

WSRW REPORT — FEBRUARY 2020

# P FOR PLUNDER

**Morocco's exports of  
phosphates from occupied  
Western Sahara**

*International fertilizer companies import controversial phosphate rock from Western Sahara, under illegal Moroccan occupation. This report uncovers which of them were involved in the trade in 2019.*

**2020** With  
data  
from  
2019



**WSRW**

WESTERN SAHARA  
RESOURCE WATCH

9 December 2019: Demonstrators in New Zealand take to the water to demonstrate against Ravensdown, one of the very few remaining companies that import conflict minerals from occupied Western Sahara. The bulk vessel Federal Crimson had just arrived in the country with a cargo of 50,000 tonnes of phosphate rock.



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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 seventh 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 2019, naming all shipments of phosphates from occupied Western Sahara. Our monitoring proves that Morocco has never exported a volume of phosphate rock from Western Sahara that is as low as in 2019. A record low of 19 vessels departed the territory with phosphate rock. The total cargo was 1.03 million tonnes. To compare, Morocco's average export from the occupied territory during the years 2012-2018 was 1.8 million tonnes.

What seems clear is that the decades-long and substantial exports to North America, which were terminated in December 2018, have not been replaced with similar volumes to old or new importing companies throughout 2019.

The trade to China, India and New Zealand remains relatively stable from the year before. A new development is that a new client in Brazil has taken in two small shipments. India's share of the total exports is around 50% of the total trade, the bulk of it going to OCP's joint-venture in the country.

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

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

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

# The Controversy



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

Morocco's self-proclaimed 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.<sup>1</sup> According to the UN, the 'permanent sovereignty over natural wealth and resources' is a 'basic constituent of the right to self-determination'.<sup>2</sup>

The UN Legal Office has analysed the legality of petroleum exploration and exploitation in Western Sahara, a resource extraction activity that is of a similar nature to phosphate mining. The UN concluded that "if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the international law principles applicable to mineral resource activities in Non-Self-Governing Territories."<sup>3</sup>

Yet, only weeks after the 1975 invasion of the territory, the phosphate rock of the Bou Craa mine in Western Sahara was being exported to fertilizer companies overseas. The Bou Craa mine is managed by the *Office Chérifien des Phosphates SA* (OCP), now known simply as OCP SA, Morocco's national phosphate company and today responsible for one of that country's main sources of income from Western Sahara.

Phosphates de Boucraa S.A. (Phosboucraa) is a fully owned subsidiary of OCP. Its main activities are the extraction, beneficiation, transportation and marketing of phosphate ore of the Bou Craa mine, including the operation of a loading dock and treatment plant located on the Atlantic coast at El Aaiún. OCP puts its production capacity in Western Sahara at 2.6 million tonnes annually.<sup>4</sup> Though OCP claims that the Bou Craa mines represent only 2% of all phosphate reserves exploited by Morocco<sup>5</sup>, yet in 2016, 22% of all exported phosphate rock departed from El Aaiún.<sup>6</sup> The exceptionally high quality of Western Sahara's phosphate ore makes it a much coveted commodity for producers of fertilizers.

However, that tale could be coming to an end. The Bou Craa phosphate deposit consists of two layers. OCP's own reports from 2014 and 2016 contradict themselves whether only the top layer is being exploited, or if the mining has already proceeded to the second layer, which is of lower quality.<sup>7</sup> What is clear, is that Morocco has practically sold all of the high quality phosphate that ought to have been available to the Saharawi people upon realizing their right to self-determination.

OCP claims that Phosboucraa is the largest private employer in the area, with around 2,195 employees – and 75 percent are said to be "locals" (without specifying whether they are Saharawis or settlers).<sup>8</sup> 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.<sup>9</sup> 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.<sup>10</sup>

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."<sup>11</sup>

***“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.<sup>12</sup>

***“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.<sup>13</sup>

***“The company's exploitation of phosphates in Western Sahara is considered to violate the UN Charter article 73, the Hague Convention article 55, the Corell Opinion and therefore also UNGP principle 12 and OECD MNE art. 40”***

MP Pension, Denmark. Decision to exclude OCP from investment universe, 17 January 2019.<sup>14</sup>

***“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.<sup>15</sup>

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

Nykredit Realkredit Group, Denmark, explaining its exclusion of Nutrien, April 2018.<sup>16</sup>

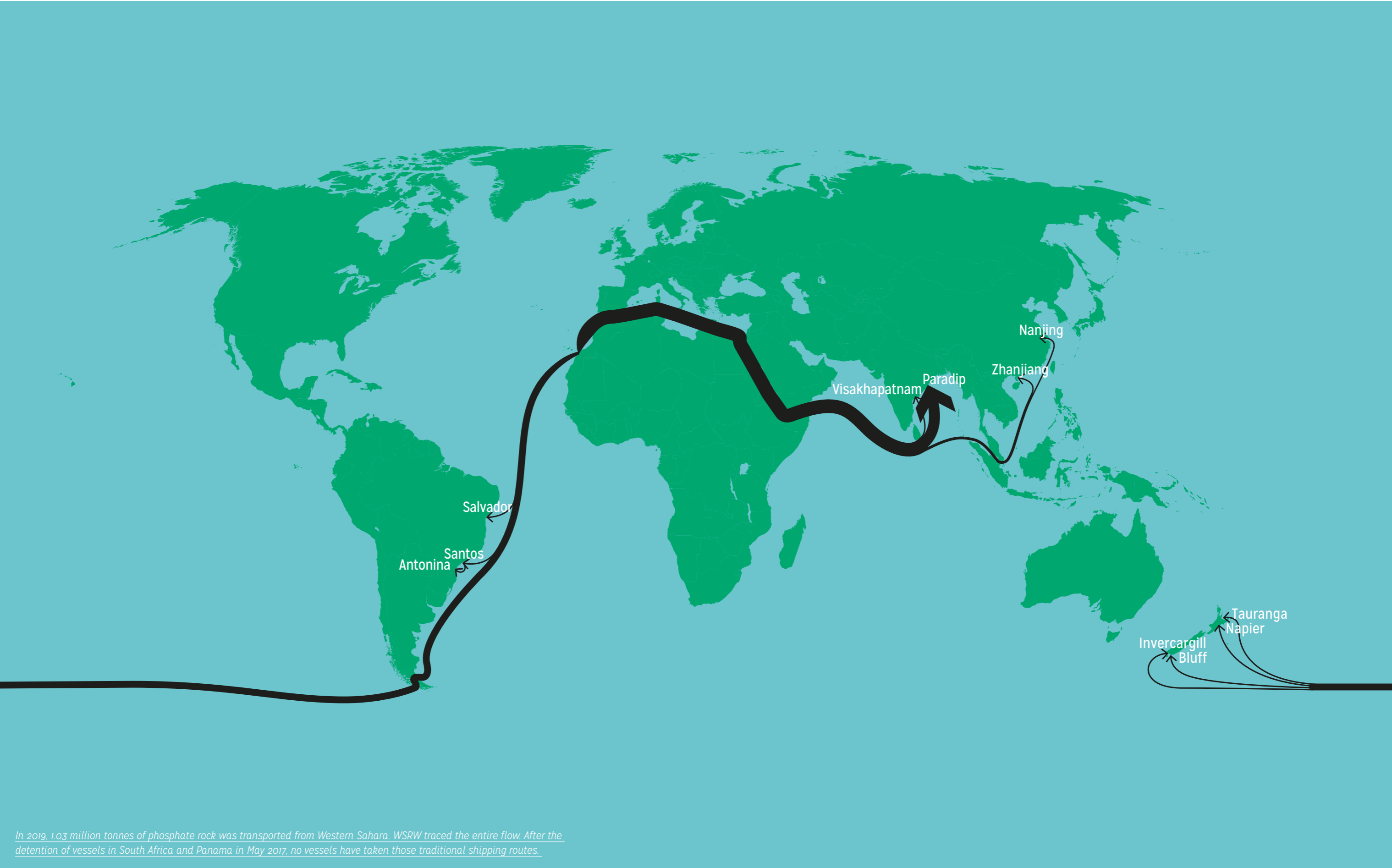
***“Human rights violations in Western Sahara”***

PGB Pensioenfonds, the Netherlands, third quarter of 2015, upon excluding OCP SA from its portfolios.<sup>17</sup>

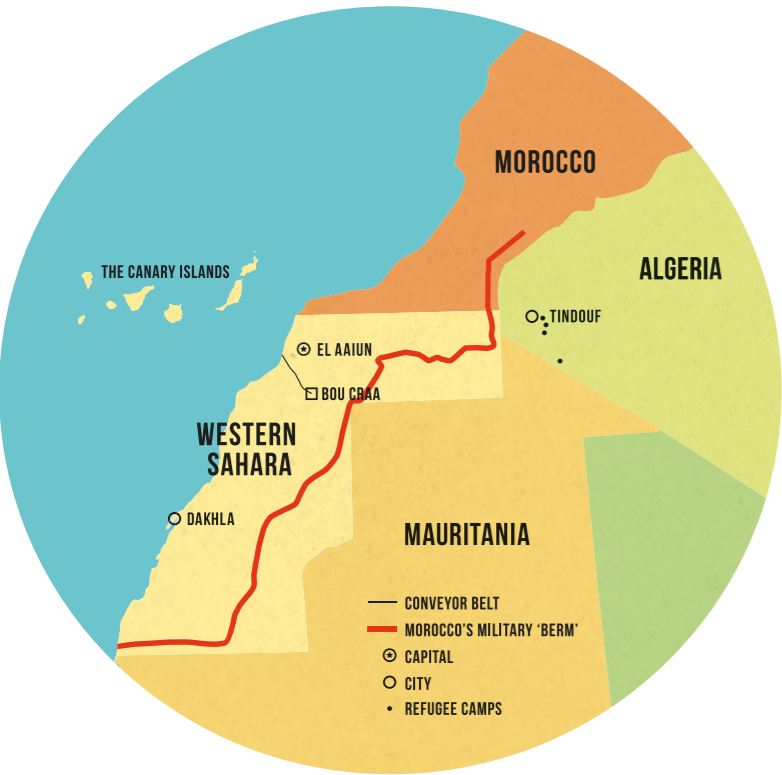
***“The Council does not believe that the company has been able to show that the business is consistent with the interests and wishes of the local population. Based on an assessment that further dialogue will not be productive, the Council has recommended that the AP Funds divest Agrium.”***

Swedish Ethical Council, 9 April 2015, explaining why all Swedish government funds have now divested from Agrium Inc.<sup>18</sup>

# The Shipments, 2019



# The Moroccan take-over of Bou Craa mine



**1947:** Western Sahara’s phosphate reserves are discovered 130 kilometres southeast of El Aaiún in a place called Bou Craa. The discovery of phosphate reserves is the first potential source of mineral revenues for the colonial power, Spain.<sup>19</sup>

**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.<sup>20</sup>

**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.<sup>21</sup>

**2002:** Spain sells its 35% ownership of Bou Craa.

**2014:** OCP files for public subscription on the Irish Stock Exchange an inaugural bond issue of USD 1.55 billion.<sup>22</sup> It files a similar debt financing prospectus on the Exchange a year later<sup>23</sup>

**2020:** Morocco continues to operate the mine in occupied Western Sahara. The average exports over the last years have generated an annual income of around USD 200 million from a mine which is not theirs.



### Large plans

For years, OCP has been announcing that it will modernize the Bou Craa mine, exploit deeper phosphate layers, create higher added-value products for export, increase the El Aaiún harbour capacity for phosphate activities and expand alleged social and sustainable development projects in the Bou Craa area.<sup>24</sup>

OCP states that it plans to invest USD 2.2 billion in Phosboucraa.<sup>25</sup> The stated main objective is to develop its industrial capacity, by working on three axes: the mining site itself, the construction of a chemical plant, and work on the port infrastructure.<sup>26</sup> The aim is to diversify Phosboucraa’s operations, from exporting raw material to producing intermediary products and phosphate-based fertilizers by 2022.<sup>27</sup>

A production capacity of one million tonnes of fertilizer per year is envisioned. The new chemical plant will include a sulfuric acid production unit, a phosphoric acid unit and a granulation unit. In addition, new extraction methods will be introduced, a washing unit will be built and storage facilities will increase. The investment also includes a new, sheltered port and a wharf.<sup>28</sup> As of 2019, construction work in the port of El Aaiún is reported to be taking place.

Phosboucraa is also the driving force behind the Technopole project, a scientific hub located in Foum El Oued on a 600 ha plot of land.<sup>29</sup> According to

Phosboucraa, the Technopole will be devoted to the development of the “Southern Regions” and especially to the development of Phosboucraa itself.<sup>30</sup>

### 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.<sup>31</sup>

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 72.50 to 102.50 USD/tonne throughout the year. In this report, the average price of phosphate in 2019 is calculated at an average of USD 87.96/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

	2019	2018
Exported amount of phosphate	1,027,000 tonnes	1,928,000 tonnes
Value of exported phosphate	\$90.4 million	\$163.9 million
Value of largest single shipment from the territory	\$6.3 million	\$6.715 million
Value of smallest single shipment from the territory	\$2.9 million	\$4.420 million
Number of ships that departed with phosphate from the territory	19	33
Average amount of phosphate exported in each ship	54,100 tonnes	58,400 tonnes
Average value of phosphate exported in each ship	\$4.76 million	\$4.97 million
Average annual phosphate price of Bou Craa rock (per tonne)	\$87.96	\$85

### Methodology

This report is based on data gathered through continuous vessel tracking.

The amounts of phosphate loaded into ships were ordinarily calculated to be 97% of the ship's overall cargo (and bunker fuel and stores) capacity expressed in deadweight tonnes (DWT). Ships were tracked and confirmed to have arrived at stated destinations. Where possible, estimated loaded amounts were checked against shipping documents, including bills of lading and port arrival receipts.

WSRW believes that is has detected, tracked and accounted for all vessels departing from El Aaiún harbour for 2019. However, WSRW cannot exclude a possibility that one or more vessels have gone undetected.

### Unclear prices

WSRW is unsure whether it has applied the correct price estimate of Bou Craa phosphate rock during our first 6 annual

editions of the P for Plunder report. The price level could possibly be far higher than earlier believed.

For the first years of this report, phosphate prices were obtained from the commercial commodities pricing website "Index Mundi" and checked against other sources.

Internal OCP documents revealed online, however, suggest a cargo price of Bou Craa rock between 139 and 161 USD/tonne.<sup>32</sup> This is substantially higher than the 98.5-102.5 USD/tonne price of Index Mundi during those months – in other words, it could mean that the Index Mundi that we normally apply only constitutes 63-73% of the actual price.

As for now, WSRW will continue to apply the Index Mundi, for coherence and until receiving further credible sources. For 2019, the average price for phosphate rock was USD 87.96.

It is worth noting that the internal OCP documents suggest that the price for rock exported to

OCP's own joint-venture in India is far higher than for rock sold to other clients. WSRW has asked the Indian joint venture Paradeep whether it could be correct that it pays well above market-price and above the price charged to other clients, but we have not received response.

### Fluctuating export levels

In general, WSRW's calculations for recent years are confirmed in OCP's own reports.

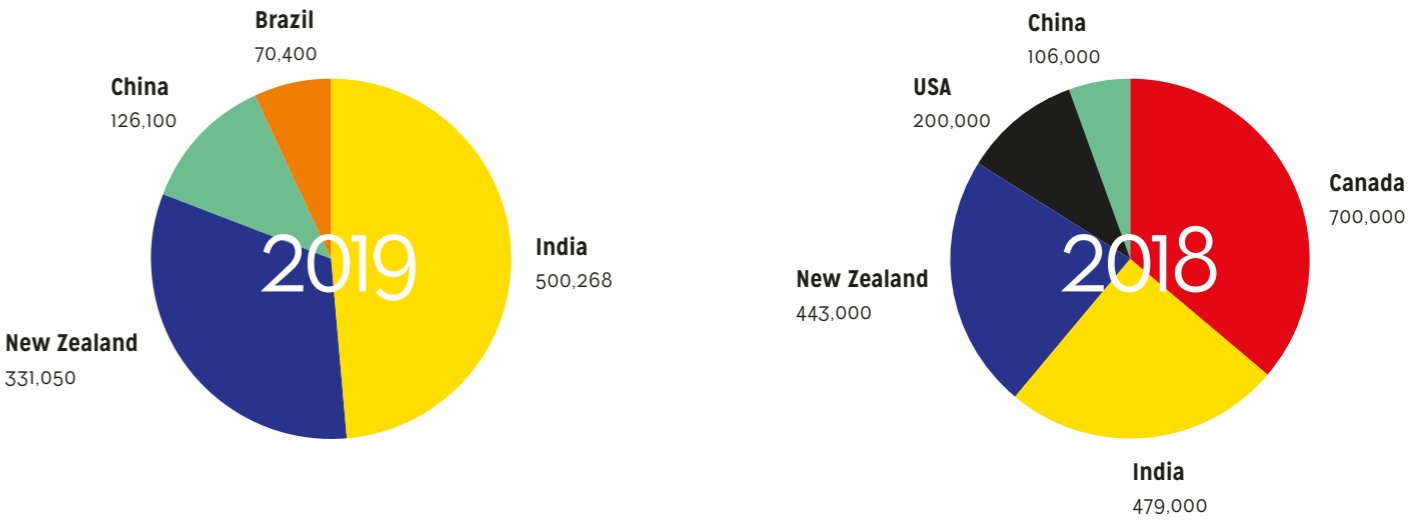
Until 2006 the export of phosphate rock averaged 1.1 million tonnes annually, considerably less than the production capacity of 2.6 million tonnes.<sup>33</sup> In the late 1970s, production stopped for three years during armed conflict in the territory, only gradually achieving 2.0 million tonnes by the late 1990s. WSRW started daily monitoring in 2011. Our first report put OCP's exports of phosphate mined in Bou Craa at 1.8-2.2 million tonnes in 2012-2013. WSRW's projection of 2.1 million tonnes of exported phosphate

rock from Bou Craa in 2014 was confirmed in the volume of "processed" phosphates as mentioned in an OCP prospectus.<sup>34</sup> 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 2018 Prospectus to the Casablanca Stock Exchange.<sup>35</sup>

OCP estimates the Bou Craa reserves at 500 million tonnes.<sup>36</sup> Bou Craa contributes around 8% of OCP's total extracted volumes, and around 20% of its total export of phosphate rock.<sup>37</sup>

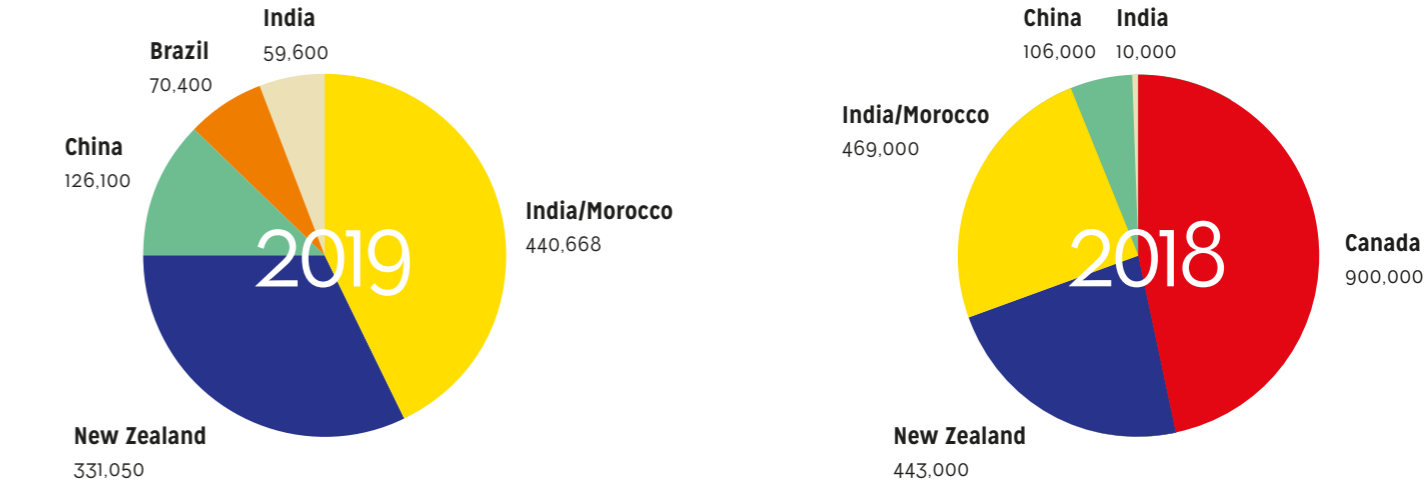
## Imports per importing country

Figures in metric tonnes.



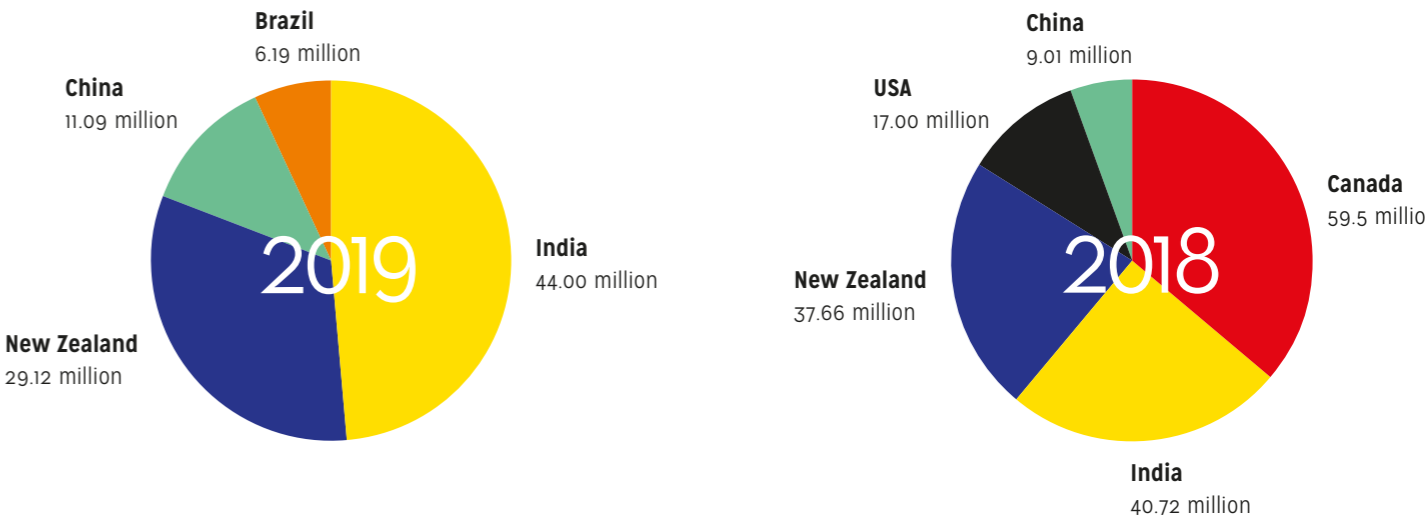
## Clients per nationality of (parent) company

Figures in metric tonnes.



## Value per importing country

Figures in USD



# The Importers, 2019

Rank	Corporation	Home country of (parent) company	Import destination	Number of shipments	Amount of phosphate purchased (tonnes)	Value of phosphate purchased (USD)
1	Paradeep Phosphates Ltd.	India/Morocco	Paradip, India	8	440,668	\$38.76 million
2	Ballance Agri-Nutrients Ltd.	New Zealand	Tauranga/Timaru/Bluff, New Zealand	5	193,225	\$17.00 million
3	Ravensdown Ltd.	New Zealand	Napier/Lyttelton/Otago, New Zealand	4	137,825	\$12.12 million
4	Unknown	China	Zhanjiang, China	1	71,400	\$6.28 million
5	Coromandel Ltd	India	Visakhapatnam, India	1	59,600	\$5.24 million
6	Unknown	China	Nanjing, China	1	54,700	\$4.81 million
7	Unknown (prob. Fertipar)	Brazil	Santos, Brazil	1	37,900	\$3.33 million
8	Unknown (prob. Fertipar)	Brazil	Salvador/Antonina, Brazil	1	32,500	\$2.86 million

### Some uncertainties:

WSRW expects the importer to Brazil is the small fertilizer company Fertipar, but this has not been confirmed. See further on page 27.

The vessels *Kiran Adriatic*, *Venture Pearl* and *Amoy Dream* visited import ports for Ballance Agri-Nutrients and Ravensdown. Due to lack of confirmation from the importers, this report thus uses the working assumption that half the cargo on the three 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.<sup>38</sup>

# OCP’s helpers at the mine

### SIEMENS

German engineering company Siemens constructed the Foug 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. Foug el Oued, consisting of 22 wind turbines, 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.<sup>39</sup> WSRW wrote Siemens 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 Foug 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.<sup>40</sup>

### ATLAS COPCO/EPIROC

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 for the same rigs. It is not known for how many years Atlas Copco is tied to that contract. The company in 2019 stated that it still has a client in Western Sahara, and alleges that the client is operating in line with international law, without elaborating further.<sup>41</sup> WSRW has confronted the company about its deliveries from 2013 to 2019, but the company has never fully responded to our questions, including on its interpretation of international law.<sup>42</sup> From 2018, Atlas Copco’s operations relevant to the sales of mining equipment was transferred to the Swedish registered company Epiroc. It is not clear to WSRW how Atlas Copco and Epiroc have managed the Western Sahara involvement following the reorganisation of companies. WSRW wrote to Epiroc in November 2019, the letter was not responded to.<sup>43</sup>

### WORLEY

In 2019, the Australian company Worley Ltd took over the Energy, Chemicals and Resources Division of the American firm Jacobs Engineering Inc, and as such inherited the ownership of a 50/50 joint-venture company with OCP called JESA (Jacobs Engineering SA).<sup>44</sup> The latter is described as a Moroccan construction and engineering firm. JESA has projects in Morocco, and in other African countries. JESA is also connected to OCP’s projects in occupied Western Sahara, including through the provision of civil engineering to the Foug el Oued Technopole



project near El Aaiún.<sup>45</sup> This project envisions the creation of a technological hub to advance the economic development of the “Southern regions”, in particular through the industrial development of Phosboucraa.<sup>46</sup> WSRW has written to the company in December 2019, but has not received a response.

### 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”.<sup>47</sup> 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.<sup>48</sup> 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 its operations are “not inconsistent” with EU Court of Justice decisions on EU-Morocco trade. “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”, the company wrote.<sup>49</sup>

*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, 2019 and 2020 Annual Meetings of shareholders, but the company did not respond to her questions.*

# The nationalities behind the shipments

	Number of vessels	Volume of cargos	Value of cargos
<b>Registered owner home country</b>			
Panama	4	230,300	20,257,188 \$
Marshall Islands	4	197,370	17,360,665 \$
China	2	105,200	9,253,392 \$
Australia, Cyprus, Indonesia, Liberia, Malta, Monaco, Singapore, Turkey, unknown	1 each		
<b>Operator, nationality of controlling interest</b>			
Greece	5	269,300	23,687,628 \$
Germany	2	115,600	10,168,176 \$
Unknown	2	111,504	9,807,892 \$
South Korea	2	109,453	9,627,486 \$
China	2	105,200	9,253,392 \$
Canada, Monaco, Panama, Switzerland, Turkey, UK	1 each		
<b>Group owner, registered nationality</b>			
Unknown	6	335,845	29,540,926 \$
Greece	3	141,970	12,487,681 \$
Liberia	2	127,400	11,206,104 \$
China	2	105,200	9,253,392 \$
Bermuda, Japan, Marshall Islands, South Korea, Turkey, UK	1 each	173,000	14,705,000 \$
<b>Group owner, nationality of controlling interest</b>			
Unknown	6	335,845	29,540,926 \$
Greece	6	323,770	28,478,809 \$
China	2	105,200	9,253,392 \$
Bermuda, Japan, South Korea, Turkey, UK	1 each		
<b>Flag</b>			
Panama	4	230,300	20,257,188 \$
Marshall Islands	4	224,611	19,756,784 \$
Hong Kong	4	197,853	17,403,150 \$
Cyprus	3	155,804	13,704,520 \$
Malta	2	109,050	9,592,038 \$
Liberia and Singapore	1 each	56,000	4,760,000 \$
<b>P&amp;I Club</b>			
GARD AS	3	160,470	14,114,941 \$
North of England P&I Association	3	157,900	13,888,884 \$
Japan Ship Owners Mutual P&I	2	121,200	10,660,752 \$
Steamship Mutual	2	114,741	10,092,618 \$
UK P&I Club	2	111,400	9,798,744 \$
Britannia Steam Ship Insurance Association	2	109,100	9,596,436 \$
SKULD	2	108,803	9,570,312 \$
The Standard Club	2	92,300	8,118,708 \$
West of England Ship Owners' Mutual Insurance Association	1	53,806	4,732,776 \$

# The case of the looted goods



On 1 May 2017, an incident took place in South Africa that is highly relevant even to this date. That day, the bulk vessel *NM Cherry Blossom* was detained in Port Elizabeth under court order, on the application of the Saharawi Arab Democratic Republic (SADR). The vessel had only planned a brief visit in order to take on fuel for the long journey from Western Sahara to New Zealand. But a short time after it had entered port, the SADR government made application to the South African High Court, claiming the 55,000 tonne cargo was illegally mined and exported from Western Sahara by the Moroccan government.

On 15 June, a three-judge panel of the High Court in Port Elizabeth confirmed the acceptability of the order of 1 May 2017, and decided that the case was to continue to a trial.<sup>50</sup> 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 been warned over the years by Saharawi authorities?

OCP SA, Morocco’s state-owned phosphate company, bought back the cargo from the importing company Ballance Agri-Nutrients, thus acting as the owner in the legal proceedings. That July, however, OCP decided to drop defending its right to the cargo, accusing the South African court of rendering “a transparently political opinion” and committing “a serious abuse of power”, as such allegedly undermining “the UN resolution process”.<sup>51</sup>

On 23 February 2018, the High Court confirmed that the SADR was the owner of the entire cargo aboard of the *NM Cherry Blossom*, and that the ownership was never lawfully vested in OCP SA or Phosphates de Boucraa SA, who were not entitled to sell the phosphate rock to Ballance Agri-Nutrients.<sup>52</sup>

It is the first such case regarding the pillage of the territory’s resources.<sup>53</sup> 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.<sup>54</sup>

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

In 2017, while waiting for the legal case to proceed, the charterer had complained to the court about the financial loss caused to the shipping company for the delay. From what WSRW has obtained from court records, the firm Furness Withy Chartering alleges that the costs of the vessel’s detention amounted to 10,300 USD/day.

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

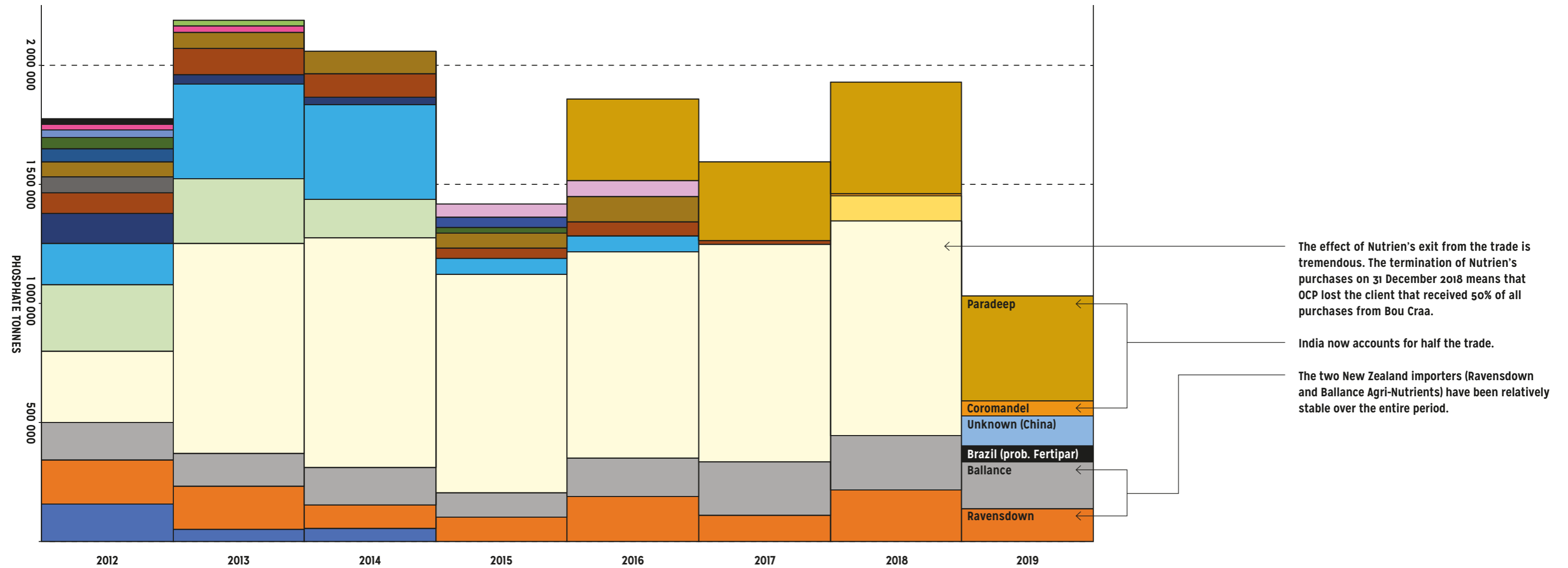
The stop-over in South Africa was a one-off incident for the New Zealand-based importer Ballance Agri-Nutrients. All New Zealand-bound vessels had normally travelled westwards via South America and the Pacific. To WSRW’s knowledge, ships to New Zealand had never before travelled via South Africa and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



A massive change has taken place in the client base since 2011. Never has the export been lower than in 2019.

The number of importing companies dropped from 15 in 2011 to 6 or 7 by 2019.

Imports per company as percentage of total exports								
	2012	2013	2014	2015	2016	2017	2018	2019
Paradeep Phosphates Ltd.					18.5%	20.7%	24.3%	42.9%
Ballance Agri-Nutrients Ltd.	8.9%	6.4%	7.6%	7.3%	8.7%	14.0%	11.8%	18.8%
Ravensdown Ltd	10.4%	8.2%	4.9%	7.1%	10.1%	6.9%	11.2%	13.4%
Unknown (China)								12.3%
Unknown (Brazil, Fertipar?)	1.4%							6.8%
Coromandel Ltd							0.5%	5.8%
Impact Fertilisers Pty. Ltd.	1.8%							
Incitec Pivot Ltd.	3.4%	3.2%	4.6%	4.5%	5.7%			
Innophos Mexicana	15.7%	12.3%	7.7%					
ISUSA	1.4%	1.2%						
Lifosa AB	9.8%	18.3%	19.4%	4.8%	3.7%			
Monomeros S.A.	4.7%	4.9%	4.8%	2.9%	3.1%	1.1%		
Nutrien (incl. Agrium/PotashCorp until 2018)	16.8%	40.3%	46.8%	64.7%	46.6%	57.3%	46.7%	
Sinofert Holdings Ltd							5.5%	
Tripoliven, CA	7.1%	1.8%	1.6%					
Unknown (Argentina)	3.1%							
Unknown (India)	8.8%	2.3%	2.6%					
Unknown (Lifosa AB?)				3.2%				
Unknown (Point Comfort, USA)		1.1%						
Unknown (South Korea)	3.9%							
Unknown (Ukraine)	2.6%			1.8%				
Unknown (Venezuelan Government)				3.7%	3.7%			
Amount of total export (tonnes)	1 775 000	2 187 000	2 058 400	1 415 000	1 858 250	1 591 840	1 928 000	1 027 818
Value of total export (\$)	\$ 340 mill.	\$ 330 mill.	\$ 230 mill.	\$ 167.8 mill.	\$ 213.7 mill.	\$ 142.74 mill.	\$ 163.9 mill.	\$ 90.4 mill.



“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.<sup>64</sup>

“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.<sup>65</sup>

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

Seven Seas Carriers, 2015<sup>66</sup>

“An unfortunate mistake”

Uglands Rederi regarding a transport done by a chartering company in 2015<sup>67</sup>

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

Wagle Chartering, 2009, after revelation<sup>68</sup>



*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.*



*“We have excluded Western Sahara as a territory for trade”, stated the Norwegian shipping company Spar Shipping on 10 January 2019.<sup>69</sup> The company undertook transports in 2015 and 2017. The photo shows the company’s headquarters.*

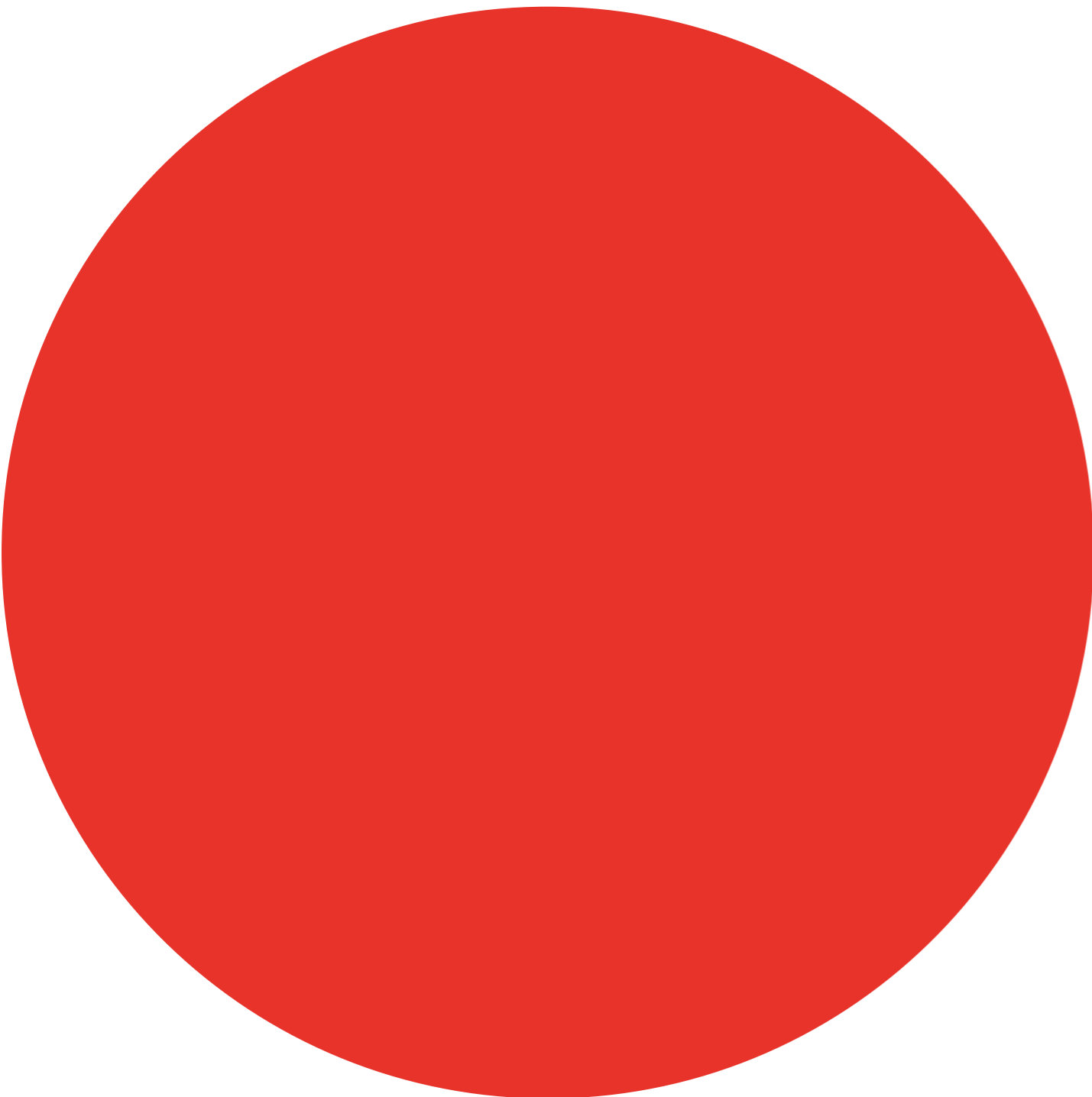


*“Grow some morals”: On 5 September 2019, New Zealanders block roads in Dunedin, preventing trucks from transporting phosphate rock from occupied Western Sahara to the fertilizer factory of Ballance Agri-Nutrients.*

-

# Companies involved in the trade

Six or seven companies and co-operatives were involved in the imports of Western Sahara phosphates rock in 2019.



1

## O.C.P SA (Morocco/Ireland)



OCP SA is a Moroccan state-owned company, which since 1975 has been in operation of the mine in Western Sahara. The work is carried out through its subsidiary Phosphates de Boucraa S.A.

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 SenateSHJ, DLA Piper, Covington & Burling, Palacio y Asociados, Edelman and Dechert LLP to advocate the suppositious legality of OCP's operations in Western Sahara. Besides carrying out lobbying-campaigns, the mentioned companies also write reports that allege the legal solidity of the Bou Craa exploitation on the grounds of being supposedly beneficial to the Saharawi people. None of these reports have been made available to Saharawis or to WSRW.

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



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

## 2 PARADEEP PHOSPHATES LTD (India/Morocco)



Paradeep Phosphates Limited (PPL) produces, markets and distributes phosphate-based fertilizers and by-products for agricultural use.<sup>70</sup> The company was established in 1981 as a joint venture of the government of India and the Republic of Nauru. In 1993, the government of India took complete ownership of the company. Due to significant losses near the end of the nineties, the government of India decided to divest 74% in February 2002. That stake was bought by Zuari Maroc Phosphates Pvt Ltd, a 50-50 joint venture of Zuari Agro-Chemicals Ltd (a subsidiary of Adventz Group of India) and Maroc Phosphore SA – a wholly owned subsidiary of OCP. Today, PPL operates as a subsidiary of Zuari Maroc Phosphates, which holds 80.45% stake, while the government of India holds the remaining 19.55%.<sup>71</sup> 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.<sup>72</sup>

According to WSRW's research, PPL received eight shipments of phosphate rock from occupied Western Sahara throughout 2019, totaling 440,668 tonnes worth an estimated USD 38.76 million. This is more or

less stable from the year before.

Due to the termination of exports to North America, Paradeep was in 2019, by far, the biggest importer of phosphate rock from the territory. The company purchased 43% of the Bou Craa production during the year.

As noted in our methodology chapter on page 10, internal OCP documents show that there could be a difference in the pricing that OCP employs for its own joint-venture company in India and for other customers internationally. WSRW on 13 January 2020 asked Paradeep why the company would potentially be paying OCP, one of its owners, a higher price than OCP appears to be charging other international clients of the same commodity.<sup>73</sup> If applying a price that is 20 USD/tonne higher than the price charged to others, the Indian-Moroccan joint-venture partners would have paid 10 million USD more to OCP than had the price been equal to what other international clients of Bou Craa rock pay. WSRW also wrote the company in 2015, 2017, 2018 and 2019. The company has never replied.

2019 is the fourth 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.<sup>74</sup>

## 3 BALLANCE AGRI-NUTRIENTS LTD (New Zealand)



*Kiran Adriatic is here observed off the Canary Islands in January 2019, just prior to entering Western Sahara waters. The vessel picked up 54,050 tonnes of phosphate rock that WSRW believes was shipped both to Ballance Agri-Nutrients and to Ravensdown.*

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.<sup>75</sup> The Ballance factories have been using Western Sahara rock since the 1980s. The firm signed a long-term supply agreement with OCP in 1999.<sup>76</sup> Ballance executives have on at least one occasion visited the Bou Craa mine in the occupied territory.<sup>77</sup>

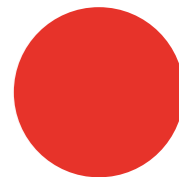
During the course of 2019, Ballance received five shipments of phosphate rock illegally excavated in occupied Western Sahara. The cargoes have an observed combined volume of 193,225 tonnes worth around USD 17 million. The 2019 imports are slightly lower than in 2017-2018. Ballance's 2016 imports of 161,000 tonnes were consistent with the firm's imports of 2012 through 2014, with a decrease to 104,000 tonnes in 2015.

There is some uncertainty to the cargo onboard the vessels *Kiran Adriatic*, *Venture Pearl* and *Amoy Dream*, which visited import ports for Ballance Agri-Nutrients and Ravensdown. This report uses the working assumption that half the cargo on the three vessels went to each of the two New Zealand co-operatives.

WSRW has annually contacted Ballance from 2015 but never received an answer to its questions.<sup>78</sup> 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".<sup>79</sup>

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."<sup>80</sup>

## 4 RAVENSDOWN LTD (New Zealand)



Ravensdown Fertiliser Co-operative Limited is a producer of agricultural fertilizers that operates as a farmer owned co-operative that is not listed on any stock exchange. The company imports to its plants in Lyttelton, Napier and Otago, New Zealand.

WSRW tracked four shipments to Ravensdown during 2019 – three of which were seemingly shared with Ballance Agri-Nutrients. The cargoes are estimated at 137,825 tonnes with a net value of around USD 12.2 million. That is a decrease of around 36% as compared to the previous year, when the company had imported 215,500 tonnes. However, Ravensdown's import levels have fluctuated over the years, ranging between 100,000 tonnes and 215,500 tonnes from 2014 to 2018. The pre-2014 import levels averaged at around 188,000 tonnes. WSRW asked the company about the trade on 17 January 2020, but received no answer.<sup>82</sup>

There is some uncertainty to the cargo onboard the vessels *Kiran Adriatic*, *Venture Pearl* and *Amoy Dream*, which visited import ports for both Ballance Agri-Nutrients and Ravensdown. This report uses the working assumption that half the cargo on the three vessels went to each of the two New Zealand co-operatives.

The company wrote to WSRW in April 2019, stating that "we carry out our due diligence on that supplier based on the UN framework and our own code of conduct and commercial position."

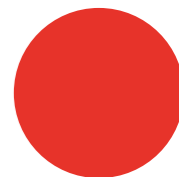
The company referred to a UN Framework for work "in territories like these", supposedly dictating that "The operations should promote economic advancement and provide direct and indirect benefits to the inhabitants of the territory and to the territory itself; Working conditions should be non-discriminatory; The operations should be conducted rationally and sustainably to ensure long-term access to resources."<sup>83</sup>

WSRW knows of only one UN Framework that is specifically applicable to the exploitation of mineral resources in Western Sahara, and that is the UN Legal Opinion of 2002.<sup>84</sup> That opinion clearly concludes that any exploitation of the territory's resources is to be done in line with the wishes and the interests of the people of Western Sahara in order to be lawful. It is the element of wishes – the corollary of the right to self-determination – that has been translated by different UN Treaty Bodies and the EU Court of Justice to the need for prior, free and informed consent. It is this key-element that Ravensdown keeps ignoring and concealing.



*Amoy Dream captured entering the port of Dunedin, New Zealand, on 14 August 2019, home to one of the Ravensdown plants. The vessel transported an estimated cargo of 55,200 tonnes. The cargo was received by local protestors.<sup>81</sup>*

## 5 UNKNOWN IMPORTERS IN CHINA

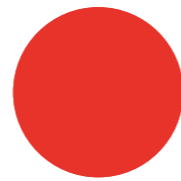


Two vessels went to China in 2019: one to harbour of Zhanjiang another to Nanjing. It is not known who the importer(s) of these cargoes are.

What is sure, is that one (or possibly two) shipment to the port of Lianyungang, China, on 28 November 2018 was for Sinofer Holdings Limited, the largest fertilizer producer and distributor in China. This is described in P for Plunder 2019. It is not known if the 2019 shipments are related to that same importer. The Chinese government-owned Sinochem Group holds a 53% interest in Sinofer, while Nutrien Ltd holds 22%, and the remainder is listed on the Hong Kong Stock Exchange.<sup>85</sup> WSRW has written a letter to Sinofer on 22 January 2019, questioning their new involvement in the controversial trade.<sup>86</sup> The company has not responded.

WSRW sent a letter to Nutrien on 22 January 2019, to inquire about the Sinofer matter. No reply has been received. Early 2018, Nutrien was formed through the merger of Agrium Inc and Potash Corporation of Saskatchewan Inc (PotashCorp), both latter firms were major importers of Western Sahara phosphate rock. At the end of 2018, Nutrien terminated the imports, following years of intensive shareholder engagement vis-à-vis the two companies<sup>87</sup>. From 2013 until 2018, Nutrien purchased around half of all the Bou Craa phosphate rock. Nutrien and its legacy firms lost a number of shareholders over the matter, including the Norwegian Government Pension fund, which divested its Nutrien shares worth 190 million USD.<sup>88</sup>

## COROMANDEL INTERNATIONAL LTD (India)

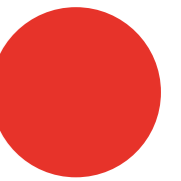


On 6 March 2019, a vessel carrying 59,600 tonnes of Western Sahara phosphates departed El Aaiún. It arrived at the port of Visakhapatnam, India, on 3 April. WSRW expects the importer to be Coromandel International Limited, the same company that imported a shipment to Visakhapatnam a year earlier.

Coromandel is, according to its own 2018 annual report, the second biggest phosphatic fertiliser player in India.<sup>89</sup> The company is registered on the National Stock Exchange of India, and has several large international investors among its owners.

WSRW sent letters to Coromandel on January 2019 and February 2020 to ask whether it had fulfilled the legal requirement of obtaining prior consent from the representatives of the territory for such trade, and whether this was a one-off import.<sup>90</sup> No reply was received.

## BRAZILIAN IMPORTER PROBABLY FERTIPAR



In 2019, two relatively small shipments went to the ports of Santos, Salvador and Antonina. These are the first imports to the Latin American country since a possible transport was observed in January 2012. The total imported volume was 70,400 tonnes, at a value of around USD 6 million.

WSRW expects the first – and probably also the second – vessel to have carried a cargo to the company Fertipar Fertilizantes do Parana Ltda. According to the Porto de Paranaguá customs, Fertipar took in a shipment of phosphate rock from “Morocco” both in July and in October. WSRW has confronted Fertipar with our information, twice, and the company has yet to respond.<sup>91</sup>

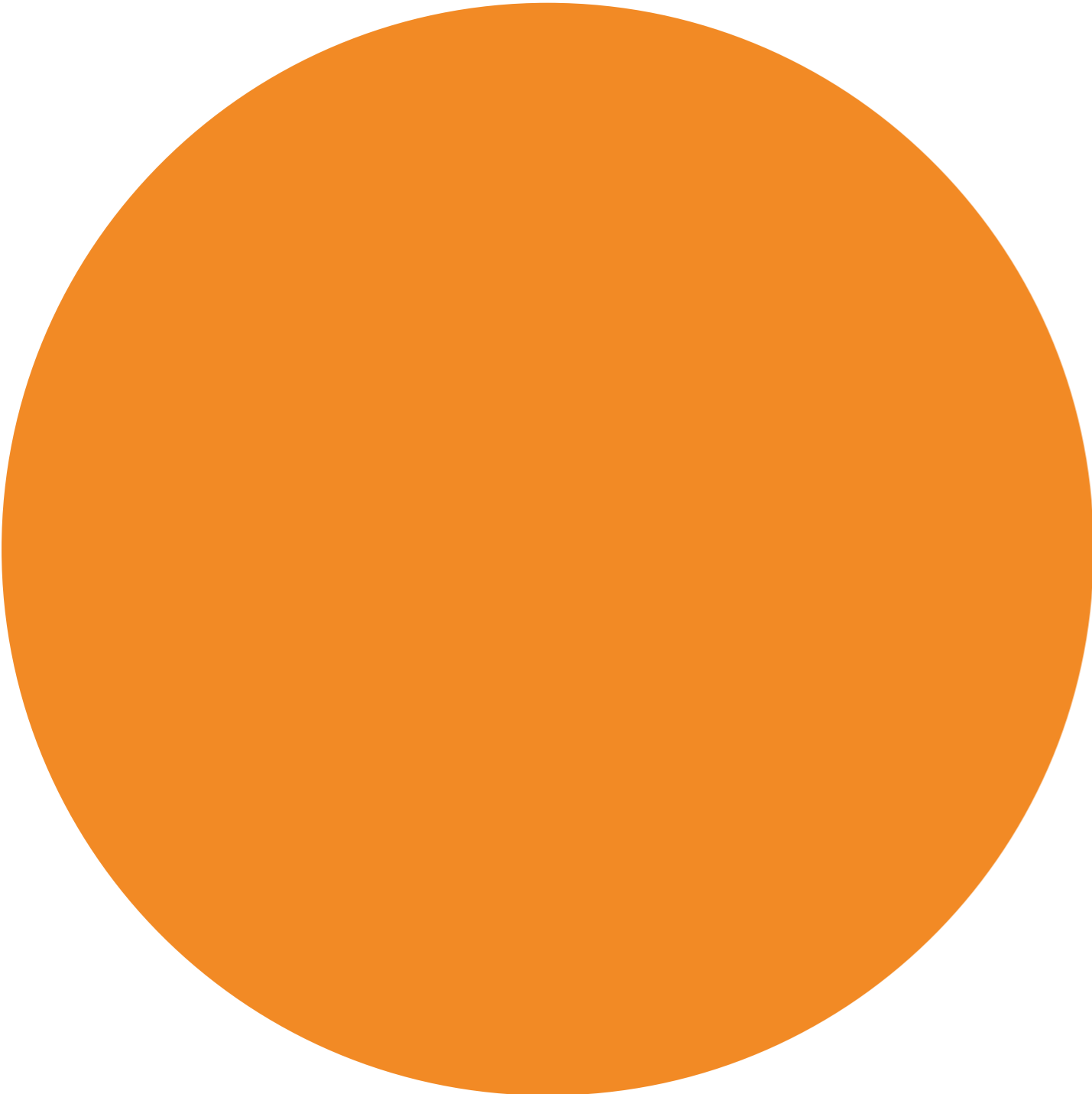
WSRW has been in contact with the three largest importers of Moroccan phosphate rock into Brazil – Heringer, Yara and Mosaic – who all reject that they are involved. Both Yara and Mosaic both have confirmed to WSRW that their policy to not purchase from Western Sahara remains unchanged.



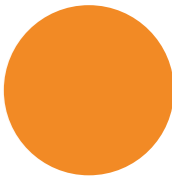
*Fertipar's headquarters in Curitiba. WSRW considers this chemical company as the likely importer in Brazil, but the company has not answered our letters.*

# Companies under observation

Some companies have in the past been identified and named as importers. The following companies have not been involved in the trade during recent years, but WSRW sees a risk that they would resume purchasing.



# INCITEC PIVOT LTD (Australia)



Incitec Pivot Ltd, also referred to as IPL, is an Australian multinational corporation that engages in the manufacturing, trading and distribution of fertilizers. The company's fertilizer segment includes Incitec Pivot Fertilisers (IPF), Southern Cross International (SCI) and Fertilizers Elimination (Elim).

Incitec Pivot has imported from Western Sahara for three decades. Since 2003, when Incitec Pivot arose out of a merger between Incitec Fertilizers and Pivot Limited, the company had been importing continuously.

Incitec Pivot has its headquarters in Melbourne, Victoria, Australia, and is registered on the Australian Securities Exchange. Today, Incitec Pivot is the largest supplier of fertilizer products in Australia, but also markets its products abroad, such as in India, Pakistan and Latin America.<sup>92</sup> IPL manufactures a range of fertilizer products, and used the Saharawi phosphate for its so-called superphosphate products produced at plants in Geelong and Portland.<sup>93</sup>

The last shipments observed to Incitec Pivot were in 2016, when the firm procured three consignments of phosphate rock from Western Sahara, totalling 105,000 tonnes, worth an estimated USD 12.1 million. That was a substantial increase from its 2015 imports of 63,000 tonnes of Saharawi phosphate, as confirmed by the company.

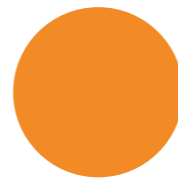
Incitec Pivot told the Australian Western Sahara Association in December 2017 that there had been no imports since December 2016, as it now sources its phosphate rock in Togo. WSRW has indeed not tracked any shipments to the company since then.

WSRW last wrote IPL on 3 December 2019, without reply.<sup>94</sup>



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

# LIFOSA AB (Lithuania/Switzerland/Russia)



*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.*

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 received 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."<sup>95</sup> The cargo was destined for Lifosa, as Lifosa's managing director admitted to Lithuanian media.<sup>96</sup> EuroChem confirmed to WSRW on 23 March 2017 that its subsidiary had indeed imported 68,250 tonnes on board the *SBI Flamenco*.<sup>97</sup>

"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 Kovdor-skiy 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 since October 2016. WSRW last wrote to EuroChem on 3 December 2019 to seek confirmation that the company has now stopped all further imports from Western Sahara.<sup>98</sup> The company responded that it has 'no plans' to purchase from Western Sahara again.<sup>99</sup>

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



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

Since May 2017, when Saharawi phosphate shipments were detained in South Africa and Panama, no transports to Colombia and Venezuela have been observed. The Colombian company Monmeros Colombo Venezolanos S.A. is a petrochemical company fully owned subsidiary of the Venezuelan state owned petrochemical company Pequiven (Petroquímica de Venezuela SA). The company used to import to Barranquilla. The last proven import incident to Monmeros was a single shipment in calendar year 2017, totaling approximately 17,000 tonnes. The imports have thus reduced dramatically: in 2016, Monmeros imported 58,000 tonnes.

WSRW on several occasions raised the matter with both Monmeros and its parent company Pequiven, as well as the Venezuelan government. None of them responded to any of our letters. The Venezuelan importer Tripoliven in 2013 denied importing from Western Sahara, which later proved to be incorrect.<sup>100</sup>

For more about the imports to Puerto Cabello, Venezuela, please see P for Plunder 2016.<sup>101</sup>

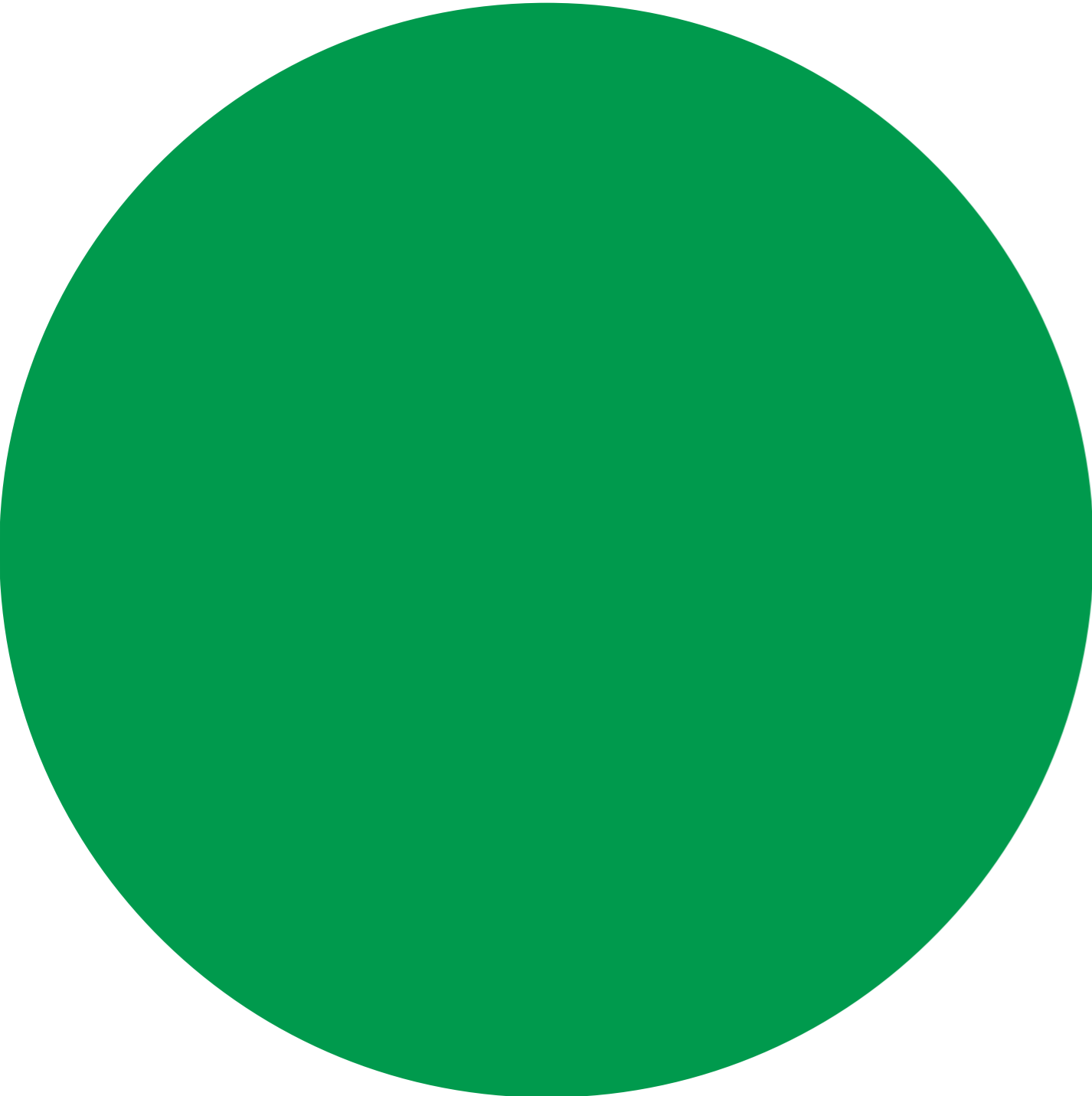
## Indian importers

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 was not 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 or have publicly stated they'd halt all further purchases, and WSRW sees little risk that they would resume purchases.



# Impact Fertilisers Pty Ltd (Australia/Switzerland)

Australian phosphate importer Impact Fertilisers imported phosphates from Western Sahara, at least from 2002 through 2012. The company imported the rock to Hobart, Tasmania. In 2010 the company became part of Ameropa, a Swiss privately owned grain and fertilizer trading company. Western Sahara groups in both Australia and Switzerland campaigned against the company for many years. In 2013 Impact announced it had halted the imports from Western Sahara.<sup>102</sup> WSRW has not observed shipments to Impact since August 2012.

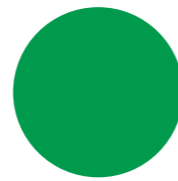
*Impact Fertilisers in Tasmania has not imported since the arrival of Alycia in Hobart harbour on 7 August 2012.*



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

The Uruguayan company Nidera Uruguay S.A., subsidiary of Dutch trading company Nidera NV, received one vessel containing phosphate rock from Western Sahara in 2009. WSRW confronted Nidera Uruguay with the information about the 2009 vessel in a letter 21 June 2010.<sup>103</sup> 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.<sup>104</sup>

# INNOPHOS HOLDINGS (USA)



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

A Mexican subsidiary of the US registered company Innophos Holdings was for many years 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.<sup>105</sup>

The PotashCorp plant, which had provided Innophos with Saharawi phosphate, was closed by the end of 2018 by Nutrien, the merger of PotashCorp Inc. and Agrium Inc.<sup>106</sup>

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.<sup>107</sup> 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.<sup>108</sup> For the same reason, the company has also been kicked out of the portfolios of the Luxembourg Pension Fund and Danske Bank, among others.<sup>109</sup>

# 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.<sup>110</sup>

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

# 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.

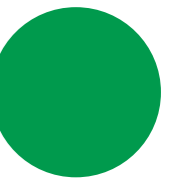
On 25 August 2010, Mosaic informed WSRW that it had received its last shipment of Western Sahara phosphate rock on 29 January 2009 and that it "has no plans" to import from the territory again.<sup>111</sup> Mosaic confirmed to the Swedish investor and shareholder Nordea that it had halted imports: "Mosaic 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.<sup>112</sup>

# BASF SE (Germany/Belgium)



BASF was one of the leading importers through the 1990s. It received its last known shipment to Belgium in 2008.<sup>114</sup> 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."<sup>115</sup>

# 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.<sup>113</sup> 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.

*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.*

# Other companies

Some companies that have previously been on WSRW's observation list, were later moved over to the list of companies that are no longer involved. The reason for this is that such a long time has passed since a shipment took place that we expect them not to be engaged again. These are: **Petrokemija PLC** from Croatia (last shipment in 2006), **Tata Chemicals** from India (last shipment in 2006), **Zen Noh** from Japan (last shipment in 2006) and **Agropolychim AD** from Bulgaria (last shipment in 2008). None of these companies have responded to requests from WSRW.

# Lobbying law firms

In defense of their phosphate imports from Western Sahara, several companies have referred to legal opinions by different law firms retained by OCP.

These legal opinions are systematically used by the international phosphate importers to legitimize their imports vis-à-vis shareholders. The confidential analyses are said to establish that the local people benefit from the industry. However, the local people – the owners of the phosphates – are themselves not allowed to see the opinions, and are thus unable to assess their veracity. All aspects related to Terms of Reference, methodology or findings are thus impossible for the Saharawis to question.

As the opinions allegedly have found Morocco's exploitation of the Saharawi people's resources lawful, WSRW believes that there is little reason to withhold them from the Saharawis.

Four international lobbying law firms are behind such undisclosed opinions.

**Covington & Burling LLP** is an international law firm with offices in Europe, USA and China, which advises multinational corporations. Among its clients is OCP.

Both the Belgian importer BASF and the Spanish importer FMC Foret referred to Covington & Burling's legal opinion made for OCP, but neither wished to disclose the report. BASF at the time (November 2008) urged WSRW to contact Covington & Burling for further questions. WSRW had contacted the firm in February 2008, but received no reply. When phoning the company to ask for a meeting, Covington & Burling replied that they "would not engage with you at all regarding anything at all. You're not my client, and as far as I can see you have no interest or stake in our company."<sup>16</sup>

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.<sup>17</sup>

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".<sup>18</sup>

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.<sup>19</sup> Ana Palacio, head of Palacio y Asociados, wrote back to express her disagreement with WSRW's analysis and also cited legal privilege.<sup>20</sup>

In November 2015, PotashCorp named the firm **Dechert LLP** and Palacio y Asociados as co-authors of a legal opinion. Dechert LLP is an international law firm, headquartered in Philadelphia, USA, with offices in 14 countries.

Up until August 2014, PotashCorp had named DLA Piper as the partner of Palacio y Asociados. It is not clear whether the Dechert-Palacio opinion is different from the DLA Piper-Palacio opinion. The missing link between the two could be Myriam González Duránte, wife of Britain's former Deputy Prime Minister Nick Clegg, who represented OCP when working at DLA Piper, but who is said to have taken the OCP contract with her when she moved to Dechert. OCP has reportedly paid an estimated USD 1.5 million for work carried out by both Dechert and DLA Piper.<sup>21</sup>

Dechert replied to WSRW's letter of 8 February 2016 that it could not disclose its legal opinion for OCP due to client confidentiality.<sup>22</sup>

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

From 2019, a New Zealand lobby firm, **SenateSHJ**, started representing OCP in New Zealand, handling the Moroccan company's public relations in the country. WSRW wrote SenateSHJ on 11 February 2020.<sup>23</sup>

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

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.

On 21 May 2019, the EU Member States adopted a Regulation limiting the amount of contaminants such as cadmium contained in fertilisers.<sup>124</sup> The aim is to limit the EU population's exposure to this heavy metal due to its adverse health effects, particularly in terms of its potential of causing cancer. Phosphate fertilizers are responsible for 60% of current cadmium deposits to crops and soils within the EU, as documented in a February 2017 study by the European Parliament's Policy Department.<sup>125</sup>

The Regulation now caps the cadmium level at 60 mg/kg.<sup>126</sup> Member States are still permitted to use stricter limitations, which is already the case in countries like Germany, Finland, Denmark, Czech Republic, Hungary, Netherlands, Sweden and Slovakia.<sup>127</sup>

The original proposal by the EU Commission was stricter: a 60 mg/kg of phosphate at the date of the deal application, 40 mg/kg three years later, and 20 mg/kg after another 12 years. This proposal was accepted by the European Parliament, albeit with an adjusted timeline (40 mg/kg in six years after date of application, 20 mg/kg in 16 years).

But Member States such as Spain, Italy, Poland, Portugal and the UK opposed any limits below 60 mg/kg, while the fertilizer industry mounted tough opposition.

Ferocious counter-lobby however also came from Morocco.

The phosphate rock managed by OCP – thus including the Western Sahara rock – is said to contain on average between 29.5 to 72.7 mg/kg.<sup>128</sup> The European Parliament's Policy Department paints an even bleaker picture, citing levels of 38-200 mg Cd/kg.

OCP makes 32% of its sales in Europe.<sup>129</sup> Since the initially proposed regulation would have resulted in the nullification of that sales figure over time, OCP unleashed an intense counter-lobby. OCP argued that there is not enough scientific proof to underpin the idea of limiting cadmium levels, and suggested the EU to even raise cadmium levels to 80 mg/kg, far higher than the suggestion of the EU Commission. On 11 May 2016, OCP sent a letter to the Commission, stating it disagreed with the proposal. OCP also lamented that "major fertilizer producers [...] had not been consulted".<sup>130</sup> The irony is that OCP itself refuses to seek the consent from the people of Western Sahara upon plundering the territory's phosphate rock.

OCP retained Dechert and the PR firm **Edelman** to lobby against the EU proposal.<sup>131</sup> 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.<sup>132</sup>

While the final Regulation will thus not result in a complete market loss for OCP, it does seem that Western Sahara phosphate rock will no longer be welcome on the EU market. There is consensus among researchers that the cadmium content in phosphate rock from Bou Craa is considered around 100 mg/kg.<sup>133</sup>

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

# Recommendations

**To the Government of Morocco:**

- To respect international law and immediately terminate the production and exports of phosphates from occupied Western Sahara until a solution to the conflict has been found.
- To respect the right to self-determination of the people of Western Sahara, through cooperating with the UN for a referendum for the people of the territory.
- To compensate the Saharawi people for the benefits it has accrued from the sales of phosphate rock from the illegally occupied territory.

**To the purchasers of phosphates from Bou Craa mine:**

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

**To the governments of China, India, Brazil and New Zealand:**

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

**To the shipping companies transporting phosphate rock out of Western Sahara**

- To refrain from shipping commodities out of Western Sahara.
- To install a provision in shipping contracts preventing the use of vessels for transporting commodities out of the territory.

**To investors:**

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

**To Covington & Burling, Dechert, DLA Piper, KPMG, Edelman and Palacio y Asociados:**

- To publish all reports written for OCP which aim to justify OCP’s activities in occupied Western Sahara and the illegal export trade in Saharawi phosphate.
- To refrain from defending Morocco’s plunder of the territory by stopping the undertaking of assignments to legitimize its continuation.

**To the European Union:**

- To assess trade in products originating in Western Sahara and adopt policies that ensure that such trade is consistent with the Court of Justice of the EU judgment of 21 December 2016 and with the duty on States under international law not to recognize Morocco’s sovereignty over occupied Western Sahara.
- To develop business advisory guidelines warning of the legal and reputational risks of doing business with Moroccan interests in the territory.
- To ensure European companies adhere to the principles established in the Court of Justice of the EU judgment of 21 December 2016, assuring that EU companies do not purchase phosphates from Western Sahara.

**To the United Nations:**

- To create a UN administration to oversee or otherwise administer Western Sahara’s natural resources and revenues from such resources pending the self- determination of the Saharawi people.

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

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

Annex 2:

The shipping companies behind the controversial phosphate transports, 1 January 2019 to 31 December 2019

WSRW has contacted most of the operators representing the 19 vessels. Letters from WSRW, and answers are found on <http://www.wsrw.org/a131x4611>

No	Vessel Name	IMO	Flag	Departure from Western Sahara	Destination (importer)	Arrival	DWT	Estimated cargo (tonnes)	Reg. owner	Reg. owner address	Reg. owner nationality of registration	Group owner	Group owner - registered nationality	Group owner - nationality of controlling interest	Operator	Operator address	Operator - nationality of control	Operator - nationality of registration	Operator email	Operator website	P&I Club
1	Kiran Adriatic	9653185	Malta	20.01.2019	Napier/Timaru/Otago/Tauranga, New Zealand (Ballance and Ravensdown)	07-26.03.2019	63477	54050	Montana Maritime Ltd	CO Pasifik Gemi Isletmeciligi ve Ticaret AS, Kat 2, Block B, Denizciler Is Merkezi, Ord Prof Fahrettin Kerim, Gokay Caddesi 14, Altunizade Mah, Uskudar, 34662 Istanbul,	Turkey	Kiran Holdings AS	Turkey	Turkey	Pasifik Gemi Isletmeciligi	Kat 2, Block B, Denizciler Is Merkezi, Ord Prof Fahrettin Kerim Gokay Caddesi 14, Altunizade Mah, Uskudar, 34662, Istanbul	Turkey	Turkey	kiran@kiran.com.tr	kiran.com.tr	Skuld
2	SBI Lyra	9705158	Marshall Islands	14.02.2019	Paradip, India (Paradeep)	15.04.2019	61559	59741	Star Lyra Shipping Ltd	C/O Scorpio Commercial Management, Le Millennium, Bd Charles III, 98000 Monaco-Ville	Monaco	Unknown	Unknown	Unknown	Scorpio Commercial Management	Scorpio Commercial Management, Le Millennium, Bd Charles III, 98000 Monaco-Ville	Monaco	Monaco	smi.fleet01@scorpiogroup.net		Steamship Mutual
3	Trans Autumn	9615470	Hong Kong	22.02.2019	Tauranga/Bluff, New Zealand (Ballance Agri-Nutrients)	13-17.04.2019	56838	50000	Autumn Maritime Ltd	99, Lujiang Dao, Siming Qu, Xiamen, Fujan, 36001	China	Amoysailing Maritime Co Ltd	China	China	Amoysailing Maritime Co Ltd	99, Lujiang Dao, Siming Qu, Xiamen, Fujan, 36001	China	China	management@amoysailing.com	amoysailing.com	Gard
4	Leo Ocean	9738923	Panama	06.03.2019	Visakhapatnam, India (Coromandel)	03.04.2019	61315	59600	Super Camellia SA	C/O Diamond Bulk Carriers Pte Ltd, 33-02, Centennial Tower, 3, Temasek Avenue, Singapore 039190	Panama	Mitsubishi Corporation	Unknown	Unknown	Super Camellia SA	C/O Diamond Bulk Carriers Pte Ltd, 33-02, Centennial Tower, 3, Temasek Avenue, Singapore 039190	Unknown	Panama	chartering@diamondbulkcarriers.com		Japan Ship Owners Mutual P&I
5	Edelweiss	9283980	Cyprus	30.03.2019	Zhanjiang, China (Unknown)	01.05.2019	73624	71400	Atlantic Boss Shipping Ltd	C/O Transmed Shipping Ltd-LIB, 67, Thiseos Ave, Nea Erythraia, 14671 Athens	Cyprus	Transmed Shipping Ltd-LIB	Liberia	Greece	Transmed Shipping Ltd-LIB	67, Thiseos Ave, Nea Erythraia, 14671 Athens	Greece	Liberia	transmed@shipnet.gr		North of England P&I Association
6	Serene Theodora	9567946	Malta	01.05.2019	Paradip, India (Paradeep)	27.05.2019	57227	55000	Sictus 3 Ltd	C/O Chandris (Hellas) Inc, 95, Akti Miaouli, 18538 Piraeus	Malta	Chandris Group	Greece	Greece	Chandris Hellas Inc	95, Akti Miaouli, 18538 Piraeus	Greece	Liberia	chandris-hellas@chandris-group.gr	chandris-hellas.gr	Steamship Mutual
7	Venture Pearl	9483279	Liberia	01.06.2019	Tauranga/Otago/Bluff, New Zealand (Ballance and Ravensdown)	24.07.2019	55639	54000	VBA Jakarta PT	Jalan Teuku Nyak Areif 9-F, Kel Grogol Selatan, Jakarta, 12220	Indonesia	Unknown	Unknown	Unknown	HBC Asia Pte Ltd	12-91/92, The Central, 8, EU Tong Sen Street, Singapore 059818	Germany	Singapore	chartering@hbc-asia.com		North of England P&I Association
8	Evnia	9232163	Cyprus	23.06.2019	Paradip, India (Paradeep)	21.07.2019	53806	51904	Tranquil Navigation Co Ltd	16 Panteli Kapelari, Diagoras House, Floor 7, 1097, Nicosia, Cyprus	Unknown	Unknown	Unknown	Unknown	Tranquil Navigation Co Ltd	16 Panteli Kapelari, Diagoras House, Floor 7, 1097, Nicosia, Cyprus	Unknown	Cyprus			West of England Ship Owners' Mutual Insurance Ass.
9	Amoy Dream	9583615	Hong Kong	06.07.2019	Tauranga/Otago/Lyttelton/Napier, New Zealand (Ballance and Ravensdown)	14.08.2019	56873	55200	Dream Maritime Ltd	C/O Amoysailing Maritime Co Ltd, 99, Lujiang Dao, Siming Qu, Xiamen, Fujan, 36001	China	Amoysailing Maritime Co Ltd	China	China	Amoysailing Maritime Co Ltd	99, Lujiang Dao, Siming Qu, Xiamen, Fujan, 36001	China	China	management@amoysailing.com	amoysailing.com	UK P&I Club

№	Vessel Name	IMO	Flag	Departure from Western Sahara	Destination (importer)	Arrival	DWT	Estimated cargo (tonnes)	Reg. owner	Reg. owner address	Reg. owner nationality of registration	Group owner	Group owner - registered nationality	Group owner - nationality of controlling interest	Operator	Operator address	Operator - nationality of control	Operator - nationality of registration	Operator email	Operator website	P&I Club
10	Orient Tribune	9467603	Cyprus	09.07.2019	Salvador/Antonina, Brazil (Probably Fertipar)	20.07.2019	33458	32500	Lapithos Shipping Ltd	C/O Global Carriers Ltd, 42, Agion Anargyron Str, Marousi, 151 24 Athens, Greece	Marshall Islands	Ocean Carriers Shipping Ltd	Greece	Greece	Global Carriers Ltd	Global Carriers Ltd, 42, Agion Anargyron Str, Marousi, 151 24 Athens, Greece	Greece	Marshall Islands	info@globalcarriersltd.com		North of England P&I Association
11	Santa Alexandra	9820934	Panama	27.08.2019	Bluff/Tauranga, New Zealand (Ballance Agri-Nutrients)	15.10.2019	63551	61600	Marugame/Le Darien	C/O Shoei Kisen KK, 4-52 Kora-cho 1-chome, Imabari-shi, Ehime-ken, 799-2111, Japan	Panama	Marugame Kisen Kaisha Ltd	Japan	Japan	Rudolf A Oetker A/S Co KG	Willy Brandt Strasse 59-65, 20457 Hamburg	Germany	Germany	dry@rao-shipping.biz	rao-shipping.biz	Japan Ship Owners Mutual P&I
12	SFL Humber	9615561	Hong Kong	30.08.2019	Paradip, India (Paradeep)	27.09.2019	56970	54753	SFL Humber	Suite B, 12th fl, Two Chinachem Plaza, 135, Des Voeux Road Central, Hong Kong, China	Liberia	SFL Corpora-tion Ltd	Bermuda	Bermuda	Hyundai Glovis Co Ltd	512, Yeongdong-daero, Gangnam-gu, Seoul, 06172	South Korea	South Korea	webmaster@glovis.net	glovis.net	Skuld
13	Themis	9452543	Marshall Islands	20.09.2019	Paradip, India (Paradeep)	15.10.2019	58487	56000	Ithaca Shipping SA	C/O Navina Maritime SA, 42, Vouliagme-nis Ave, Voula, 16673 Athens	Marshall Islands	Navina Maritime SA	Liberia	Greece	Navina Maritime SA	42, Vouliagmenis Ave, Voula, 16673 Athens	Greece	Liberia	info@navina.gr		Gard
14	Federal Crimson	9732151	Singapore	12.10.2019	Lyttelton/Napier, New Zealand (Ravensdown)	16.11.2019	57981	56200	MMSL Pte Ltd	32-02, Frasers Tower, 182, Cecil Str, Singapore 069547	Singapore	Marubeni Corp			Fednav Ltd	Bureau 3500, 1000, rue de la Gauchetiere Q, Montreal QC H3B 4W5, Canada	Canada	Canada	info@fednav.com		UK P&I Club
15	Wulin	9657870	Hong Kong	15.10.2019	Santos, Brazil (Probably Fertipar)	28.10.2019	39049	37900	Bdelta Vessel No 4 Pty Ltd	C/O The China Navigation Co Pte Ltd, 27-01, The Concourse, 300, Beach Road, Singapore 199555	Australia	Swire & Sons Ltd	United Kingdom	United Kingdom	China Navigation Co Pte Ltd	27-01, The Concourse, 300, Beach Road, Singapore 199555	United Kingdom	Singapore	sq.qam@swirecnco.com	chinanav.com	The Standard Club
16	Ionic Storm	9332963	Marshall Islands	26.10.2019	Paradip, India (Paradeep)	22.11.2019	56032	54400	Scotia Projects Ltd	C/O Ionic Shipping (Mgt) Inc, 93, Poseidonos Ave, Glyfada, 166 74, Athens, Greece	Marshall Islands	Ionic Holdings Inc	Marshall Islands	Greece	Ionic Shipping Mgt Inc	93, Poseidonos Ave, Glyfada, 166 74, Athens, Greece	Greece	Marshall Islands	technical@ionicship.com	www.ionicship.com	Britannia Steam Ship Insurance Association
17	Pacific Bless	9626948	Panama	18.11.2019	Nanjing, China (Unknown)	18.12.2019	56361	54700	Kmarin No 3B SA	C/O Kukje Maritime Investment Corp (Kmarin), 10th Fl, Biz-Center Building, 45, Supyo-ro, Jung-gu, Seoul, 100-32, South Korea	Panama	Kmarin	South Korea	South Korea	Kmarin	10th Fl, Biz-Center Building, 45, Supyo-ro, Jung-gu, Seoul, 100-32, South Korea	South Korea	South Korea	kmarin@kmarin.co.kr	kmaringroup.com	Britannia Steam Ship Insurance Association
18	Sider Tis	9311490	Panama	26.11.2019	Paradip, India (Paradeep)	24.12.2019	56056	54400	Tiagu Worldwide Shipping SA	C/O Nova Marine Carriers SA, Via Bagutti 5, 6900 Lugano, Switzerland	Panama	Unknown	Unknown	Unknown	Nova Marine Carriers SA	Via Bagutti 5, 6900 Lugano, Switzerland	Switzerland	Switzerland	secretary@marinecarriers.com, chartering@marinecarriers.com	novamarinecarriers.com	The Standard Club
19	Olympic Pegasus	9545728	Marshall Islands	28.12.2019	Paradip, India (Paradeep)	26.01.2020	56726	54470	Superior Navigation SA	C/O Olympic Vision Maritime Co Inc, 8, Zefyrou Street, Palaio Faliro, 175 64 Athens, Greece	Marshall Islands	Onassis Group	Greece	Greece	Olympic Shipping & Management	8, Zefyrou Street, Palaio Faliro, 175 64 Athens, Greece	Panama	Greece	contact@olyship.com	olyship.com	Gard

“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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