fluctuated from 70 to 92.5 USD/tonne throughout the year. In this report, the average price of phosphate in 2018 is calculated at an average of USD 85/tonne.

The world's longest conveyor belt transports the rock from the mine inland out to the sea. Continental and Siemens are key partners for this belt. The Siemens windmills, built in 2013, provide all energy needed for the belt system.

The Exports

	2017	2018
Exported amount of phosphate	1,591,840 tonnes	1,928,000 tonnes
Value of exported phosphate	\$142.74 million	\$163.9 million
Estimated cost of production	\$80 million	\$80 million
Estimated revenue to OCP	\$62 million	\$84 million
Value of largest single shipment from the territory	\$7.084 million	\$6.715 million
Value of smallest single shipment from the territory	\$1.524 million	\$4.420 million
Number of ships that departed with phosphate from the territory	27	33
Average amount of phosphate exported in each ship	59,000 tonnes	58,400 tonnes
Average value of phosphate exported in each ship	\$5.3 million	\$4.97 million
Average annual phosphate price of Bou Craa rock (per tonne)	\$89.67	\$85

Methodology

This report is made from data gathered through continuous vessel tracking. Phosphate prices were obtained from the commercial commodities pricing website "Index Mundi" and checked against other sources. As the long-term supply contracts between OCP and the purchasers are likely to include set prices that are not disclosed, this report uses the annual average market price for phosphate rock of US \$ 85.

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 shipping documents, including bills of lading and port arrival receipts.

WSRW believes that it has detected, tracked and accounted for all vessels departing from El Aaiún harbour for 2018. However, WSRW cannot exclude a possibility that one or more vessels have gone undetected.

Fluctuating export levels

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

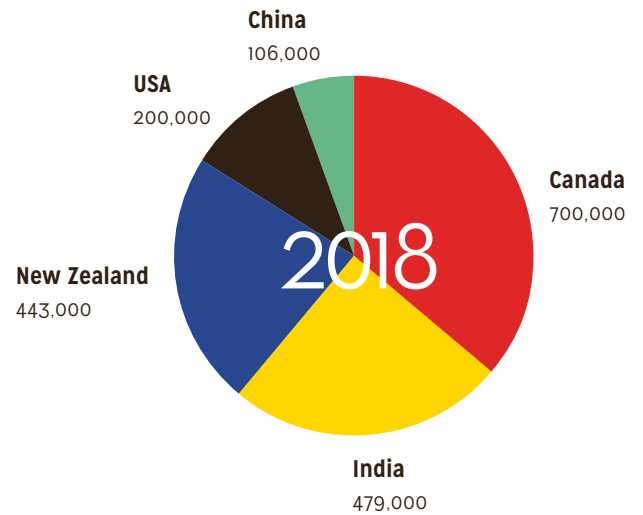
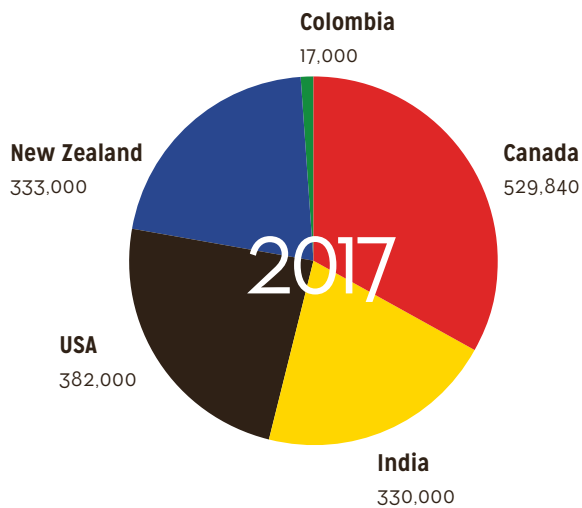
Until 2006 the export of phosphate rock averaged 1.1 million tonnes annually, considerably less than the production capacity of 2.6 million tonnes.²⁷ In the late 1970s, production stopped for three years during armed conflict in the territory, only gradually achieving 2.0 million tonnes by the late 1990s. 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 in the volume of "processed" phosphates as mentioned in OCP's Prospectus filed on the Irish Stock Exchange.²⁸ 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 Prospectus to the Casablanca Stock Exchange.²⁹

OCP estimates the Bou Craa reserves at 500 million tonnes.³⁰ Bou Craa contributes around 7% of OCP's total extracted volumes, and around 25% of its total sales of phosphate rock.³¹

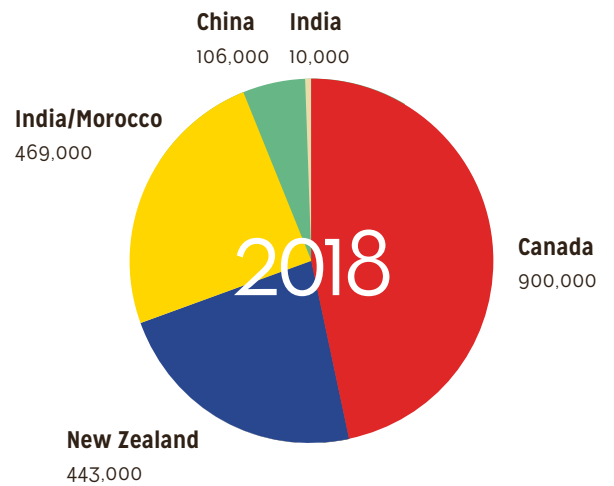
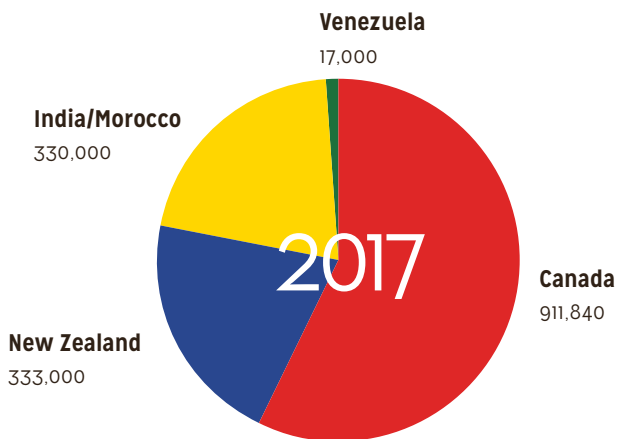
Imports per importing country

Figures in metric tonnes.



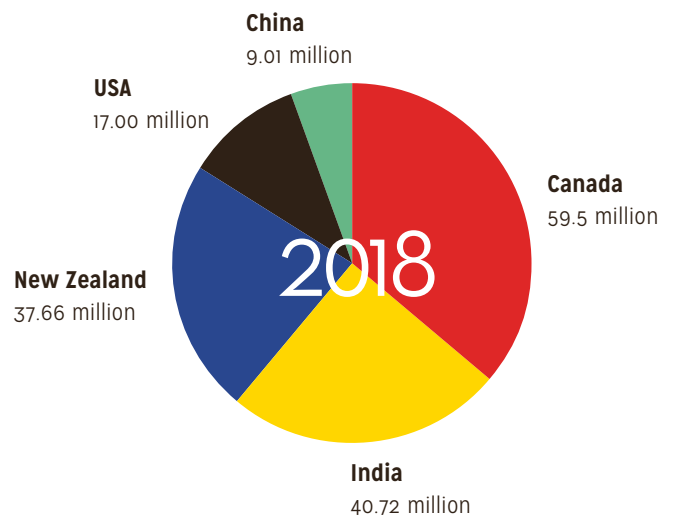
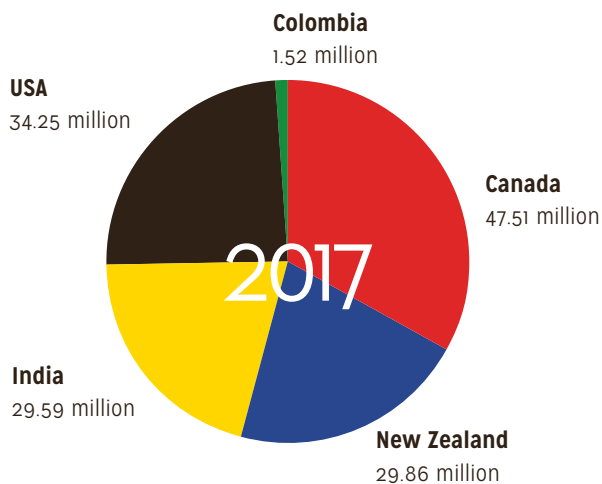
Clients per nationality of (parent) company

Figures in metric tonnes.



Value per importing country

Figures in USD



The importers, 2018

Rank	Corporation	Home country of (parent) company	Import destination	Number of shipments	Amount of phosphate purchased (tonnes)	Value of phosphate purchased (USD)
1	Nutrien Ltd.	Canada	Vancouver, Canada and Baton Rouge, United States	15	900,000	\$76.50 million
2	Paradeep Phosphates Ltd.	India/Morocco	Paradip, India	9	469,000	\$39.87 million
3	Ballance Agri-Nutrients Ltd.	New Zealand	Tauranga/Bluff Cove/Invercargill, New Zealand	5	227,500	\$19.34 million
4	Ravensdown Fertiliser Co-op Ltd.	New Zealand	Napier, New Zealand	5	215,500	\$18.32 million
5	Sinofert Holdings Ltd	China	Lianyungang, China	2	106,000	\$9.01 million
6	Coromandel Ltd	India	Visakhapatnam, India	1	10,000	\$850.000

Some uncertainties:

The vessel *Amoy Action* visited both Paradip (India) and Lianyungang (China) on same voyage. We have guessed that half the cargo went to Paradip, and the other half to Sinofert Holdings.

The vessel *SBI Jaguar* visited both Visakhapatnam (India) and Paradip (India) on same voyage. We estimate that 10.000 tonnes were for Coromandel Ltd and 52.000 tonnes for Paradeep Phosphates.³²

The vessels *Ocean Adore* and *African Sunbird* visited both Tauranga and Napier ports. Considering that Tauranga is an import port for Ballance Agri-Nutrients, and Napier is an import port for Ravensdown, this report guesses that half the cargo on the two vessels went to each of the two New Zealand co-operatives.

“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 blacklisting Innophos Holdings Inc. in January 2015.³³

OCP's helpers at the mine

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



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 Phosboucraa'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 making Morocco's plunder of the territory even more lucrative.³⁴ WSRW wrote Siemens last on 7 December 2017 regarding its operations in the territory. The company responded that it "refrains as a matter of policy from taking positions or making judgements on questions of international law". In 2018, Siemens confirmed to WSRW that it has extended the maintenance contract for the Fom el Oued park for a further 15 years. The company still refused to comment as to whether it had sought the consent of the people of Western Sahara to its projects in the territory.³⁵

ATLAS COPCO

The 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 Atlas Copco is tied to that contract. WSRW first confronted the company about its deliveries in May 2013.³⁶ 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.³⁷ Atlas Copco sent a short reply on 10 April 2017, not answering a single question.³⁸ WSRW re-sent its questions, and additional questions regarding documentation by Atlas Copco describing Western Sahara as part of Morocco, in March 2019.³⁹

CONTINENTAL

A subsidiary of German company Continental, ContiTech, plays a key role in the maintenance of OCP's long conveyor belt carrying phosphate rock from the mine out to the sea. The company states having supplied systems allowing a throughput on the belt of "2000 metric tons per hour and a belt speed of over four meters per second".⁴⁰ Its contract expires on 20 June 2020, according to a letter from the company to WSRW in March 2019. WSRW first wrote a letter to the company on 29 March 2017.⁴¹ Continental responded that the production facility was up and running in April 2017, and that the company still receives placement orders from "ALL OCP sites, including Phosboucraa, for all types of conveyor belts". ContiTech also stated that "The judgment of the CJEU holds that Western Sahara cannot be deemed included in certain agreements made by the EU and the Kingdom of Morocco. Our business activities are not inconsistent with such ruling. Furthermore, the respect for freedom, democracy and human rights is an essential principle. It creates the framework for our operations and is prerequisite for our success."⁴²

The nationalities behind the shipments

	Number of vessels	Volume of cargos	Value of cargos
Registered owner home country			
Marshall Islands	10	576,000	48,960,000 \$
Panama	5	291,000	24,735,000 \$
Hong Kong	5	275,000	23,375,000 \$
Liberia	4	268,000	22,780,000 \$
Japan	3	174,000	14,790,000 \$
Malta	3	173,000	17,705,000 \$
Netherlands	2	112,000	9,520,000 \$
Denmark	1	59,000	5,015,000 \$
Operator home country			
Denmark	6	356,000	30,260,000 \$
Liberia	3	196,000	16,660,000 \$
Marshall Islands	3	171,000	14,535,000 \$
Hong Kong	3	167,000	14,195,000 \$
Netherlands	3	165,000	14,025,000 \$
Turkey	2	120,000	10,200,000 \$
Japan	2	115,000	9,775,000 \$
China	2	108,000	9,180,000 \$
South Korea	2	107,000	9,095,000 \$
Cyprus, Greece, Monaco, Singapore, Switzerland, UK, USA	1 each		
Group owner, registered nationality			
Japan	6	345,000	29,325,000 \$
China	4	221,000	18,785,000 \$
Greece	3	191,000	16,235,000 \$
Marshall Islands	3	174,000	14,790,000 \$
Unknown	3	173,000	14,705,000 \$
Turkey	2	120,000	10,200,000 \$
Netherlands	2	112,000	9,520,000 \$
Bermuda, Denmark, Liberia, Monaco, Norway, Singapore, South Korea, Switzerland, UK, USA	1 each		
Group owner, nationality of controlling interest			
Greece	6	421,000	35,785,000 \$
Japan	6	345,000	29,325,000 \$
China	4	221,000	18,785,000 \$
Unknown	3	173,000	14,705,000 \$
Turkey	2	120,000	10,200,000 \$
Netherlands	2	112,000	9,520,000 \$
Bermuda, Denmark, Monaco, Norway, Singapore, South Korea, Switzerland, UK, USA	1 each		
Flag			
Panama	11	656,000	55,760,000 \$
Marshall Islands	10	576,000	48,960,000 \$
Liberia	4	246,000	20,910,000 \$
Hong Kong	4	221,000	18,785,000 \$
Malta	3	173,000	14,705,000 \$
Greece	1	56,000	4,760,000 \$
P&I Club			
The West of England Ship Owners Mutual Insurance Association	7	478,000	40,630,000 \$
Japan Ship Owners Mutual P&I	5	285,000	24,225,000 \$
UK P&I Club	3	247,000	20,995,000 \$
Britannia Steam Ship Insurance Association	3	177,000	15,045,000 \$
North of England P&I Association	3	177,000	15,045,000 \$
GARD AS	3	174,000	14,790,000 \$
SKULD	2	113,000	9,605,000 \$
The Swedish Club, The Standard Club, China Shipowners Mutual Assurance Association, Steamship Mutual and unknown	1 each		

The case of the looted goods

On 1 May 2017, 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 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 large 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.⁴³ 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 being warned over the years by Saharawi authorities?

OCP SA, Morocco's state-owned phosphate company, bought back the cargo from Ballance, 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".⁴⁴

On 23 February 2018, the High Court confirmed that the SADR was the owner of the entire cargo aboard 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.⁴⁵

It is the first such case against the pillage of the territory's resources.⁴⁶ And on the ownership of the 55,000 tonnes of phosphate rock aboard the *NM Cherry Blossom*. 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.⁴⁷

The value of the *NM Cherry Blossom*'s cargo is around 5 million USD. It equals around ten percent of all humanitarian aid given annually to the refugee camps in Algeria, whose inhabitants are the real owner of the rock.

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 amount to 10,300 USD every day. In other words, according to the charterer, at the time this report is published in April 2018, the vessel has been detained for nearly a year, at a cost of around 3.5 million USD. The costs related to the interruption of the sailing schedule probably comes on top of that.

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 west 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 transported through these routes.



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 S.A. 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.⁴⁸

SADR

The Saharawi Arab Democratic Republic (SADR) represents 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. From what WSRW understands, the Saharawi authorities have appealed the decision and are considering the use of the country's commercial courts for future legal actions, against both ships and shipping interest.

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

Detained:

Port Elizabeth, South Africa, 1 May 2017

Released 8 May 2018.

Cargo auctioned:

Court ordered an auction on the cargo, an auction that closed on 19 April 2018.



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, 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 through its subsidiary in Australia, which deals in Australia-Europe bulk cargoes.⁵⁰

WSRW has identified around 20 probable – but not confirmed – Furness/Oetker shipments over the last decade.⁵¹ 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.⁵²

On 14 March 2017, the Oetker Group announced an agreement to sell its subsidiary Hamburg Süd to Danish company Maersk.⁵³ The Danish company's takeover was completed on 30 November 2017.⁵⁴ 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.⁵⁵



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.⁵⁶ AM Nomikos was also the owner/operator of the vessel *Sophiana* transporting a similar cargo to Ballance in November-December 2016.



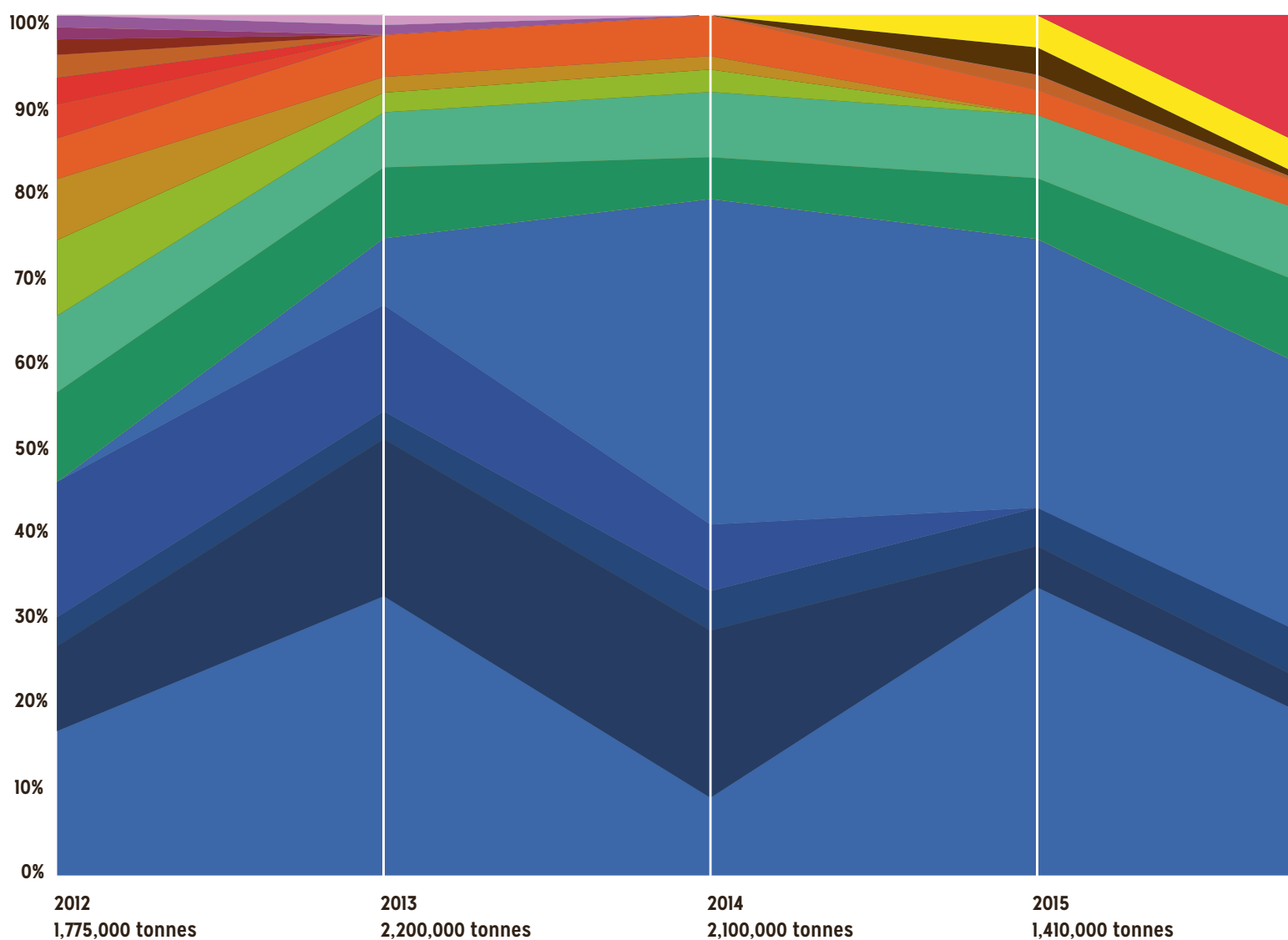
BALLANCE AGRI-NUTRIENTS

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.⁴⁹

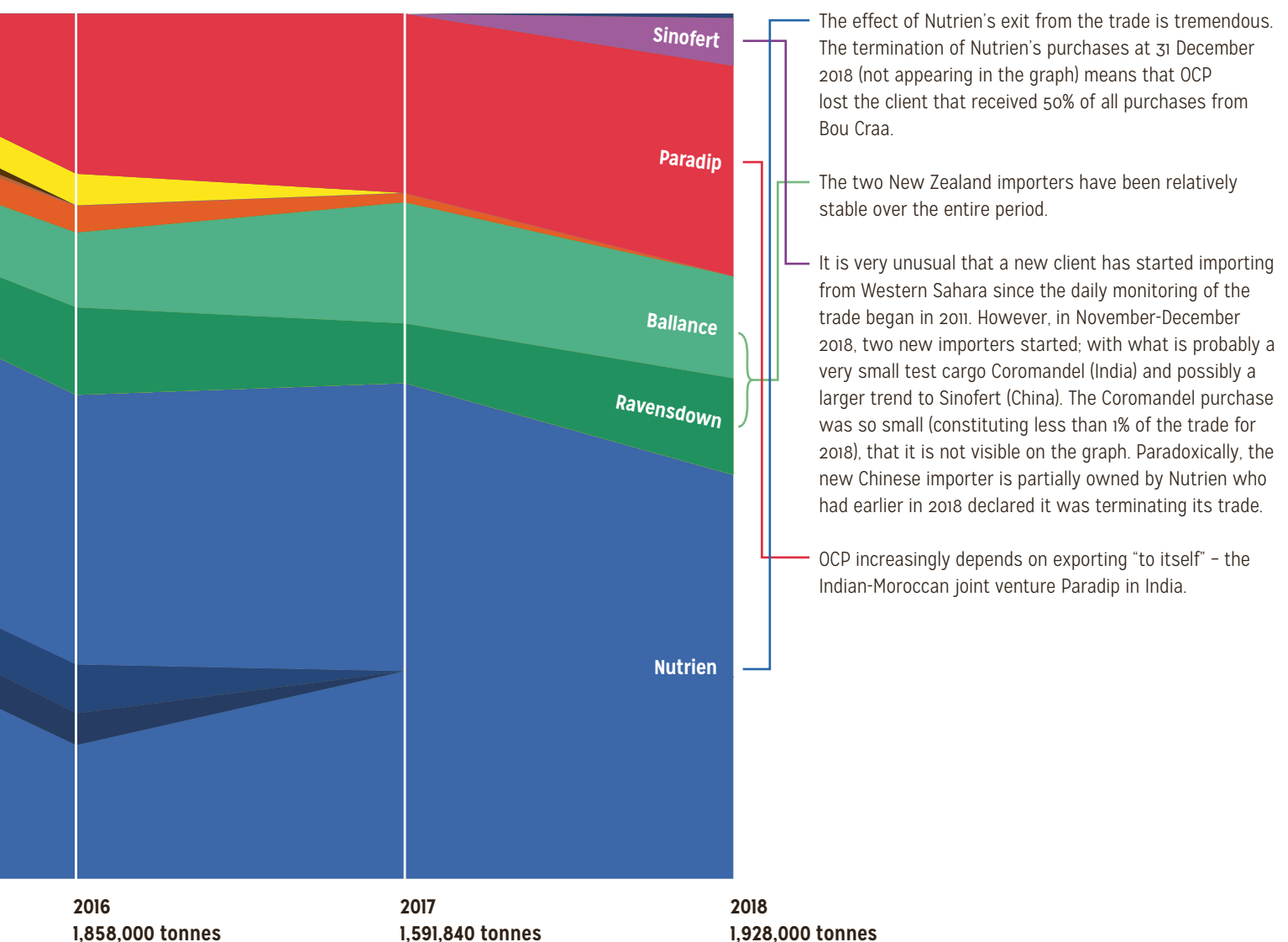
Imports per company as percentage of total exports

	2012	2013	2014	2015	2016	2017	2018
PotashCorp (Nutrien from 2018)	16.8%	32.5%	9.0%	33.5%	15.4%	24.0%	46%
Agrium (Nutrien from 2018)		7.8%	37.8%	31.2%	31.2%	33.3%	
Innophos	15.7%	12.3%	7.7%				
Ravensdown	10.4%	8.2%	4.9%	7.1%	10.1%	6.9%	11%
Lifosa	9.8%	18.3%	19.4%	4.8%	3.7%		
Ballance	8.9%	6.4%	7.6%	7.3%	8.7%	14.0%	12%
Unknown (India)	8.8%	2.3%	2.6%				
Tripoliven	7.1%	1.8%	1.6%				
Monomeros	4.7%	4.9%	4.8%	2.9%	3.1%	1.1%	
Incitec Pivot	3.4%	3.2%	4.6%	4.5%	5.7%		
Unknown (South Korea)	3.9%						
Unknown (Argentina)	3.1%						
Unknown (Ukraine)	2.6%			1.8%			
Impact	1.8%						
Unknown (Brazil)	1.4%						
ISUSA	1.4%	1.2%					
Unknown (Point Comfort, USA)		1.1%					
Unknown (Lifosa AB?)				3.2%			
Unknown (Venezuela)				3.7%	3.7%		
Paradeep					18.5%	20.7%	24%
Sinofert							5%
Coromandel							1%



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

The number of importing companies dropped from 15 in 2011 to five by the end of 2018.



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

Golden Ocean Management AS, in February 2018, regarding a 79,000 tonnes shipment to the USA in August 2017.⁵⁷

“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, 2008.⁵⁸

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

Seven Seas Carriers, 2015⁵⁹

“An unfortunate mistake”

Uglands Rederi regarding a transport done by a chartering company in 2015⁶⁰

“We do not want our vessels to be used in Western Sahara”

Wagle Chartering, 2009, after revelation⁶¹



The bulk vessel NM Cherry Blossom (IMO 9703655) was detained in South Africa for 370 days for carrying phosphate rock from occupied Western Sahara. This was the last vessel to take the route from Western Sahara around the south tip of Africa.



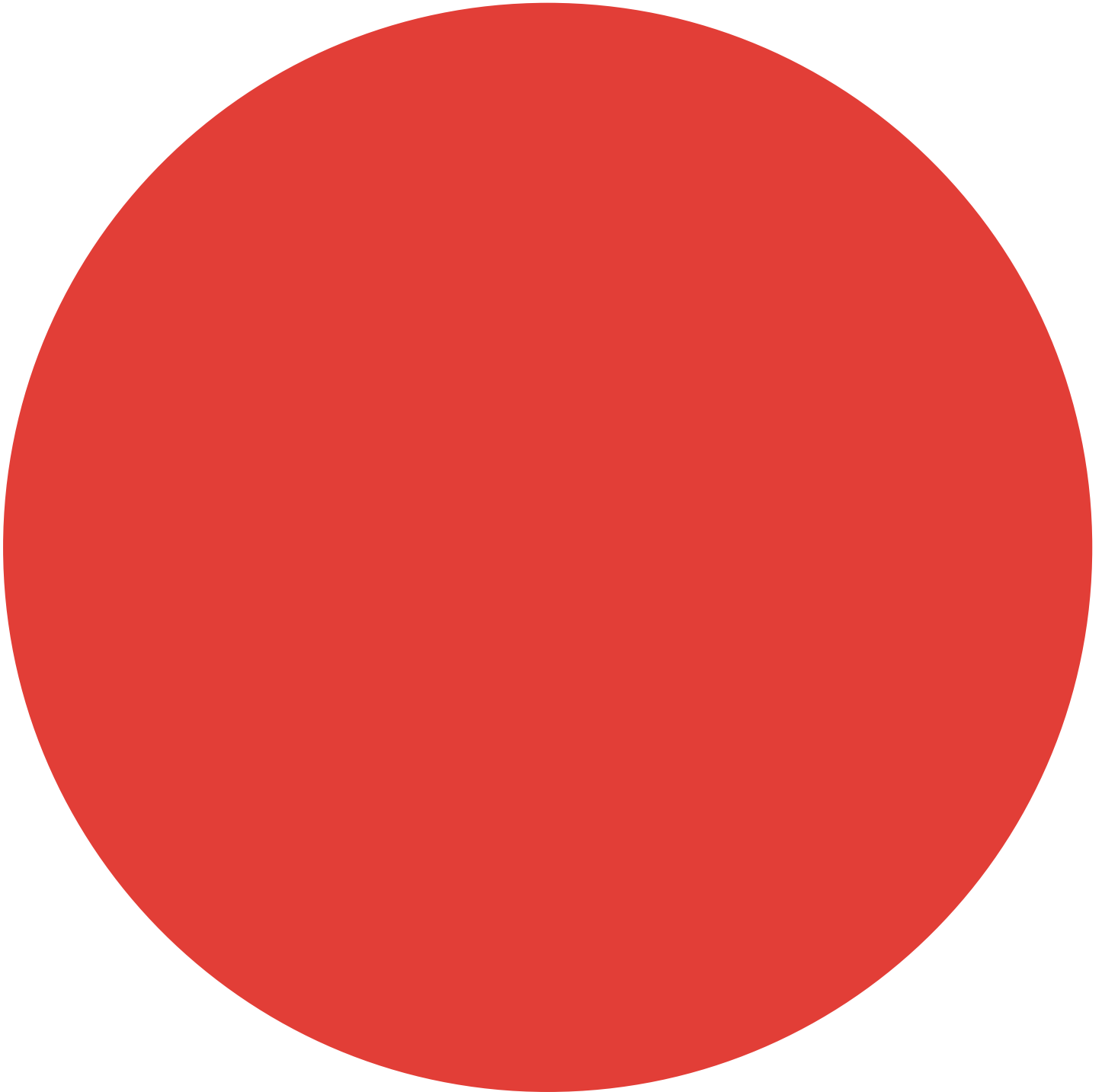
The Desert Harrier (IMO 9756626) in Vancouver, Canada, on 15 December 2018, after discharging around 58,000 tonnes of phosphate in one of the last ever deliveries to Nutrien Ltd. The vessel is owned and operated by Atlantic Bulk Carriers Management Ltd in Greece, which is connected to three shipments in 2018.



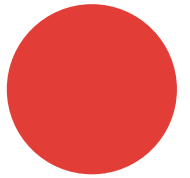
Local New Zealanders protest the arrival of Triton Valk (IMO 9409077) to the city of Dunedin, New Zealand in December 2018. "I think the people of Dunedin would be horrified to know that a local business is funding such an injustice", Rose Murphy, spokesperson for the association Environmental Justice Otepoti, said.

Companies involved in the trade

Six known companies and co-operatives involved in the imports of Western Sahara phosphates have been identified as takers of Western Sahara phosphate rock in 2018.



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.

A primarily 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 blacklisted 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 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.

“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, I am writing once again to follow up on some very important questions.”



Saharawi refugee Senia Bachir Abderahman, on 28 March 2018, for the twenty-first 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.

NUTRIEN LTD (Canada)



Nutrien Ltd is a Canadian fertilizer company based in Saskatoon, Saskatchewan. It is listed on the Toronto Stock Exchange and the New York Stock Exchange. Early 2018, Nutrien was formed through the merger of Agrium Inc and Potash Corporation of Saskatchewan Inc (PotashCorp). Both firms were major importers of Western Sahara phosphate rock – a legacy bestowed upon Nutrien.

PotashCorp holds the longest track record of importing from the occupied territory; upon acquiring Arcadian Corp in 1996, PotashCorp also inherited the firm's 1980s import contract with OCP. Up until the merger, PotashCorp had been purchasing Saharawi phosphate rock for two uninterrupted decades. Agrium signed a contract with OCP in 2011, and began importing in October 2013.⁶² The phosphates, brought in to replace an exhausted source in Canada, were claimed to be originating from "Morocco", whereas in reality, the rock came from Western Sahara.⁶³

Following years of intensive shareholder engagement⁶⁴, Mr. 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.⁶⁵ In its 2nd quarter report of 2018, the firm declared its intent to close the factory controlled by the legacy company PotashCorp: "Nutrien decided to close its small phosphate facility at Geismar, Louisiana, by the end of 2018 and will no longer require offshore phosphate rock imports starting in 2019".⁶⁶ In 2018, Nutrien lost a number of shareholders over the matter, including the Norwegian Government Pension fund, which divested Nutrien shares worth 190 million USD.⁶⁷

Nutrien's 2018 imports of Saharawi phosphate rock thus remained at the same level as in 2017, when its legacy firms had a combined import of 911,840 tonnes. In 2018, Nutrien imported 12 shipments of Saharawi phosphate rock to Vancouver, Canada, and another 3 shipments to its facility in Geismar, USA. The cargoes have an estimated total volume of 900,000 tonnes, valued at USD 76.5 million.

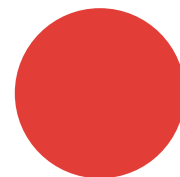
WSRW sent a letter to Nutrien on 22 January 2019, to inquire about the firm's imports during 2018 and about Nutrien's ownership in Sinofer Holdings – the Chinese fertilizer producer and distributor in which Nutrien has a 22% interest.⁶⁸ No reply had been received at the time of this report's publication. It is not known how Nutrien will address the issue of Western Sahara imports with Sinofer.



The bulk vessel Ultra Integrity is here seen departing Vancouver harbour after having delivered a cargo of 59,000 tonnes of phosphates from the occupied territory in August 2018.

PARADEEP PHOSPHATES LTD

(India/Morocco)



Paradeep Phosphates Limited (PPL) produces, markets and distributes phosphate-based fertilizers and by-products for agricultural use.⁶⁹ 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 Ltd, a 50-50 joint venture of Zuari Industries 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 Global Limited, which holds 80.45% stake, while the government of India holds the remaining 19.55%. In other words, PPL is owned by the Government of Morocco, an Indian private conglomerate (Adventz Group) and the Government of India.

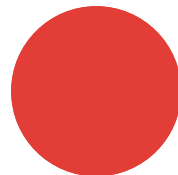
PPL is headquartered in Bhubaneswar, India and receives its phosphate rock at the port city of Paradip, approximately 120 kilometers to the east.⁷⁰

According to WSRW's research, PPL received nine shipments of phosphate rock from occupied Western Sahara throughout 2018, totaling approximately 469,000 tonnes worth an estimated USD 39.9 million. The imported volume has thus increased significantly – 42% – in comparison to 2017 and 2016, with 330,000 tonnes and 344,000 tonnes respectively.

2018 is the third 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 2011-2012.⁷¹

WSRW wrote to PPL in February 2015, in March 2017, in February 2018 and in March 2019.⁷² The company has never replied.

BALLANCE AGRI-NUTRIENTS LTD (New Zealand)



SBI Tango upon arrival at the port of Tauranga 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.

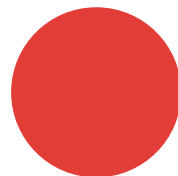
Ballance Agri-Nutrients Limited manufactures, markets and distributes fertilizers and related products in New Zealand. The company has manufacturing plants in Whangarei, Invercargill and Mount Maunganui, New Zealand. It is a farmer-owned cooperative, and not registered on any stock exchange.⁷³ The Ballance factories have been using Western Sahara rock since the 1980s. The firm signed a long-term supply agreement with OCP in 1999.⁷⁴ Ballance executives have on at least one occasion visited the Bou Craa mine in the occupied territory.⁷⁵

During the course of 2018, Ballance received five shipments of phosphate rock illegally excavated in occupied Western Sahara. Two of those shipments appear to have been shared with Ravensdown. The cargoes have an observed, combined volume of 227,500 tonnes were worth about USD 19.3 million. The 2018 imports are thus on par with the 223,000 tonnes of 2017, which represented the firm's highest annual import volume from the occupied territory in years. Ballance's 2016 imports of 161,000 tonnes were consistent with the firm's imports of 2012 through 2014, with a decrease to 104,000 tonnes in 2015.

WSRW has annually contacted Ballance from 2015 but has not received an answer to its questions.⁷⁶ 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".⁷⁷

The company stated to media in 2018 that the conflict in Western Sahara is "well-known and debated at the United Nations Security Council, and to be honest, that's the only place where a solution can come." It stated that "what prolongs the dispute is that both sides have failed to get into a room to negotiate a settlement."⁷⁸

RAVENSDOWN LTD (New Zealand)



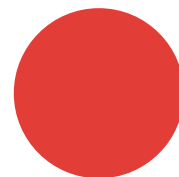
Triton Valk captured in Napier, New Zealand, on 8 December 2018, home to one of the Ravensdown plants. The vessel transported a cargo of 53,000 tonnes. Its arrival in Napier triggered the Saharawi Government to demand Ravensdown remunerate them for the cargo, or turn the ship away from the port.⁷⁹

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 imports to its plants in Lyttelton, Napier and Otago, New Zealand.

WSRW tracked five shipments to Ravensdown during 2018 – two of which were shared with Ballance Agri-Nutrients. The cargoes are estimated at 215,500 tonnes with a net value of around USD 18.3 million. That is the highest annual import volume in years, and twice the amount of 2017 when the company had imported 110,000 tonnes. In 2016, Ravensdown had taken in around 188,000 tonnes, corresponding to its pre-2014 import volumes that averaged around 180,000 tonnes a year. Its import level of 2014-15 were around 100,000 tonnes annually. WSRW asked the company about the trade on 14 March 2019, but received no answer.⁸⁰

Ravensdown reportedly refuses to back down on purchasing Western Sahara phosphate rock, saying phosphate "drives prosperity and social wellbeing in a wide variety of Kiwi communities".⁸¹ The company told New Zealand media in 2018 that they are "going by what the UN are trying to achieve and what they've stipulated. [...] There's clearly political issues there between different parties, and it's certainly not something we'd enter into."⁸²

SINOFERT HOLDINGS LTD (Hong Kong/China)



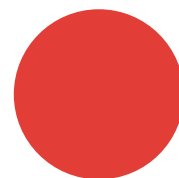
Sinofert Holdings Limited is the largest fertilizer producer and distributor in China. The Chinese government-owned Sinochem Group holds a 53% interest in Sinofert, while Nutrien Ltd holds 22%, and the remainder is listed on the Hong Kong Stock Exchange.⁸³ The company is headquartered in Hong Kong.

WSRW has not monitored any exports of phosphate rock from occupied Western Sahara to Sinofert before. The probable first ever shipment to Sinofert departed El Aaiun on 19 October 2018 aboard the bulk carrier *Trade Resource*, carrying an estimated 79,000 tonnes of rock worth approximately USD 6.7 million. The vessel arrived in the port of Lianyungang, China, on 28 November 2018.

One other shipment in 2018 is possibly also connected to Sinofert. On 13 November, the bulk carrier *Amoy Action* left the port of Paradip, India, and set sail for Lianyungang. The vessel's cargo may have consisted of a partial cargo of unprocessed rock from rock from Western Sahara that were never offloaded, or of phosphate derivatives (perhaps originating from Paradip's earlier Western Sahara imports) processed in Paradip for use by Sinofert and loaded onto the ship in Paradip port. WSRW submits half of the *Amoy Action*'s cargo of Saharawi phosphate rock, thus 27,000 tonnes valued at USD 2.3 million, was destined for Sinofert.

WSRW has written a letter to Sinofert on 22 January 2019, questioning their new involvement in the controversial trade.⁸⁴ The company has not responded.

COROMANDEL INTERNATIONAL LTD (India)



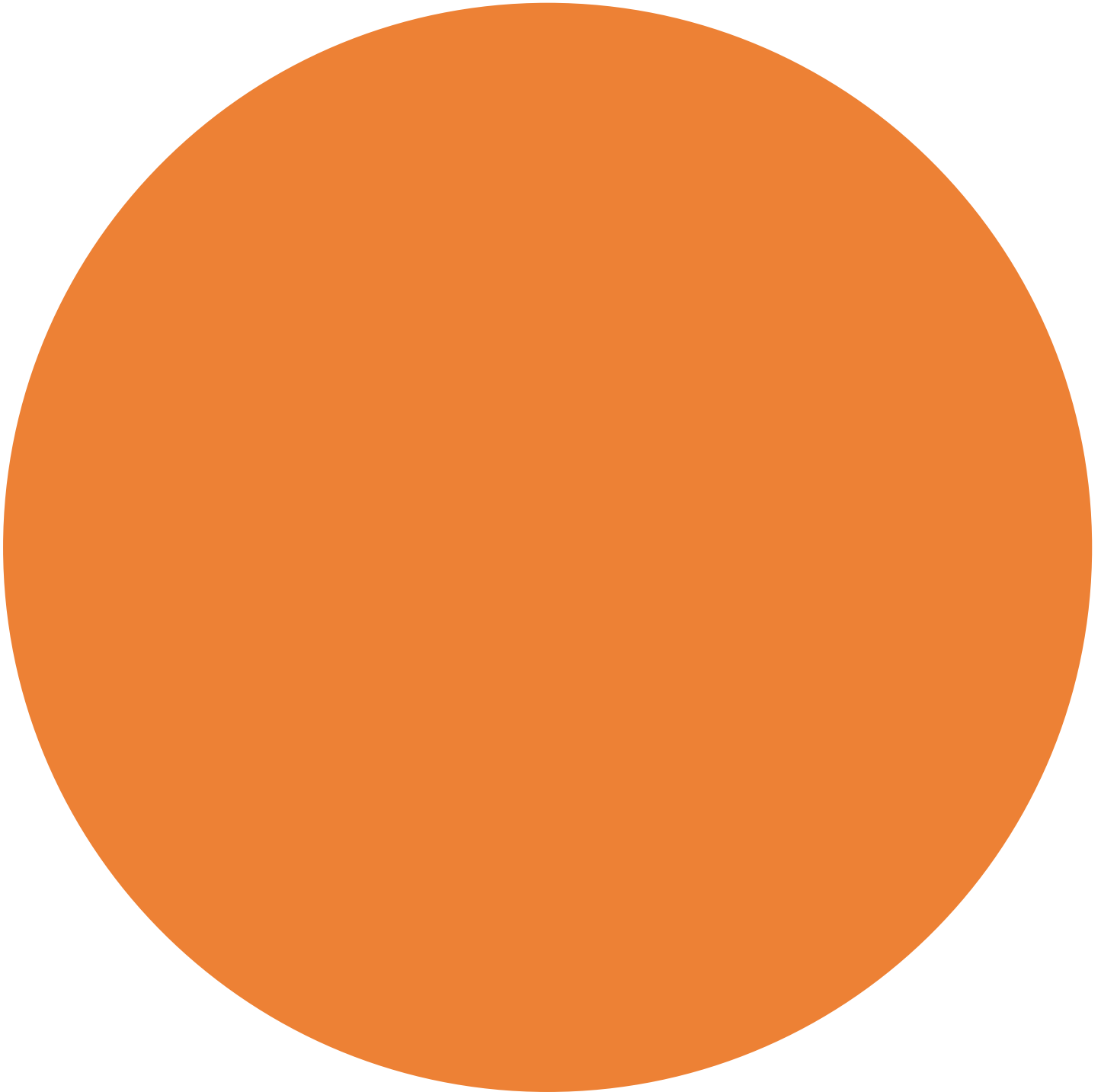
On 12 December 2018, a vessel carrying around 60,000 tonnes of Western Sahara phosphates departed El Aaiun. It arrived at the port of Visakhapatnam, India, in the afternoon of 16 January 2019. From what WSRW has been able to establish, the importer is Coromandel International Limited. The vessel only spent 36 hours in port, and WSRW believes that only a smaller part - perhaps around 10,000 tonnes - of the vessel's cargo was destined for Coromandel. After completing its mission, *SBI Jaguar* departed the harbour of Visakhapatnam in the early morning of 18 January, heading further north along the Indian coast to Paradip, where it discharges the remainder of the cargo, destined for the Paradip-based company PPL that has already been involved in the controversial trade for its third consecutive year.

Coromandel is, according to its own 2018 annual report, the second biggest phosphatic fertiliser player in India.⁸⁵ The company is registered on the National Stock Exchange of India, and has several large international investors among its owners.

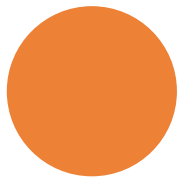
WSRW sent a letter to Coromandel on 18 January 2019 to ask whether it had fulfilled the legal requirement of obtaining prior consent from the representatives of the territory for such trade, and whether this was a one-off import.⁸⁶ No reply was received.

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 purchases.



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 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.⁸⁷ 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.⁸⁸

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 it now sources its phosphate rock in Togo. WSRW found there were no shipments to the company in 2017 and again in 2018.

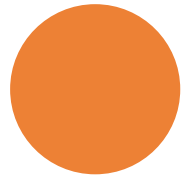
WSRW last wrote IPL on 6 March 2018, without reply.⁸⁹



Ithaki spotted off Las Palmas harbour on 20 May 2015, shortly after departure from El Aaiun harbour.

LIFOSA AB

(Lithuania/Switzerland/Russia)



Lifosa AB is a producer of phosphate mineral fertilizer based in Kedainiai, Lithuania. The company was previously listed on the NASDAQ QMX 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."⁹⁰ The cargo was destined for Lifosa, as Lifosa's managing director admitted to Lithuanian media.⁹¹ EuroChem confirmed to WSRW on 23 March 2017 that its subsidiary had indeed imported 68,250 tonnes on board the SBI Flamenco.⁹²

"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.

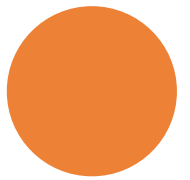
WSRW has been in dialogue with both Lifosa and its owners EuroChem Group since 2010. But the company's initial reluctance to thoroughly respond to WSRW's questions resulted in its June 2011 delisting from the UN List of Socially Responsible Corporations.

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

WSRW has not observed any shipments to Lifosa in 2017. WSRW last wrote to EuroChem in March 2018 to seek confirmation that the company has now stopped all further imports from Western Sahara.⁹³ The company responded that it has 'no plans' to purchase from Western Sahara again.⁹⁴

The vessel SBI Flamenco seen upon discharging Western Sahara phosphates at the port of Klaipeda in October 2016. Lifosa took in this single shipment in 2016, after having promised it would halt all further imports.

INNOPHOS HOLDINGS (USA)



A Mexican subsidiary of the US registered company Innophos Holdings has for many years been a key importer of Western Sahara phosphate rock. Yet since 2015, WSRW has not observed any shipment into Innophos's plant in Coatzacoalcas, Mexico. In 2016, Innophos confirmed that its plant in Geismar, Louisiana was dependent on phosphate rock from Western Sahara, sold to them via a pipeline from the neighbouring plant of PotashCorp.

"As part of Innophos' commitment to overall social responsibility and good corporate stewardship, Innophos will no longer indirectly participate in a raw material supply chain which sources phosphate rock from the Western Sahara region in Africa, an area from which the Company has not directly purchased raw materials for more than three years", Innophos Holdings wrote in a press release on 2 July 2018.⁹⁵

WSRW has no indications that Innophos today uses phosphate rock originating from Western Sahara.

From 2010 to 2018, WSRW sent Innophos six letters about the company's purchases from the occupied territory, without receiving a reply.⁹⁶ Innophos has been the subject of multiple divestments. A lengthy analysis for the ethical exclusion of the firm was prepared by the Council on Ethics of the Norwegian Government Pension Fund in 2015.⁹⁷ For the same reason, the company has also been kicked out of the portfolios of the Luxembourg Pension Fund and Danske Bank, among others.⁹⁸

Innophos Holdings has now both stopped importing phosphates into Mexico, and stopped the purchase of products from Nutrien in Baton Rouge, USA. Shown above is the vessel Coral Queen in 2013 en route to transport a shipment at a time when Innophos imported directly into Mexico.

MONOMEROS COLOMBO VENEZOLANOS SA and THE GOVERNMENT OF VENEZUELA (Colombia/Venezuela)



The Colombian Company Monmeros Colombo Venezolanos S.A. is a petrochemical company that produces fertilizers, calcium phosphate and industrial chemicals. The company has its corporate seat in Barranquilla, Colombia, near the city's port where it receives its Western Saharan phosphate cargoes. Monmeros operates as a non-listed, public limited company.

Since 2006, the company has been a fully owned subsidiary of the Venezuelan state owned petrochemical company Pequiven (Petro-química de Venezuela SA).

Monmeros received a single shipment of phosphate from occupied Western Sahara in calendar year 2017, totaling approximately 17,000 tonnes, worth about US \$1.5 million. The imports have thus reduced dramatically: in 2016, Monmeros imported 58,000 tonnes. In 2018, there were none.

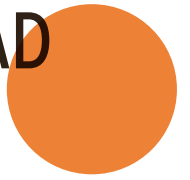
WSRW has raised the matter with both Monmeros and its parent company Pequiven on several occasions. Our most recent letter was sent to the Government of Venezuela on 8 March 2018.⁹⁹ So far, neither Monmeros nor Pequiven nor the Venezuelan Government have replied to any of our letters.

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

However, no shipments to Colombia and Venezuela have been observed following the detentions of the two vessels in South Africa and Panama in May 2017. The importing companies and the Venezuelan government have never responded to requests from WSRW, with a singular exception by Tripoliven, which in 2013 denied importing from Western Sahara, which later proved to be incorrect.¹⁰⁰

For more about the imports to Puerto Cabello, Venezuela, please refer to P for Plunder 2016.¹⁰¹

AGROPOLYCHIM AD (Bulgaria)



Bulgarian fertilizer producer Agropolychim AD is located near Varna port. The company has Bulgarian and Belgian owners.¹⁰²

WSRW registered the last shipment of Western Sahara phosphate rock to Varna in 2011. WSRW has confirmed shipments specifically to Agropolychim from 2003 to 2008.

WSRW contacted Agropolychim in October 2008, urging the company to terminate its phosphate imports.¹⁰³ 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.¹⁰⁴

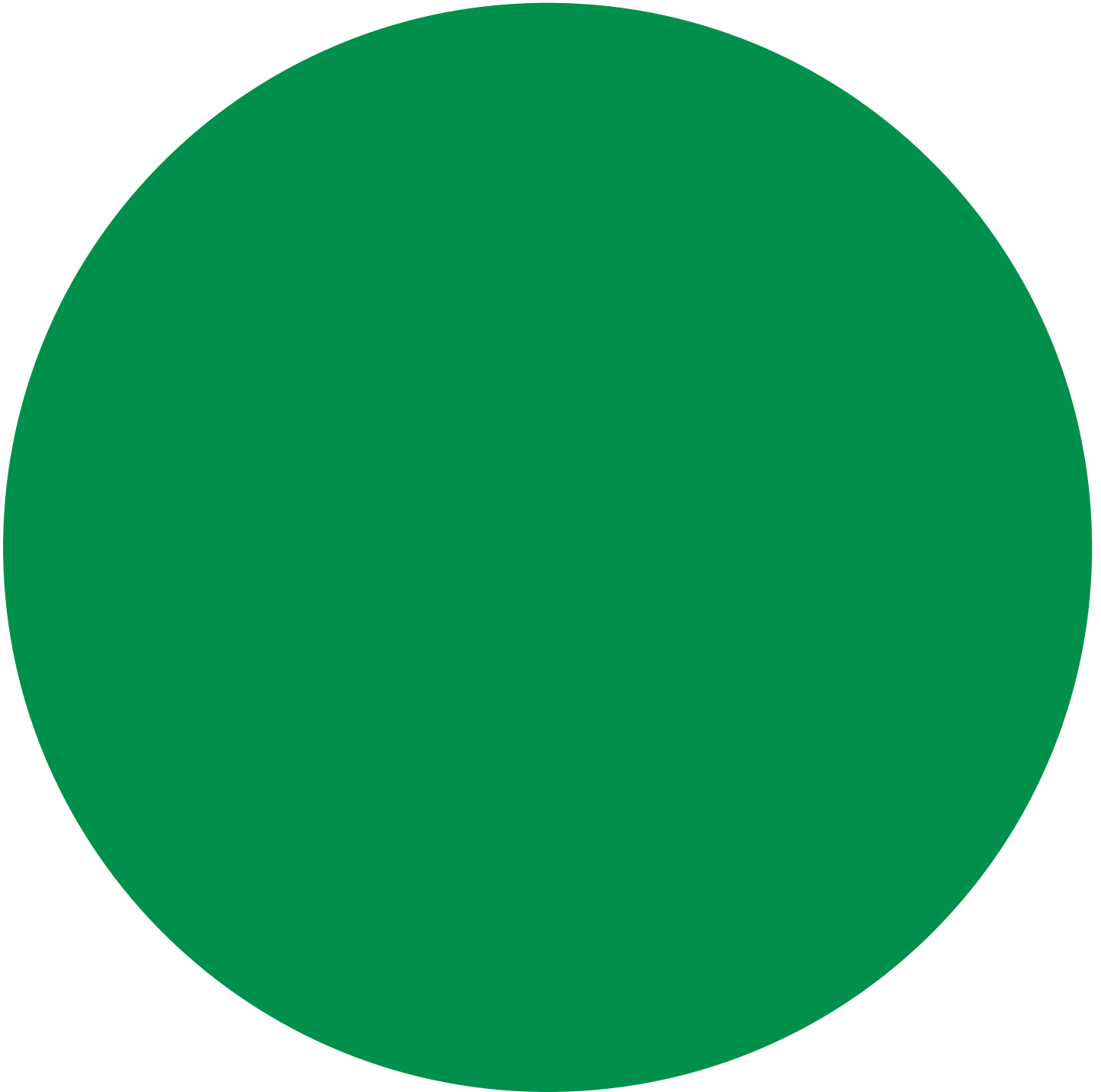
Indian importers

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.

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, and WSRW sees little risk that they would resume purchases.



Impact Fertilisers Pty Ltd (Australia/Switzerland)

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



Australian phosphate importer Impact Fertilisers imported phosphates from Western Sahara, at least from 2002 to 2013. 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 worked on highlighting the company for many years.

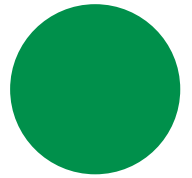
In 2013 Impact announced it had halted the imports from Western Sahara.¹⁰⁵ WSRW has not observed shipments to Impact since August 2012.

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 2010.¹⁰⁶ As no answer was received, new letters were sent to the parent company in The Netherlands in October 2011. The outcome of the following correspondence with Nidera, was a statement from the company underlining that "If our subsidiary in Uruguay again needs to import phosphate rock in the future, the matter which is now brought to our attention is something we shall definitively take into consideration". The company at the time also stated that its subsidiary in Uruguay had not received any phosphate rock from Western Sahara during the years 2007, 2008, 2010, 2011.¹⁰⁷

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



Yara International ASA (Norway)

Yara is the world's leading supplier of mineral fertilizers. It used to be a large importer of phosphates from Western Sahara in the past, but has since decided 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 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.¹⁰⁸

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.

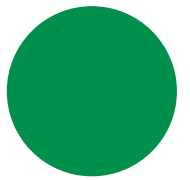
On 25 August 2010, Mosaic informed WSRW that it had received its last shipment of Western Sahara phosphate rock on 29 January 2009 and that it "has no plans" to import from the territory again.¹⁰⁹ Mosaic confirmed to the Swedish investor and shareholder Nordea that it had halted imports: "Mosaic has 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.¹¹⁰

BASF SE (Germany/Belgium)



BASF was one of the leading importers through the 1990s. It received its last known shipment to Belgium in 2008.¹¹² 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. 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."¹¹³

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.¹¹⁴ 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 daily monitoring of vessels in October 2011.

Other companies

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.

Three companies that have previously been on WSRW's observation list, were in 2016 moved over to the list of companies 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: **Petrokem-ija PLC** from Croatia, **Tata Chemicals** from India; **Zen Noh** from Japan. The last time WSRW saw shipments to any of these companies was in 2006. 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."¹¹⁴

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.¹¹⁵

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".¹¹⁶

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.¹¹⁷ Ana Palacio, head of Palacio y Asociados, wrote back to express her disagreement with WSRW's analysis and also cited legal privilege.¹¹⁸

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 US \$1.5 million for work carried out by both Dechert and DLA Piper.¹¹⁹

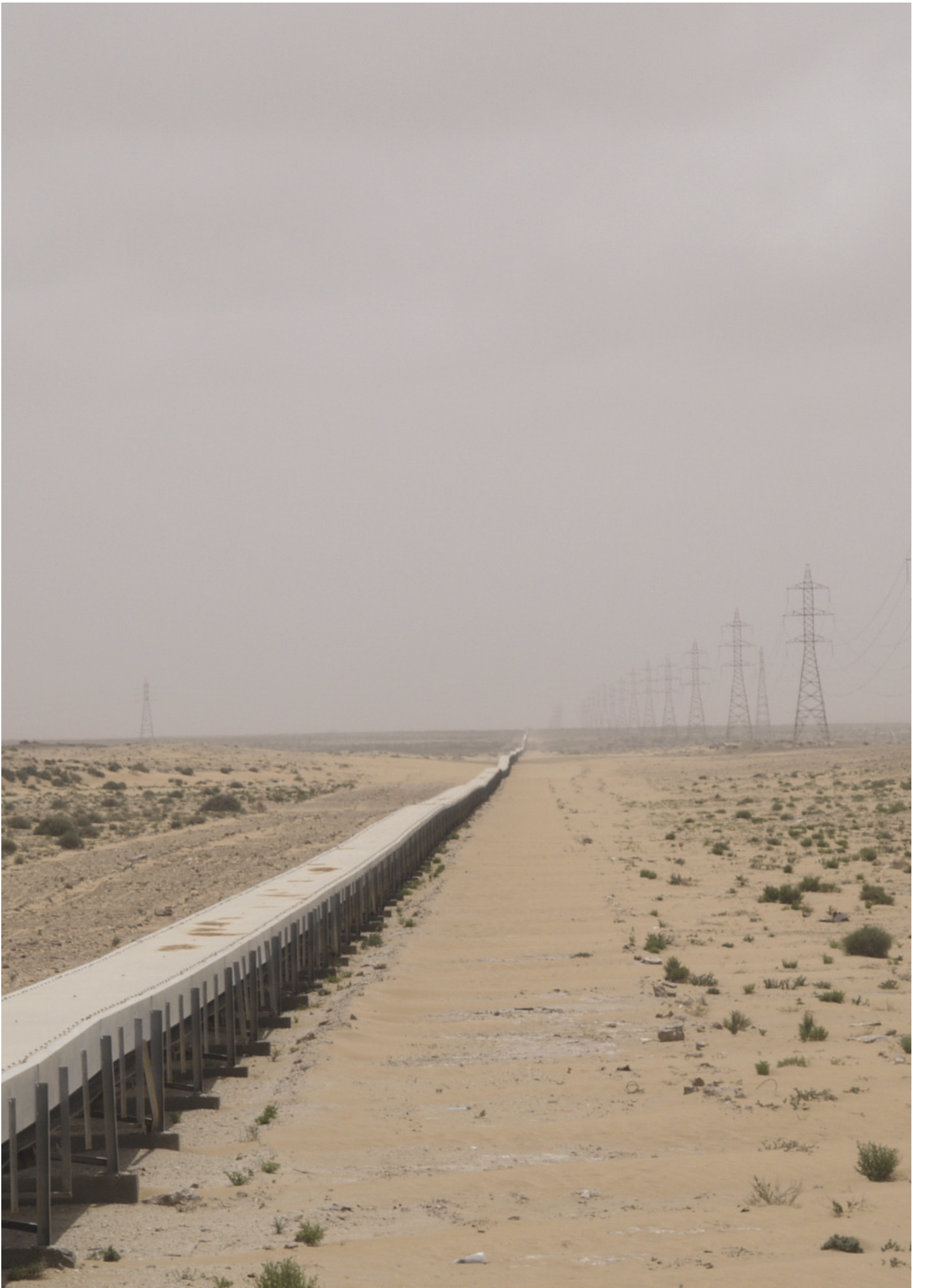
Dechert replied to WSRW's letter of 8 February 2016 that it could not disclose its legal opinion for OCP due to client confidentiality.¹²⁰

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.

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

The Bou Craa reserves are a gigantic, opencast mine, where the phosphate rock is scraped from the surface by excavation machines.





Morocco lobbies for more toxics in EU farmlands

One of OCP's law firms, Dechert LLP, has been instructed to lobby the EU institutions against the European Commission's proposed cadmium regulation. Based on several risk assessments, the EU Commission wanted to limit the EU population's exposure to this heavy metal due to its adverse health effects, particularly in terms of causing several types of cancer. In 2016, the Commission proposed a regulation for fertilizers made from phosphate rock, foreseeing in the stepwise reduction of cadmium content to 20 mg/kg over a 12 year timeframe.¹²¹ Phosphate fertilizers are responsible for 60% of current cadmium deposits to crops and soil within the EU, as documented in a February 2017 study by the European Parliament's Policy Department.¹²²

In December 2018, the EU Commission announced that the EU had reached a provisional deal capping the cadmium limit in fertilizers at 60 mg. When approved by the European Parliament and Council, the agreement will be immediately applicable in all EU Member States and will become mandatory by 2022. Four years after implementation, the cadmium limit will be further reviewed.¹²³ The provisional agreement thus sets forth a less strict limit than what was envisioned by both the European Commission, and by the European Parliament, which is in October 2017 issued support for the Commission's initial proposal, though proposing a longer phasing-out period.¹²⁴

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.¹²⁵ The European Parliament's Policy Department paints an even bleaker picture, citing levels of 38-200 mg Cd/kg P₂O₅.

OCP has a sales figure of 32% in Europe. Since the initially proposed regulation would have resulted in the nullification of that sales figure over time, OCP has unleashed an intense counter-lobby. OCP argues that there is not enough scientific proof to underpin the idea of limiting cadmium levels, and suggests the EU to even raise cadmium levels to 80 mg/kg, far higher than the suggestion from 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".¹²⁶ The irony is that OCP itself refuses to seek the consent from the people of Western Sahara upon plundering the territory's phosphate rock.

Retained to work alongside Dechert, is the PR firm **Edelman**.¹²⁷ 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.¹²⁸

A 100 kilometer long conveyor belt carries phosphates from the Bou Craa mine to the coast. The rubber belt is maintained by the German company Continental AG. Its maintenance agreement expires on 20 June 2020.

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 four purchasers of phosphates from Bou Craa mine:

- To immediately end all purchasing of phosphate illegally exported from occupied Western Sahara.

To the governments of China, India and New Zealand:

- To clearly state to the involved important companies that they should refrain from purchasing from Western Sahara, and to assist these businesses in diversifying their supply base.

To investors:

- To engage with the mentioned companies, and divest unless action is taken to halt the purchase.

To Covington & Burling, Dechert, DLA Piper, 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 States' duty 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.

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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:

No	Vessel Name	Flag	Departure from Western Sahara	Destination (Importer)	Arrival	Vessel Details	Estimated cargo (tonnes)	Reg. owner	Reg. owner address	Reg. owner nationality of registration	Group owner
1	An Ning	Hong Kong	22/01/2018	Paradip, India (Paradeep Phosphates Ltd)	14/02/2018	IMO # 9407859 MMSI 477192700 55,256 DWT	53000	Glory Land Shipping Ltd	Care of COSCO (HK) Shipping Co Ltd, 33rd Floor, Tower 2, Kowloon Commerce Centre, 51, Kwai Cheong Road, Kwai Chung, New Territories, Hong Kong, China	Hong Kong	China COSCO Shipping Corp Ltd (China Cosco Shipping Group) (COSCO Shipping) (COSCOCS)
2	Hinode Maru	Panama	01/02/2018	Tauranga, New Zealand (Ballance Agri-Nutrients Ltd.)	22/03/2018	IMO # 9650169 MMSI 373969000 58,630 DWT	56000	Hinode Kaiun Co Ltd, Mansei Kaiun Co Ltd & Sunmarine Maritime SA	Care of Hinode Kaiun KK, 27-1, Higashi 1-chome, Kawajiri-cho, Kure-shi, Hiroshima-ken, 737-2607, Japan	Japan	Hinode Kaiun KK
3	Triton Swan	Panama	16/03/2018	Paradip, India (Paradeep Phosphates Ltd)	27/04/2018	IMO # 9632985 MMSI 353506000 61,457 DWT	59000	Triton Navigation BV	Strawinskylaan 901, 1077 XX Amsterdam, Netherlands	Netherlands	Triton Navigation BV
4	African Sunbird	Panama	20/03/2018	Tauranga/Napier, New Zealand (Ravensdown Ltd.)	07/05/2018	IMO # 9397884 MMSI 354222083 55,688 DWT	53000	Moon Rise Shipping Co SA	Care of Nagashiki Shipping Co Ltd (Nagashiki Kisen KK), 2776-2, Konoshimasotoura Kasaoka-shi, Okayama-ken, 714-0034, Japan	Panama	Nagashiki Shipping Co Ltd (Nagashiki Kisen KK)
5	Ultra Passion	Panama	29/03/2018	Vancouver, Canada (Nutrien Ltd.)	16/05/2018	IMO # 9811907 MMSI 353718000 63,472 DWT	61000	Barro Colorado Shipping Co SA	Care of Keiyo Kisen KK (Keiyo Kisen Kaisha Ltd), 112, Hashihama 1-chome, Imabari-shi, Ehime-ken, 799-2118, Japan	Panama	unknown
6	Zeyno	Malta	04/04/2018	Geismar, United States (Nutrien Ltd.)	02/05/2018	IMO # 9700421 MMSI 229698000 63,064 DWT	60000	Zeyno Maritime Ltd	Care of GSD Denizcilik Gayrimenkul Insaat Sanayi ve Ticaret AS, Kaptan Rifat Sokak 3, Aydinevler Mah, Maltepe, 34854 Istanbul, Turkey	Malta	GSD Holding AS
7	Bi Jia Shan	Hong Kong	13/04/2018	Paradip, India (Paradeep Phosphates Ltd)	10/05/2018	IMO # 9632272 MMSI 477847500 56,625 DWT	54000	Yin Lu Shipping Co Ltd	Care of COSCO Shipping Seafarer Management Co Ltd, Room A-1309, 188, Yesheng Lu, Pilot Free Trade Zone, Pudong Xinqu, Shanghai, 200120, China	Hong Kong	COSCO Shipping Energy Transportation Co Ltd
8	Ultra Agility	Panama	25/04/2018	Vancouver, Canada (Nutrien Ltd.)	06/06/2018	IMO # 9758741 MMSI 374900000 61,213 DWT	59000	MIF I No 12 K/S	Strandvejen 70, Hellerup, Denmark	Denmark	Navigare Capital Partners A/S
9	Doric Victory	Greece	04/05/2018	Tauranga, New Zealand (Ballance Agri-Nutrients Ltd.)	29/06/2018	IMO # 9425887 MMSI 241013000 58,091 DWT	56000	Ocean Harmony Navigation Inc	Care of Chios Navigation (Hellas) Ltd, 1-3, Filellinon Street, 185 36 Piraeus, Athens, Greece	Liberia	Chios Navigation (Hellas) Ltd

The shipping companies behind the controversial phosphate transports, 1 January 2018 to 31 December 2018

WSRW has contacted operators representing the 33 vessels. Letters from WSRW, and answers are found on <http://www.wsrw.org/a105X4488>

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
China	China	COSCO (HK) Shipping Co Ltd	33rd Floor, Tower 2, Kowloon Commerce Centre, 51, Kwai Cheong Road, Kwai Chung, New Territories, Hong Kong, China	China	Hong Kong	hkop@coscochs.com.hk, xuchao@coscocs.com	www.coscochs.com.hk	UK P&I Club
Japan	Japan	Hinode Kaiun KK	27-1, Higashi 1-chome, Kawajiri-cho, Kure-shi, Hiroshima-ken, 737-2607, Japan	Japan	Japan			Britannia Steam Ship
Netherlands	Netherlands	Triton Navigation BV	Strawinskylaan 901, 1077 XX Amsterdam, Netherlands	Netherlands	Netherlands			The West of England Ship Owners Mutual Insurance Association
Japan	Japan	MUR Shipping BV	Tower H, World Trade Center Amsterdam, Zuidplein 164, 1077 XV Amsterdam, Netherlands	Netherlands	Netherlands	enquiries@murship.com	www.murship.com	Japan Ship Owners Mutual P&I
unknown	unknown	Ultrabulk A/S (Ultrabulk MPP)	Smakkedalen 6, 2820 Gentofte, O, Denmark	Chile	Denmark	smax.cph@ultrabulk.com	www.ultrabulk.com	Japan Ship Owners Mutual P&I
Turkey	Turkey	GSD Denizcilik Gayrimenkul Insaat Sanayi ve Ticaret AS	Kaptan Rifat Sokak 3, Aydinevler Mah, Maltepe, 34854 Istanbul, Turkey	Turkey	Turkey		www.gsdmarin.com.tr	GARD AS
China	China	COSCO Shipping Seafarer Management Co Ltd	Room A-1309, 188, Yesheng Lu, Pilot Free Trade Zone, Pudong Xinqu, Shanghai, 200120, China	China	China	wdg@cnshipping.com	www.csisc.com.cn	The Swedish Club
Denmark	Denmark	Ultrabulk A/S (Ultrabulk MPP)	Smakkedalen 6, 2820 Gentofte, O, Denmark	Chile	Denmark	smax.cph@ultrabulk.com	www.ultrabulk.com	North of England P&I Assoc
Liberia	Greece	Chios Navigation (Hellas) Ltd	1-3, Filellinon Street, 185 36 Piraeus, Athens, Greece	Greece	Liberia	operations@chiosnav.com		UK P&I Club

No	Vessel Name	Flag	Departure from Western Sahara	Destination (Importer)	Arrival	Vessel Details	Estimated caro (tonnes)	Reg. owner	Reg. owner address	Reg. owner nationality of registration	Group owner
10	Ocean Century	Malta	06/05/2018	Napier/Dunedin/Wellington/Tauranga, New Zealand (Ravensdown Ltd.)	16/06/2018	IMO # 9485033 MMSI 248162000 55,848 DWT	53000	Aska Marine Ltd	Care of FML Ship Management Ltd, Office 601, Ghinis Building, 58-60, Digeni Akrita Avenue, 1061 Nicosia, Cyprus	Malta	unknown
11	Desert Osprey	Marshall Islands	08/05/2018	Vancouver, Canada (Nutrien Ltd.)	25/06/2018	IMO # 9712955 MMSI 538006212 55,837 DWT	53000	Lazio Shipping & Investment Ltd	Care of Atlantic Bulk Carriers Management Ltd, 41-43, Akti Miaouli, 185 35 Piraeus, Athens, Greece	Marshall Islands	Atlantic Bulk Carriers Management Ltd
12	Mackenzie	Marshall Islands	17/05/2018	Geismar, United States (Nutrien Ltd.)	01/06/2018	IMO # 9703588 MMSI 538006411 63,226 DWT	61000	Jasmine Shipping LLC	Care of Starbulk SA, 40, Agiou Konstantinou Street, Marousi, 151 24 Athens, Greece	Marshall Islands	Star Bulk Carriers Corp
13	Ultra Integrity	Marshall Islands	09/06/2018	Vancouver, Canada (Nutrien Ltd.)	22/07/2018	IMO # 9748083 MMSI 538006751 61,181 DWT	59000	EK Line SA & Ehime Kaiun Co Ltd	Care of Ehime Kaiun Co Ltd (Ehime Kaiun KK), 1-3, Ebi-su-cho 2-chome, Imabari-shi, Ehime-ken, 794-0031, Japan	Japan	Ehime Kisen KK
14	Desert Moon	Marshall Islands	17/06/2018	Vancouver, Canada (Nutrien Ltd.)	06/08/2018	IMO # 9543770 MMSI 538004585 63,064 DWT	60000	Seville Shipping & Investement	Care of Atlantic Bulk Carriers Management Ltd, 41-43, Akti Miaouli, 185 35 Piraeus, Athens, Greece	Marshall Islands	Atlantic Bulk Carriers Mgmt
15	Pisti	Liberia	27/06/2018	Paradip, India (Paradeep Phosphates Ltd)	24/07/2018	IMO # 9456367 MMSI 636014862 56,898 DWT	54000	Monza Navigation Inc	Care of Goldenport Shipmanagement Ltd, 41, Athinas Avenue, Vouliagmeni, 166 71 Athens, Greece	Liberia	Goldenport Shipmanagement Ltd
16	Ultra Dwarka	Panama	15/07/2018	Vancouver, Canada (Nutrien Ltd.)	15/10/2018	IMO # 9615157 MMSI 373403000 61,395 DWT	59000	Shoei Kisen Kaisha Ltd & Paraiso Shipping SA	Care of Shoei Kisen Kaisha Ltd (Shoei Kisen Co Ltd), 4-52, Kora-cho 1-chome, Imabari-shi, Ehime-ken, 799-2111, Japan	Japan	
17	IC Phoenix	Panama	24/07/2018	Tauranga/Bluff, New Zealand (Ballance Agri-Nutrients Ltd.)	11/09/2018	IMO # 9738961 MMSI 352082000 61,266 DWT	59000	IC United SA	Care of World Marine Co Ltd, 8th Floor, Kanpai Building, 22-27, Higashigotanda 5-chome, Shinagawa-ku, Tokyo, 141-0022, Japan	Panama	Chiba Shipping Co Ltd
18	Summer-time Dream	Marshall Islands	03/08/2018	Vancouver, Canada (Nutrien Ltd.)	21/09/2018	IMO # 9687100 MMSI 538005357 56,104 DWT	54000	Scorpio Carriers Ltd	Hong Kong, China	Hong Kong	Attic Forest AS
19	Lady Giovi	Panama	06/08/2018	Geismar, United States (Nutrien Ltd.)	25/08/2018	IMO # 9389277 MMSI 353445000 81,791 DWT	79000	Elfland Corp	Care of Western Shipping Pte Ltd, 15-01, Keppel Towers, 10, Hoe Chiang Road, Singapore 089315	Liberia	Western Shipping Pte Ltd
20	Naess Endurance	Marshall Islands	12/08/2018	Paradip, India (Paradeep Phosphates Ltd)	06/09/2018	IMO # 9721334 MMSI 538006036 63,638 DWT	62000	Naess Acquisitions Four LLC	Care of Doris Maritime Services SA, route des Jeunes, 35, 1227 Carouge, Switzerland	Marshall Islands	Doris Maritime Services SA
21	Bomar Oyster	Liberia	24/08/2018	Paradip, India (Paradeep Phosphates Ltd)	25/09/2018	IMO # 9391610 MMSI 636013821 56,548 DWT	54000	Bomar G LLC	Care of Hanseatic Unity Chartering (HU) GmbH & Co KG, Zirkusweg 3, 20359 Hamburg, Germany	Marshall Islands	Borealis Maritime Ltd
22	WP Ambition	Marshall Islands	05/09/2018	Napier, New Zealand (Ravensdown Ltd.)	14/10/2018	IMO # 9690509 MMSI 538007830 55,865 DWT	53000	WPI International SA	Care of Korea Ship Finance Co Ltd (KSF), 1st Floor, Bubang Building, 156-1, Samseong-dong, Gangnam-gu, Seoul, South Korea	Marshall Islands	Korea Ship Finance Co Ltd

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
unknown	unknown	FML Ship Man- agement Ltd	Office 601, Ghinis Building, 58-60, Digeni Akrita Avenue, 1061 Nicosia, Cyprus	Hong Kong	Cyprus	fleet-cy-techl@fleetship. com	www.fleetship.com	The Standard Club
Marshall Islands	Greece	Atlantic Bulk Carriers Man- agement Ltd	41-43, Akti Miaouli, 185 35 Piraeus, Athens, Greece	Greece	Marshall Islands	atlanticbulk@atlantic- bulk.gr	atlanticbulkcarriers.com	The West of England Ship Owners Mutual Insurance Association
Marshall Islands	Greece	Starbulk SA	40, Agiou Konstantinou Street, Marousi, 151 24 Athens, Greece	Greece	Liberia	msq@starbulk.com		Britannia Steam Ship
Japan	Japan	Ultrabulk A/S (Ultrabulk MPP)	Smakkedalen 6, 2820 Gentofte, O, Denmark	Chile	Denmark	smax.cph@ultrabulk.com	www.ultrabulk.com	Japan Ship Owners Mutual P&I
Marshall Islands	Greece	Atlantic Bulk Carriers Mgmt	41-43, Akti Miaouli, 185 35 Piraeus, Athens, Greece	Greece	Marshall Islands	atlanticbulk@atlantic- bulk.gr	atlanticbulkcarriers.com	Britannia Steam Ship
Greece	Greece	Goldenport Shipmanage- ment Ltd	41, Athinas Avenue, Vouliag- meni, 166 71 Athens, Greece	Greece	Greece	contact@goldenport.gr	www.goldenport.gr	Unknown
		Ultrabulk A/S (Ultrabulk MPP)	Smakkedalen 6, 2820 Gentofte, O, Denmark	Chile	Denmark	smax.cph@ultrabulk.com	www.ultrabulk.com	Japan Ship Owners Mutual P&I
Japan	Japan	World Marine Co Ltd	8th Floor, Kanpai Building, 22-27, Higashigotanda 5-chome, Shinagawa-ku, Tokyo, 141-0022, Japan	Japan	Japan	shipmd@worldm.co.jp	www.worldm.co.jp	UK P&I Club
Norway	Norway	Scorpio Carriers Ltd	Hong Kong, China	Norway	Hong Kong			The West of England Ship Owners Mutual Insurance Association
Singapore	Singapore	Western Shipping Pte Ltd	15-01, Keppel Towers, 10, Hoe Chiang Road, Singapore 089315	Singapore	Singapore	info@westship.com.sg	www.westernshipping. sg	UK P&I Club
Switzerland	Switzerland	Doris Maritime Services SA	route des Jeunes, 35, 1227 Carouge, Switzerland	Switzerland	Switzerland	doris@doris.ch	doris.ch	The West of England Ship Owners Mutual Insurance Association
United Kingdom	United Kingdom	Borealis Maritime Ltd	139, Piccadilly, London, W1J 7NU, United Kingdom	United Kingdom	United Kingdom	info@borealismaritime. com	www.borealismaritime. com	GARD AS
South Korea	South Korea	Korea Ship Finance Co Ltd	1st Floor, Bubang Building, 156-1, Samseong-dong, Gangnam-gu, Seoul, South Korea	South Korea	South Korea	jhkwon@koreashipfi- nance.com	www.koreashipfinance. com	Japan Ship Owners Mutual P&I

No	Vessel Name	Flag	Departure from Western Sahara	Destination (Importer)	Arrival	Vessel Details	Estimated caro (tonnes)	Reg. owner	Reg. owner address	Reg. owner nationality of registration	Group owner
23	Desert Harrier	Marshall Islands	22/09/2018	Vancouver, Canada (Nutrien Ltd.)	08/12/2018	IMO # 9756626 MMSI 538007521 60,447 DWT	58000	Genoa Shipping & Investment Ltd	Care of Atlantic Bulk Carriers Management Ltd, 41-43, Akti Miaouli, 185 35 Piraeus, Athens, Greece	Marshall Islands	Atlantic Bulk Carriers Management Ltd
24	Amoy Action	Hong Kong	05/10/2018	Paradip, India (Paradeep Phosphates Ltd) and Lianyungang, China (Sinofert Holdings Ltd)	03/11/2018	IMO # 9583627 MMSI 477903500 56,873 DWT	54000	Action Maritime Ltd	Care of Amoyshipping Maritime Co Ltd, 26H, 99, Lujiang Dao, Siming Qu, Xiamen, Fujian, 361001, China	Hong Kong	Amoyshipping Maritime Co Ltd
25	Ocean Adore	Hong Kong	07/10/2018	Tauranga/Invercargill/Napier, New Zealand (Ravensdown Ltd.)	25/11/2018	IMO # 9740122 MMSI 477131800 63,647 DWT	60000	Ocean Adore Shipping Ltd	Care of Huayang (Hong Kong) Shipping Ltd, Room 12, Block 2, 23rd Floor, Lippo Centre, 89, Queensway, Central, Hong Kong, China.	Hong Kong	Minsheng Financial Leasing Co Ltd
26	Trade Resource	Liberia	19/10/2018	Lianyungang, China (Sinofert Holdings Ltd)	28/11/2018	IMO # 9693410 MMSI 6360118913 82,031 DWT	79000	Acraco Shipping Inc	Care of Marmaras Navigation Ltd, 58B, Zefyrou Street, Palaio Faliro, 175 64 Athens, Greece	Liberia	Marmaras Navigation Ltd
27	Triton Valk	Panama	21/10/2018	Napier, New Zealand (Ravensdown Ltd.)	29/11/2018	IMO # 9409077 MMSI 356829000 55,651 DWT	53000	Triton Navigation BV	Strawinskylaan 901, 1077 XX Amsterdam, Netherlands	Netherlands	Triton Navigation BV
28	Ultra Innovation	Panama	24/10/2018	Vancouver, Canada (Nutrien Ltd.)	04/12/2018	IMO # 9767481 MMSI 3744883000 61,188 DWT	59000	La Darien Navegacion SA	Care of Shoei Kisen Kaisha Ltd (Shoei Kisen Co Ltd), 4-52, Kora-cho 1-chome, Imabari-shi, Ehime-ken, 799-2111, Japan	Panama	Shoei Kisen Kaisha Ltd (Shoei Kisen Co Ltd)
29	Ultra Excellence	Panama	02/11/2018	Vancouver, Canada (Nutrien Ltd.)	23/12/2018	IMO # 9767493 MMSI 353272000 61,214 DWT	59000	San Clemente Shipping SA & Tokyo Sangyo Kaisha Ltd	Care of Shoei Kisen Kaisha Ltd (Shoei Kisen Co Ltd), 4-52, Kora-cho 1-chome, Imabari-shi, Ehime-ken, 799-2111, Japan	Panama	Shoei Kisen Kaisha Ltd (Shoei Kisen Co Ltd)
30	SFL Hudson	Marshall Islands	08/12/2018	Paradip, India (Paradeep Phosphates Ltd)	11/01/2019	IMO # 9525821 MMSI 538004096 56,836 DWT	54000	SFL Hudson Inc	Care of Bernhard Schulte Shipmanagement (Singapore) Pte Ltd, 08-00, Bernhard Schulte House, 108, Middle Road, Singapore 188967	Marshall Islands	Ship Finance International Ltd (SFL)
31	SBI Jaguar	Marshall Islands	18/11/2018	Visakhapatnam, India (Coromandel Ltd) and Paradip, India (Paradeep Phosphates Ltd)	16/01/2019	IMO # 9700055 MMSI 5380077799 63,514 DWT	62000	SBI Jaguar Shipping Co Ltd	Care of Scorpio Commercial Management SAM, Le Millenium, 9, boulevard Charles III, 98000 Monaco-Ville, Monaco	Marshall Islands	Scorpio Commercial Management SAM
32	Genco Weatherly	Liberia	28/12/2018	Vancouver, Canada (Nutrien Ltd.)	20/02/2019	IMO # 9689172 MMSI 636016497 61,556 DWT	59000	Genco Weatherly Ltd	Care of Genco Ship Management LLC, 20th Floor, 299, Park Avenue, New York NY 10171-0002, USA	Marshall Islands	Genco Shipping & Trading Ltd (GENCO)
33	Zeyno	Malta	30/12/2018	Vancouver, Canada (Nutrien Ltd.)	10/03/2019	IMO # 9700421 MMSI 229698000 63,064 DWT	60000	Zeyno Maritime Ltd	Care of GSD Denizcilik Gayrimenkul Insaat Sanayi ve Ticaret AS, Kaptan Rifat Sokak 3, Aydindevler Mah, Maltepe, 34854 Istanbul, Turkey	Malta	GSD Holding AS

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
Greece	Greece	Atlantic Bulk Carriers Man- agement Ltd	41-43, Akti Miaouli, 185 35 Piraeus, Athens, Greece	Greece	Marshall Islands	atlanticbulk@atlantic- bulk.gr	www.atlanticbulkcarri- ers.com	The West of England Ship Owners Mutual Insurance Association
China	China	Amoysailing Maritime Co Ltd	26H, 99, Lujiang Dao, Siming Qu, Xiamen, Fujian, 361001, China	China	China	management@amoysail- ing.com	www.amoysailing.com	China Ship- owners Mutual Assurance Association
China	China	Huayang (Hong Kong) Shipping Ltd	Room 12, Block 2, 23rd Floor, Lippo Centre, 89, Queensway, Central, Hong Kong, China	China	Hong Kong			The West of England Ship Owners Mutual Insurance Association
Greece	Greece	Marmaras Navigation Ltd	58B, Zefyrou Street, Palaio Faliro, 175 64 Athens, Greece	Greece	Liberia	safety@marmaras-nav. gr	www.marmaras-nav.gr	The West of England Ship Owners Mutual Insurance Association
Netherlands	Netherlands	Triton Naviga- tion BV	Strawinskylaan 901, 1077 XX Amsterdam, Netherlands	Netherlands	Netherlands			The West of England Ship Owners Mutual Insurance Association
Japan	Japan	Ultrabulk A/S (Ultrabulk MPP)	Smakkedalen 6, 2820 Gentofte, O, Denmark	Chile	Denmark	smax.cph@ultrabulk.com	www.ultrabulk.com	North of England P&I Assoc
Japan	Japan	Ultrabulk A/S (Ultrabulk MPP)	Smakkedalen 6, 2820 Gentofte, O, Denmark	Chile	Denmark	smax.cph@ultrabulk.com	www.ultrabulk.com	North of England P&I Assoc
Bermuda	Bermuda	Hyundai Glovis Co Ltd	512, Yeongdong-daero, Gangnam-gu, Seoul, 06172, South Korea	South Korea	South Korea	webmaster@glovis.net	www.glovis.net	SKULD
Monaco	Monaco	Scorpio Commercial Management SAM	Le Millenium, 9, boulevard Charles III, 98000 Monaco-Ville, Monaco	Monaco	Monaco	info@scorpio.mc	www.scorpio.mc	Steamship Mutual
USA	USA	Genco Ship Management LLC	20th Floor, 299, Park Avenue, New York NY 10171-0002, USA	USA	USA	operations@gencoship- ping.com	www.gencoshipping. com	SKULD
Turkey	Turkey	GSD Denizcilik Gayrimenkul Insaat Sanayi ve Ticaret AS	Kaptan Rifat Sokak 3, Aydinevler Mah, Maltepe, 34854 Istanbul, Turkey	Turkey	Turkey		www.gsdmarin.com.tr	GARD AS

“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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