

To the attention of Ms Jacinda Ardern,
Prime Minister of New Zealand

Brussels, 9 March 2020

Re. New Zealand's imports of phosphate rock from occupied Western Sahara

Dear Ms Ardern,

Western Sahara Resource Watch is privileged to present you with our regards. We would like to thank for the very constructive meeting that you had with the former chair of our association, Mr Erik Hagen, in 2015 while you were Member of Parliament. We would also like to congratulate New Zealand for its positive stance on Western Sahara, most importantly while New Zealand had a seat on the UN Security Council.

We are writing to enquire about what steps the Government of New Zealand is taking to stop the highly controversial imports of conflict minerals from Western Sahara into the country.

The 2020 edition of our "P for Plunder" report, providing an annual overview of the phosphate trade from Western Sahara during the previous calendar year, shows that Ravensdown Ltd and Ballance Agri-Nutrients Ltd have taken in a third of the entire year's exports from the occupied territory. Both cooperatives arrange their imports from the territory through deals with OCP SA, Morocco's state-owned phosphate company, which exploits the phosphate reserves of Western Sahara in violation of international law. Please find the report here: https://www.wsrw.org/files/dated/2020-02-24/p_for_plunder_2020-web.pdf

We note that the value of the exports to New Zealand equals the amount of multilateral aid spent on the most vulnerable categories of the Saharawi refugee population living in Algerian desert camps – all people, and their descendants, who had to flee their homeland during Morocco's invasion in 1975 that was condemned by the UN Security Council. We understand you visited these refugee camps in 2008 and you would be well aware of the plight of the Saharawi refugee.

In the last decade, a dozen of companies have stopped sourcing phosphate rock from Western Sahara. Initially all of those companies had stated that they were depended on the specific quality and characteristics of the rock from the territory – similar to the argumentation used now by Ravensdown and Ballance Agri-Nutrients. We submit that if other companies, including relatively small ones, manage to get by without the rock from Western Sahara, then so can the Kiwi cooperatives.

Other than that, we see no arguments that would warrant continuation of the trade. The author of the UN Legal Opinion on the exploration and exploitation of Western Sahara's mineral resources – concluding that any such activity is illegal if not undertaken in accordance with the interests and the wishes of the people of Western Sahara – has recently referred to the phosphate trade.

"I refer again to what I have said about the fisheries agreements in the past. To be legal, such an agreement would have to contain an explicit reference to the fishing zone off the coast of Western Sahara, defined by coordinates. The regime for issuing fishing licences within this zone would have to be completely separate from the regime that applies in the Moroccan fishing zone. Furthermore, the revenues generated by the licences in the zone of Western Sahara would have to be delivered not to Morocco's public treasury or equivalent but to a separate account that can be audited independently by representatives of the people of Western Sahara so that they can ascertain that the revenues are used solely in accordance with the needs and interests of their people. This system must apply also to other natural resources in Western Sahara, such as phosphates, oil or gas, or other resources, be they renewable or non-renewable."

Saharawis have consistently spoken out against Morocco's exploitation of their land's natural resources. We understand that their UN-recognised representation, the Polisario Front, has initiated legal action against New Zealand's Superannuation Fund.

All this taken into account, WSRW would appreciate clarifications on the following questions.

- 1) We have noted that the Government of New Zealand has requested Ballance Agri-Nutrients and Ravensdown to seek alternative sources. Has your government assisted the two firms to obtain such sources – or will it?
- 2) One of the three Australian companies, CSBP (Wesfarmers), stopped the imports following global investor pressure, managed to obtain alternative sources after installing new technology at their factory in Western Australia. Is there a technological reason why New Zealand factories depend on Western Sahara, and if yes, would your government offer financial aid to the industry so that the two companies' factories can obtain the phosphate rock from elsewhere?
- 3) We have noticed that the Government of New Zealand holds shares in both companies through LandCorp Farming Ltd. What has your government done, in the capacity as shareholder in the two firms, to change the sourcing practices of Ravensdown and Ballance Agri-Nutrients?
- 4) Due to the carcinogenic effect of cadmium, a new EU Regulation (which we refer to on page 39 in our report), makes it impossible for the EU to import phosphate rock from Western Sahara, as it is naturally high in cadmium. Given the health-risks, will New Zealand consider adopting a similar policy of phasing out phosphate rock that contains high levels of heavy metals?

Given your country's stated commitment to the promotion of human rights internationally, we request that the Government makes use of this leverage to ensure that New Zealand and its farmers are not connected to Morocco's continued occupation of Western Sahara and to the serious and gross human rights violations it inflicts on Saharawis who advocate for their basic rights in the territory.

As the number of countries engaged in the trade is diminished, we wish to highlight the risk for an increasing focus on New Zealand farmers as solitary partners to the Moroccan occupation.

There is a real risk that New Zealand's unique role in this trade might jeopardise the good reputation of the New Zealand farming industry, particularly in markets where awareness about the brutal occupation of Western Sahara is higher than in New Zealand. There is also a risk that New Zealand's reputation and standing in the world will be further damaged due to this illegal and ethical trade.

We look forward to hearing from you on these important issues.

Sincerely,

Sara Eyckmans
Coordinator
Western Sahara Resource Watch

A copy of this letter has been sent to:

- *Mr Winston Peters, Minister of Foreign Affairs of New Zealand*
- *Mr Damien O'Connor, Minister of Agriculture of New Zealand*
- *Mr David Parker, Minister for Trade and Attorney General of New Zealand*