

WSRW REPORT – APRIL 2018

# P FOR PLUNDER

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

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

# 2017



**WSRW** WESTERN SAHARA  
RESOURCE WATCH

*Continuing the trend of recent years, Canadian owned companies were responsible for over half of the exports of phosphate rock from occupied Western Sahara in 2017. From 2018, the two former importers Agrium and PotashCorp merged into what is now called Nutrien – by far the biggest purchaser of the conflict rock from occupied Western Sahara.*



# 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 fifth 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 the Moroccan government's main source 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 2017, naming all shipments of phosphates from occupied Western Sahara. The imports of Morocco's production in Western Sahara in 2017 are attributed to six companies in five countries internationally, while approximately 70 companies worldwide have been identified as owning or operating the vessels that have transported the phosphate rock to the importers.

A remarkable development of 2017 is the arrest in South Africa of a vessel carrying phosphate rock from Western Sahara to a New Zealand based importer, and the South African High Court placing rightful ownership of the cargo in the exiled government of Western Sahara. The effect on the trade has been noticeable. Three previously long-term importers seemingly stopped buying after this incident, and the transit routes were shifted to abandon stop-overs in Panama and South Africa.

2017 thus saw the lowest number of importers ever recorded by WSRW. To compare, in 2012 there were 15 importers in 12 countries. Now, the numbers are down to a third.

This report details a total exported volume from Western Sahara in 2017 of 1.59 million tonnes, with an estimated value of \$142.74 million, shipped in 27 bulk vessels. That constitutes a decrease in exports since 2016, the report shows, largely explained by a declining number of importers and a lower price for phosphate rock at the world market. The largest importer in 2017 was Agrium Inc. from Canada. The operator most heavily involved is Ultrabulk A/S from Denmark, accounting for 4 of the 27 shipments in 2017.

Of the six identified importing companies in 2017, only two are registered on international stock exchanges. Both have been subject to blacklisting by ethically concerned investors because of this trade, and in January 2018 they formally merged into what is today Nutrien. Of the remaining four importers, two are farmer owned cooperatives in New Zealand, one is fully owned by the Government of Venezuela and one is partially owned by the Government of India.

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

## List of abbreviations

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

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## Front page

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

## Design

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## Photos

Berserk Productions (P. 1),  
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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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# The Controversy



Unemployed Saharawi graduates protested against OCP's employment policies from December 2015. For over a month, there were daily demonstrations in the streets of El Aaiun. Protests have continued ever since. In March 2017, a group of 60 unemployed Saharawis took control of a bus owned by Phosboucraa, and threatened to collectively self-immolate in protest of "the systematic marginalisation of Saharawis by the Moroccan occupying regime!"

Morocco's claim to sovereignty over Western Sahara is not recognised by any state, nor by the UN. Its arguments to claim the territory were rejected by the International Court of Justice.<sup>2</sup>

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

Yet, only weeks after the 1975 invasion of the territory, the phosphorus of the Bou Craa mine in Western Sahara was being exported to fertilizer companies in North America, Latin America, Europe and Australasia. The Bou Craa mine is managed by the Office Chérifien des Phosphates SA (OCP), now known simply as OCP SA, Morocco's national phosphate company and today responsible for that country's biggest source of income from Western Sahara.

Phosphates de Boucraa S.A. (Phosboucraa) is a fully owned subsidiary of OCP. Its main activities are the extraction, beneficiation, transportation and marketing of phosphate ore of the Bou Craa mine, including operation of a loading dock and treatment plant located on the Atlantic coast at El Aaiun. OCP puts production capacity in Western Sahara at 2.6 million tonnes annually.<sup>4</sup> Though OCP claims that Bou Craa mines represent only 1% of all phosphate reserves exploited by Morocco<sup>5</sup>, no less than a quarter of its exported phosphate rock departs from El Aaiun.<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. Until 2014, only the first, top layer had been mined. This particular layer contained phosphate rock of the highest quality across all reserves controlled by OCP. In 2014, Bou Craa phosphate mining moved on to the second layer, which is of lower quality.<sup>7</sup> Morocco has sold all of the high quality phosphate that ought to have been available to the Saharawi people upon realizing their right to self-determination.

OCP claims that Phosboucraa is the largest private employer in the area, with around 2,100 employees<sup>8</sup> – more than half of those are said to be locally recruited. It also alleges that Phosboucraa is a major provider of economic viability and well-being of the region's inhabitants. OCP equally boasts the social impact of Phosboucraa, in terms of providing pensions to retirees, medical and social advantages to employees, retirees and their families, etc.<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>

*"Illegal exploitation of natural resources"*

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

*"Human rights violations in Western Sahara"*

PGB Pensioenfond, the Netherlands, third quarter of 2015, upon excluding OCP SA from its portfolios.<sup>15</sup>

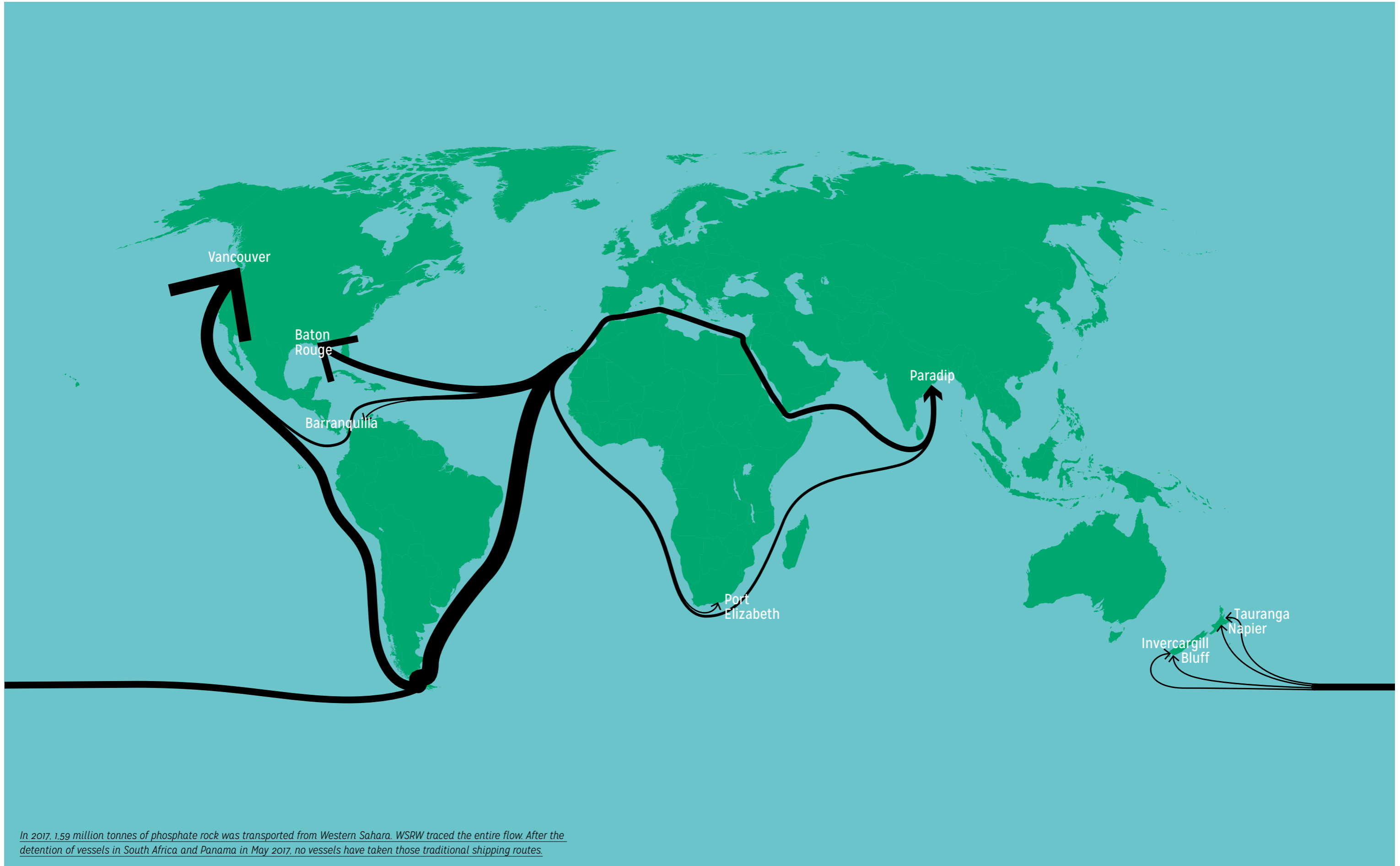
*"The Council does not believe that the company has been able to show that the business is consistent with the interests and wishes of the local population. Based on an assessment that further dialogue will not be productive, the Council has recommended that the AP Funds divest Agrium."*

Swedish Ethical Council, 9 April 2015, explaining why all Swedish government funds have now divested from Agrium Inc.<sup>16</sup>

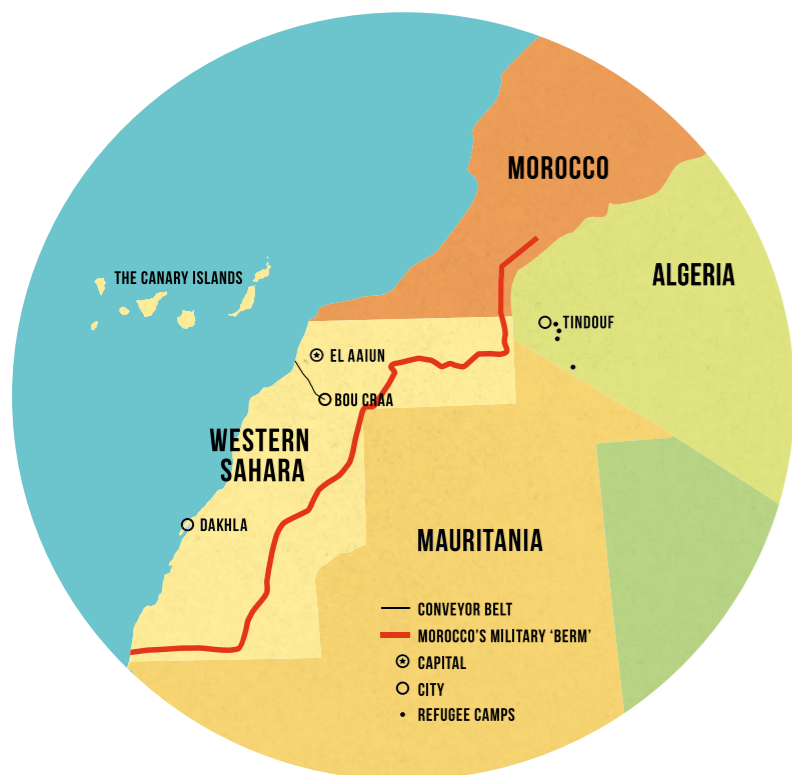
*"Companies buying phosphate from Western Sahara are in reality supporting Morocco's presence in the territory, since the phosphate is sold by the state-owned Moroccan company OCP and it must be assumed that the revenues generated by the operation largely flow to the Moroccan State. In its present form, 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>17</sup>

# The Shipments



# The Moroccan take-over of Bou Craa mine



**1947:** Western Sahara's phosphate reserves are discovered 130 kilometres southeast of El Aaiun in a place called Bou Craa. The discovery of phosphate reserves is the first potential source of mineral revenues for the colonial power, Spain.<sup>18</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>19</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>20</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 US \$1.55 billion.<sup>21</sup> It files a similar debt financing prospectus on the Exchange a year later.<sup>22</sup>

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



## Large plans

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

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

On 7 November 2015, exactly 40 years after Morocco's invasion of Western Sahara, OCP announced it would invest \$1.9 billion in Phosboucraa. The stated main objective is to develop Phosboucraa's industrial capacity, in particular by installing a fertilizer production plant. In addition the logistic capacity of Phosboucraa is apparently to be reinforced.<sup>25</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.<sup>26</sup>

Morocco, including Western Sahara or not, controls the world's biggest phosphate reserves and is the third largest producer of phosphates in the world.<sup>27</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. In this report, the average price of phosphate in 2017 is calculated at an average of US \$89.67/tonne. The market price has dropped over the course of the year.

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

# The Exports

	2017	2016
Exported amount of phosphate	1,591,840 tonnes	1,858,000 tonnes
Value of exported phosphate	\$142.74 million	\$213.7 million
Estimated cost of production	\$80 million	\$80 million
Estimated revenue to OCP	\$62 million	\$130 million
Value of largest single shipment from the territory	\$7.084 million	\$8.325 million
Value of smallest single shipment from the territory	\$1.524 million	\$1.725 million
Number of ships that departed with phosphate from the territory	27	37
Average amount of phosphate exported in each ship	59,000 tonnes	50,000 tonnes
Average value of phosphate exported in each ship	\$5.3 million	\$5.6 million
Average annual phosphate price of Bou Craa rock (per tonne)	\$89.67	\$112

## Methodology

This report is made from data gathered through continuous vessel tracking. Phosphate prices were obtained from the commercial commodities pricing website "Index Mundi" and checked against other sources. As the long-term supply contracts between OCP and the purchasers are likely to include set prices that are not disclosed, this report uses the annual average market price for phosphate rock of US \$ 89.67.

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). In cases where ships were less than 40,000 DWT the 97% factor was reduced to account for a higher relative amount of fuel and provisions and, occasionally, heavy weather likely encountered en route to destination ports.

Ships were tracked and confirmed to have arrived at stated destinations. Where possible, estimated loaded amounts were checked against shipping documents, including bills of lading and port arrival receipts.

WSRW believes that it has detected, tracked and accounted for all vessels departing from El Aaiún harbour for 2017. However, WSRW cannot exclude a possibility that one or more vessels have gone undetected.

## Fluctuating export levels

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

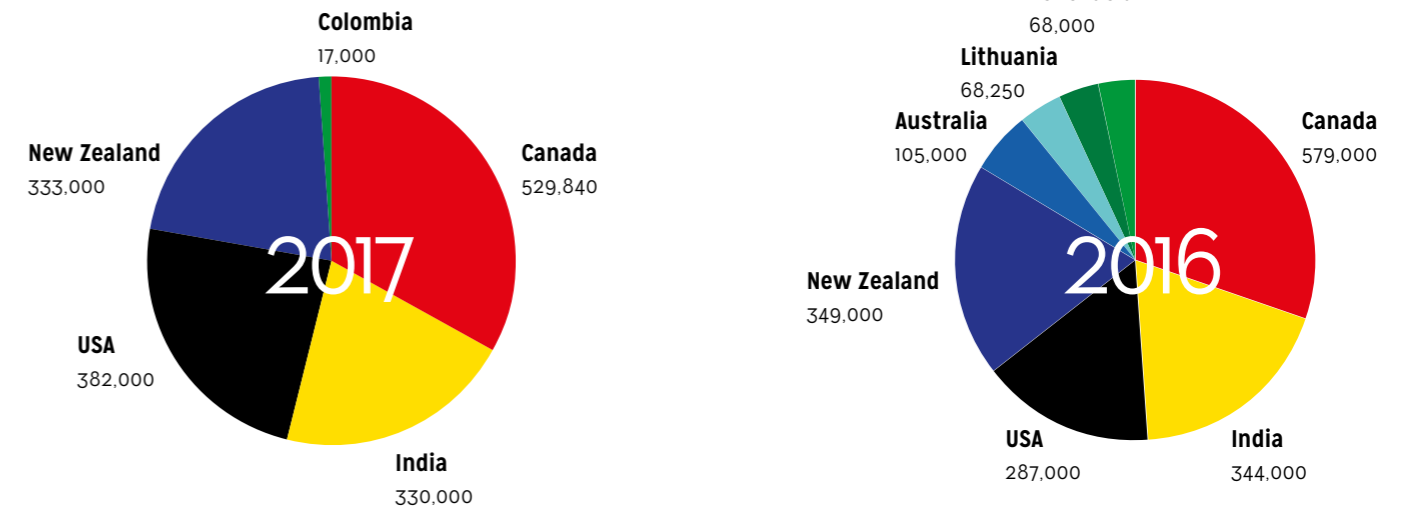
Until 2006 the export of phosphate rock averaged 1.1 million tonnes annually, considerably less than the production capacity of 2.6 million tonnes.<sup>29</sup> In the late 1970s, production stopped for three years during armed conflict in the territory, only gradually achieving 2.0 million tonnes by 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 million tonnes in 2012 and 2.2 million tonnes in 2013. WSRW's projection of 2.1 million tonnes of exported phosphate rock from Bou Craa in 2014 was confirmed in the volume of "processed" phosphates as mentioned in OCP's Prospectus filed on the Irish Stock Exchange.<sup>30</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. In 2017, the exported volume has dropped again, largely explained by the continuing withdrawal of purchasing companies.

OCP estimates the Bou Craa reserves at 500 million tonnes.<sup>31</sup> Bou Craa contributes around 7% of OCP's total extracted volumes<sup>32</sup>, and around 25% of its total sales of phosphate rock.<sup>33</sup>

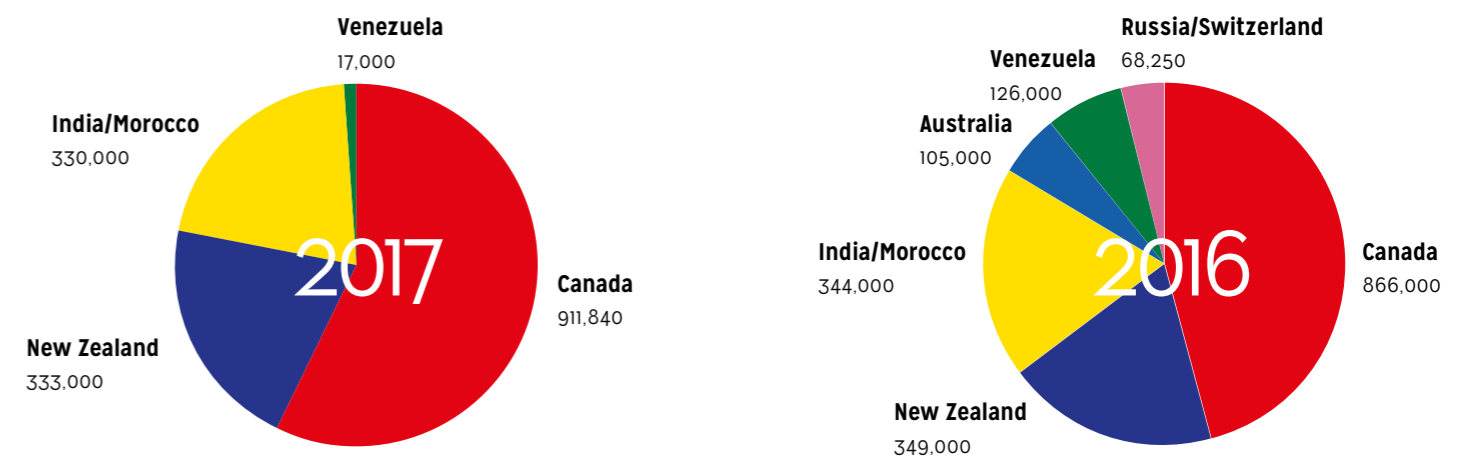
## Imports per importing country

Figures in metric tonnes.



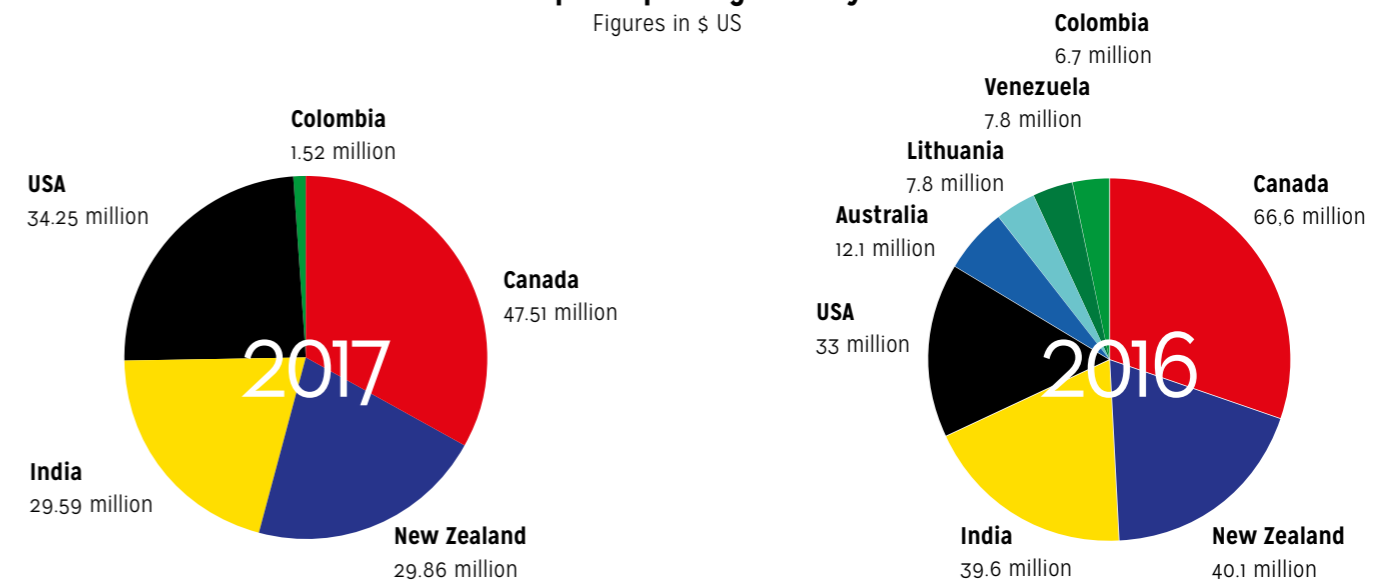
## Clients per nationality of (parent) company

Figures in metric tonnes.



## Value per importing country

Figures in \$ US



# The importers, 2017

Rank	Corporation	Home country of (parent) company	Import destination	Number of shipments	Amount of phosphate purchased (tonnes)	Value of phosphate purchased (US \$)
1	Agrium Inc.	Canada	Vancouver, Canada	9	529,840	\$47.51 million
2	Potash Corporation of Saskatchewan Inc.	Canada	Geismar, USA	5	382,000	\$34.25 million
3	Paradeep Phosphates Ltd.	India/Morocco	Paradip, India	6	330,000	\$29.59 million
4	Ballance Agri-Nutrients Ltd.	New Zealand	Tauranga/Bluff Cove/Invercargill, New Zealand	4	223,000	\$20 million
5	Ravensdown Fertiliser Co-op Ltd.	New Zealand	Napier, New Zealand	2	110,000	\$9.86 million
6	Monomeros SA	Venezuela	Barranquilla, Colombia	1	17,000	\$1.52 million

# OCP's helpers at the mine

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



## SIEMENS

German engineering company Siemens constructed the Fom el Oued wind park in occupied Western Sahara in 2013. The park was commissioned by Morocco's national agency for electricity, ONEE. Siemens collaborated with the Moroccan wind energy company NAREVA – owned by the King of Morocco. Fom el Oued, consisting of 22 wind mills, today supplies 95% of Phosboucraa's energy needs. In other words: practically all energy required for the exploitation and transport of the phosphate rock in Western Sahara, is generated by wind mills delivered by Siemens. The green energy production is thus making Morocco's plunder of the territory even more lucrative.<sup>34</sup> WSRW wrote Siemens last on 7 December 2017 regarding its operations in the territory. The company responded that it "refrains as a matter of policy from taking positions or making judgements on questions of international law".

## ATLAS COPCO

Swedish industrial company Atlas Copco in 2008 sold important drill rigs to OCP for use in the Bou Craa mine. Through the sales, Atlas Copco also obliged itself to provide maintenance and spare parts to the same rigs. It is not known for how many years the company is tied to that contract. WSRW first confronted Atlas Copco about its deliveries in May 2013.<sup>35</sup> While the company appeared open to meet with WSRW at first, it later declined. WSRW sent Atlas Copco another letter on 27 March 2017, detailing our concerns and question.<sup>36</sup>

## CONTINENTAL

A subsidiary of German company Continental, ContiTech, plays a key role in the maintenance of OCP's long 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>37</sup> Continental in 2015 announced it had entered into an agreement with OCP for the establishment of a conveyor belt production facility in Morocco to provide belts for OCP's systems. WSRW wrote a letter to the company on 29 March 2017.<sup>38</sup> Continental responded on 10 April that the production facility was up and running in April 2017, and that the company still receives placement orders from "ALL OCP sites, including Phosboucraa, for all types of conveyor belts". ContiTech also stated that "The judgment of the CJEU holds that Western Sahara cannot be deemed included in certain agreements made by the EU and the Kingdom of Morocco. Our business activities are not inconsistent with such ruling. Furthermore, the respect for freedom, democracy and human rights is an essential principle. It creates the framework for our operations and is prerequisite for our success."<sup>39</sup>

# The nationalities behind the shipments

	Number of vessels	Volume of cargos	Value of cargos
<b>Registered owner home country</b>			
Japan	5	302,840	27,155,662.8 \$
China	3	193,000	17,306,310 \$
Marshall Islands	3	191,000	17,126,970 \$
Hong Kong	3	166,000	14,885,220 \$
Greece	3	165,000	14,795,550 \$
Bermuda	2	141,000	12,643,470 \$
Liberia	2	134,000	12,015,780 \$
Singapore	2	113,000	10,132,710 \$
Turkey	2	77,000	6,904,590 \$
Norway, Panama	1 each		
<b>Operator home country</b>			
Denmark	5	290,840	26,079,622.8 \$
China	4	239,000	21,431,130 \$
Monaco	3	176,000	15,781,920 \$
Marshall Islands	2	133,000	11,926,110 \$
Hong Kong	2	120,000	10,760,400 \$
Greece	2	110,000	9,863,700 \$
Turkey	2	77,000	6,904,590 \$
Bangladesh, Bermuda, Italy, Japan, Norway, Singapore, United Kingdom	1 each		
<b>Group owner, registered nationality</b>			
Japan	6	361,840	32,446,193 \$
China	5	299,000	26,811,330 \$
Bermuda	3	220,000	19,727,400 \$
Marshall Islands	3	168,000	15,064,560 \$
Unknown	2	133,000	11,926,110 \$
Panama	2	110,000	9,863,700 \$
Turkey	2	77,000	6,904,590 \$
Norway, Cayman Islands, Denmark, Singapore	1 each		
<b>Group owner, nationality of controlling interest</b>			
Japan	6	361,840	32,446,193 \$
China	5	299,000	26,811,330 \$
Bermuda	3	220,000	19,727,400 \$
Unknown	3	187,000	16,768,290 \$
Greece	3	165,000	14,795,550 \$
Turkey	2	77,000	6,904,590 \$
Norway, Hong Kong, Chile, Singapore, Monaco	1 each		
<b>Flag</b>			
Marshall Islands	6	385,000	34,522,950 \$
Hong Kong	5	299,000	26,811,330 \$
Panama	4	231,840	20,789,092 \$
Greece, Liberia and Singapore	2 each		
Norway, Isle of Man, Malta, Turkey, Philippines, UK	1 each		
<b>P&amp;I Club</b>			
UK P&I Club	4	224,000	20,086,080 \$
GARD AS	4	248,000	22,238,160 \$
North of England P&I Club	4	252,842	22,672,342 \$
The West of England Ship Owners Mutual Insurance Association	3	191,000	17,126,970 \$
SKULD	3	194,000	17,395,980 \$
Steamship Mutual	3	169,000	15,154,230 \$
Japan Ship Owners Mutual P&I, Britannia Steam Ship Insurance Association	2 each		
Hanseatic Underwriters, The Standard Club	1 each		

# The case of the looted goods



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

On 15 June, a three-judge large panel of the High Court in Port Elizabeth confirmed the acceptability of the order of 1 May 2017, and decided that the case was to continue to a trial.<sup>40</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 being warned over the years by Saharawi authorities?

OCP SA, Morocco's state-owned phosphate company, bought back the cargo from Ballance, thus acting as the owner in the legal proceedings. In July 2017, 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" and as such undermining "the UN resolution process".<sup>41</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>42</sup>

It is the first such case against the pillage of the territory's resources.<sup>43</sup> And on the ownership of the 55,000 tonnes of phosphate rock aboard the *NM Cherry Blossom*. It illustrates the increased legal and financial risk of companies taking part in Morocco's illegal plunder. This risk had already augmented after the judgment of the Court of Justice of the EU on 21 December 2016 concluding that Western Sahara has a "separate and distinct" status to any country in the world, including Morocco.<sup>44</sup>

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

In 2017, while waiting for the legal case to proceed, the charterer had complained to the court about the financial loss caused to the shipping company for the delay. From what WSRW has obtained from court records, the firm Furness Withy Chartering alleges that the costs of the vessel's detention amount to 10,300 USD every day. In other words, according to the charterer, at the time this report is published in April 2018, the vessel has been detained for nearly a year, at a cost of around 3.5 million USD. The costs related to the interruption of the sailing schedule probably comes on top of that.

The stop-over in South Africa was a one-off incident for the New Zealand-based importer Ballance Agri-Nutrients. New Zealand has two farmer co-operative owned companies behind the imports, taking in around 3 vessels each, every year. In 2016, that placed New Zealand as the second biggest importer of phosphate rock from the territory. All New Zealand-bound vessels normally travel westwards via South America and the Pacific. To WSRW's knowledge, ships to New Zealand have never before travelled via South Africa and the Indian Ocean. Yet, South African ports are regularly used for provisioning of vessels heading from the territory to India and Australia.



### OCP

OCP SA is a Moroccan state-owned company, which since 1975 has been in operation of the mine in Western Sahara through its subsidiary Phosphates de Boucraa S.A. It is OCP which is defending the cargo in the South African court.

Funded by the USD \$ 200 million plunder from Western Sahara every year, OCP has contracted a large troop of global law firms and PR firms to defend their case and help to manage perceptions of their operations.<sup>45</sup>

### SADR

The Saharawi Arab Democratic Republic (SADR) represents the people of Western Sahara in the court. SADR is not a recognized as a UN member state, but is a full-fledged member of the African Union. The republic represents both the people of Western Sahara that fled after the Moroccan invasion, and those who still live under Moroccan illegal occupation. The state's structure overlaps with that of the Frente Polisario, which the UN recognizes as the national liberation movement of the territory.

### Panama court released vessel

On 17 May 2017, a maritime court in Panama ordered the detention of the vessel *Ultra Innovation*, carrying rock from Western Sahara to Agrium in Canada, through the Port of Vancouver. 30 hours later, a bond was placed for the release of the ship by the shipping company. On 5 June, the maritime court in Panama decided – without organising a formal hearing – that the matter could not be dealt with by that court. From what WSRW understands, the Saharawi authorities have appealed the decision and are considering the use of the country's commercial courts for future legal actions, against both ships and shipping interest.



## The players in the South Africa court case



Vessel: **NM Cherry Blossom**      IMO: **9703655**      Flag: **Marshall Islands**

Estimated cargo phosphate rock: **55,000 tonnes**      Operator: **AM Nomikos**

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

Detained: **Port Elizabeth, South Africa, 1 May 2017**  
**As of 25 April 2018, the vessel is still detained.**

Cargo auctioned: **Court ordered an auction on the cargo, an auction that closed on 19 April 2018.**

### FURNESS WITHY CHARTERING and MAERSK

The charterer of the transport to New Zealand is Furness Withy, a London/Melbourne based dry cargo ship operating and brokering company which is part of German company Hamburg Süd. This entity is in turn wholly owned by the Oetker Group, particularly known internationally for its Dr Oetker frozen pizzas. But its shipping branch has seemingly been responsible for chartering vessels from Western Sahara for many years, probably via its subsidiary in Australia, which deals in Australia-Europe bulk cargoes.<sup>48</sup>

WSRW has identified around 20 probable – but not confirmed – Furness/Oetker shipments over the last decade.<sup>49</sup> Upon the arrival of the vessel *Furness Karumba* in Australia in 2008, representatives of The Maritime Union of Australia boarded the vessel to hand over a letter to the captain of the vessel, protesting the trade in Saharawi phosphate rock. The letter was also sent to the companies involved in the transport, as well as to the local importer.<sup>50</sup>

On 14 March 2017, the Oetker Group announced an agreement to sell its subsidiary Hamburg Süd to Danish company Maersk.<sup>51</sup> The Danish company confirmed to WSRW in a mail on 13 June 2017 that Furness Withy will be part of the package. "Until the final agreement has been concluded (which we expect to take place at fourth quarter in 2017), Hamburg Süd runs as a totally independent company. This means that there is no way for us to exchange sensitive information or in any way influence the business until the transaction is completed". Maersk wrote to WSRW. The Maersk takeover was completed on 30 November 2017.<sup>52</sup> Maersk's company overview of 2017 includes the Furness companies.<sup>53</sup>

### AM NOMIKOS

AM Nomikos Transworld Maritime is the owner and operator of the *NM Cherry Blossom*. WSRW contacted the company on 8 May 2017, and has not received an answer.<sup>54</sup> AM Nomikos was also the owner/operator of the vessel *Sophiana* transporting a similar cargo to Ballance in November-December 2016.

### BALLANCE AGRI-NUTRIENTS

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

Ballance Agri-Nutrients Limited manufactures, markets and distributes fertilizers and related products in New Zealand. Ballance, and the plants that the company has acquired over the years, have been purchasers of Bou Craa phosphates for decades. The firm signed a long-term agreement with OCP in 1999, requiring OCP to supply phosphates to Ballance.<sup>46</sup>

15 days after the detention of the *NM Cherry Blossom*, a new vessel, *Common Spirit*, departed from El Aaiun with a replacement cargo.<sup>47</sup> That vessel travelled via the Strait of Magellan, all the way around South America.

**“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, regarding a 79,000 tonnes shipment to the USA in August 2017.<sup>55</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>56</sup>

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

Seven Seas Carriers, 2015<sup>57</sup>

**“An unfortunate mistake”**

Uglands Rederi regarding a transport done by a chartering company in 2015<sup>58</sup>

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

Wagle Chartering, 2009, after revelation<sup>59</sup>



*At the time of publishing this report, the bulk vessel NM Cherry Blossom (IMO 9703655) has been detained in South Africa for nearly one year 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.*



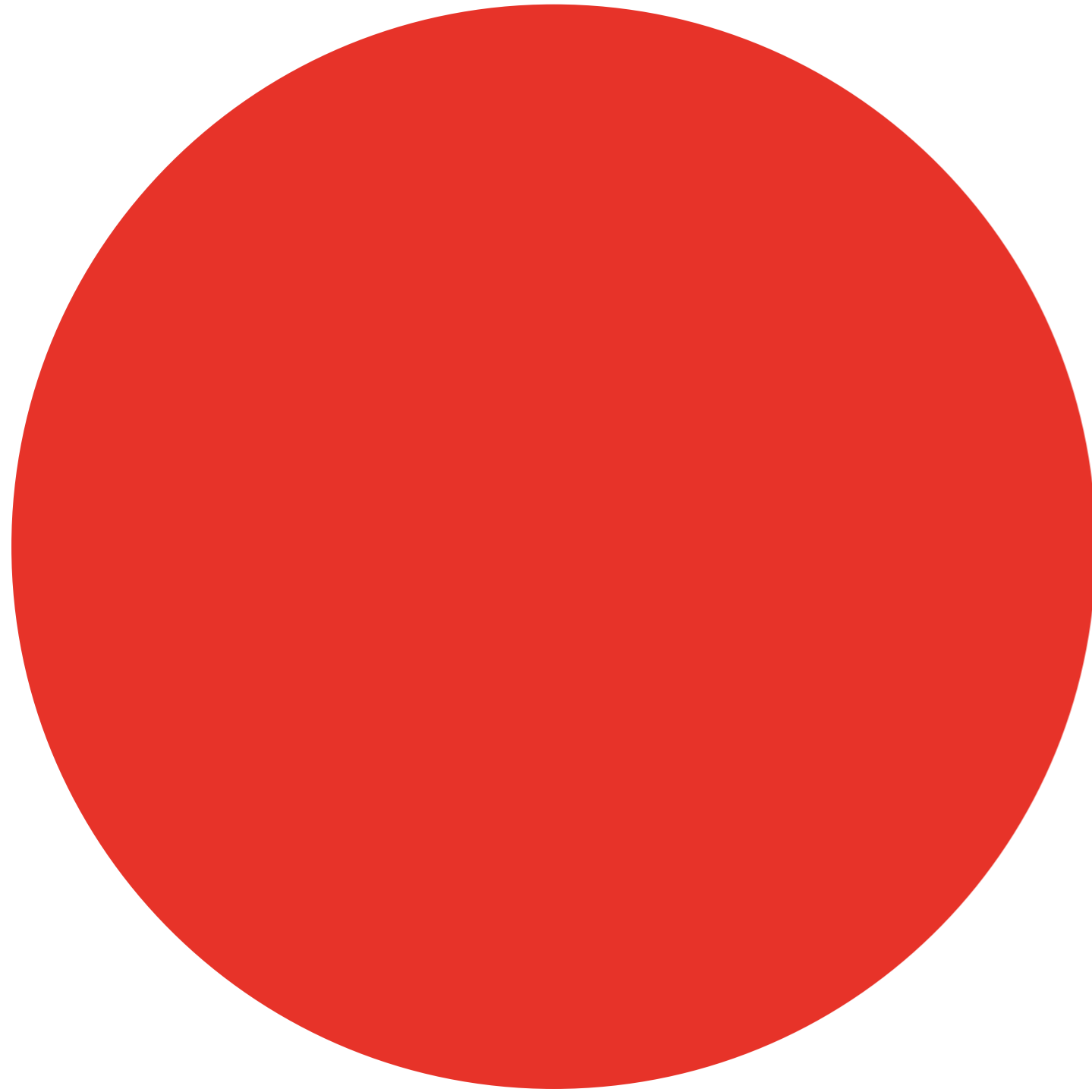
*Spar Shipping, a sister company of the Sparkjøp supermarket chain in Bergen, Norway, has again transported phosphate rock out of Western Sahara, on board the Spar Lyra (IMO 9289013) in February 2017. Value of the cargo was around \$ 4.9 million.*



*Panama flagged Ultra Innovation (IMO 9767481) entering the docks of Vancouver, Canada, on 8 June 2017 with a cargo of 59,840 tonnes of phosphate rock. The vessel had been detained in the Panama Canal on its way, a case which is still not resolved in Panamanian courts. This was the last vessel to pass through the Panama Canal. It is operated by Ultrabulk Shipping A/S in Denmark and owned by Shoei Kisen Kaisha Ltd in Japan.*

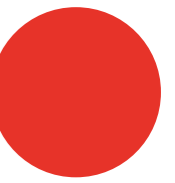
# Companies involved in the trade

Six known companies and co-operatives involved in the imports of Western Sahara phosphates have been identified as takers of Western Sahara phosphate rock in 2017. These companies, in addition to the Moroccan exporter, and a key purchaser in the USA, are listed in the order of their involvement on the following pages.



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 investors through the Irish Stock Exchange since 2014. Several institutional investors have since blacklisted OCP from their portfolios for its involvement in Western Sahara.

OCP's affairs at the Irish Stock Exchange are managed by Barclays, Morgan Stanley and JP Morgan; multinational financial services corporations based in the UK and USA.

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

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



*Saharawi refugee Senia Bachir Abderahman, on 28 March 2018, for the twenty-first time asked OCP for copies of reports commissioned by OCP which the importing companies have claimed document the legality of their operations. She has received no reply.*

## AGRIUM INC (Now NUTRIEN INC) (Canada)



Early 2018, Agrium Inc merged with Potash Corporation of Saskatchewan Inc into Nutrien Inc. Both firms were major importers of Western Sahara phosphate rock – a legacy bestowed upon Nutrien.

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

Agrium signed a contract with OCP in 2011, and announced it would start importing in the second half of 2013. The phosphates, imported in order to replace an exhausted source in Canada, were claimed to be originating from "Morocco".<sup>60</sup> However, they do not. The phosphates are from Western Sahara. A first shipment arrived in the Canadian west coast port of Vancouver in October 2013.<sup>61</sup> Agrium then transports the landed phosphate from a dock in Vancouver, by rail to a fertilizer manufacturing plant in Redwater, in the province of Alberta.

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

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

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

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

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

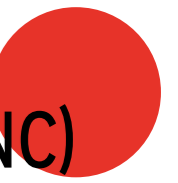
WSRW asked Nutrien in February 2018 whether the company had undertaken any steps to obtain the consent of the people of Western Sahara with regard to the imports of phosphate rock by Agrium in 2017, and enquired about the announced termination of the imports.<sup>63</sup> The company did not reply.

Chuck Magro, former CEO of Agrium and current CEO of Nutrien, announced on 25 January 2018 that the contract between the legacy company Agrium and OCP would be terminated by the end of the year. The company is still assessing what to do with the imports to the factory controlled by the legacy company PotashCorp, and announced it would make a statement on the matter mid-2018.<sup>64</sup>



*Canada's Agrium started importing phosphates from Western Sahara for the first time during the autumn of 2013. The bulk vessel Pacific Constant is here seen departing Vancouver harbour after having delivered phosphates from the occupied territory in December 2017.*

## POTASH CORPORATION OF SASKATCHEWAN INC. (Now NUTRIEN INC) (US/Canada)



Potash Corporation of Saskatchewan Inc. (PotashCorp) is the company with the longest track record of importing from the occupied territory; upon acquiring Arcadian Corp in 1996, PotashCorp also inherited the firm's 1980s import contract with OCP. PotashCorp has been purchasing Saharawi phosphate rock for two uninterrupted decades.

In 2018, PotashCorp completed the merger with Agrium Inc, and launched Nutrien Inc – which thus inherited the legacy companies' phosphate imports from Western Sahara.

Up to the merger, PotashCorp was headquartered in Saskatchewan, Canada, and was registered on the Toronto Stock Exchange (TSX – PCS). The company's phosphoric acid plant in Geismar, Louisiana, USA, is where phosphate rock from Western Sahara is imported and processed. The company's long-term agreements with the Moroccan state-owned firm OCP have been adopted by Nutrien. While Nutrien has announced it would terminate the Western Sahara imports through the Agrium legacy firm by the end of 2018, the firm has not yet decided on how it will proceed with the imports taken in through the legacy company PotashCorp.<sup>65</sup>

In 2017, PotashCorp purchased around 382,000 tonnes of phosphate rock from occupied Western Sahara, worth approximately US \$34 million. The imported volume presents a significant increase from the 287,000 tonnes the company took in during 2016. PotashCorp's 2017 imports came in five shipments, at more or less at regular intervals, ostensibly to meet a constant demand for phosphorus in the manufacturing of food products.

Through the years, PotashCorp has several times changed its position statement on Western Sahara, entitled "Phosphate Rock from Western Sahara". The sixth and most recent revision was published in November 2016.<sup>66</sup> In it, PotashCorp attempts to defend its imports from Western Sahara by repeating the Moroccan government mantra that it permissible to exploit the Bou Craa mines as long as the "local population" stands to gain some benefits through the activity. The company has previously referred to EU agreements to defend this stance, but it has from 2016 stopped mentioning the EU altogether. PotashCorp also maintains that its involvement is non-political. The company claims it cannot cease importing because of contractual commitments and because doing so would involve a "political judgment" that could determine the "economic well-being of the region". PotashCorp neglects to mention the cornerstone principle of self-determination in its position paper.

In February 2018, WSRW asked Nutrien whether it has sought the consent of the Saharawi people for the imports by PotashCorp in 2017, as dictated by the CJEU, and how the company assesses the value of those imports in the view of the increased legal risks associated to them.<sup>67</sup> Nutrien did not respond. In an earlier reply, legacy company PotashCorp dodged the question altogether, instead reiterating its conviction that OCP's operations "provide economic and social benefits to the Saharawi people". PotashCorp sees itself as a positive influence to OCP's behavior. "Any decision to cease doing business in the region on the basis of a political judgment could undermine the economic well-being of the region", the firm asserted.<sup>68</sup>



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

## 4 PARADEEP PHOSPHATES LTD (India/Morocco)



Paradeep Phosphates Limited (PPL) produces, markets and distributes phosphate-based fertilizers and by-products for agricultural use.<sup>69</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 Ltd, a 50-50 joint venture of Zuari Industries Ltd (a subsidiary of Adventz Group of India) and Maroc Phosphore SA – a wholly owned subsidiary of OCP.<sup>70</sup> Today, PPL operates as a subsidiary of Zuari Global Limited, which holds 80.45% stake, while the government of India holds the remaining 19.55%.<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.

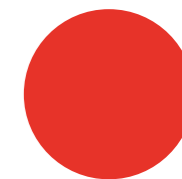
PPL is headquartered in Bhubaneswar, India and receives its phosphate rock at the port city of Paradip, approximately 120 kilometers to the east.<sup>72</sup>

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

2017 constitutes the second year of regular imports by PPL, though the firm has imported from occupied Western Sahara before. WSRW has traced a previous purchase from Phosboucraa during the financial year 2011-2012.<sup>73</sup>

WSRW has contacted PPL several times. WSRW wrote to PPL in February 2015, again in March 2017, and more recently in February 2018.<sup>74</sup> The company has never replied.

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



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

Ballance Agri-Nutrients Limited manufactures, markets and distributes fertilizers and related products in New Zealand. The company has manufacturing plants in Whangarei, Invercargill and Mount Maunganui, New Zealand. It is a farmer-owned cooperative, and not registered on any stock exchange.<sup>75</sup> Ballance was previously known as BOP Fertiliser. The company changed its name to Ballance Agri-Nutrients Ltd in 2001. Before BOP Fertiliser would purchase plants and buy shares in other NZ based fertilizer companies. For example, BOP bought the Whangarei based plant from Fernz in 1998, while obtaining a 20% share in Fernz a year later.<sup>76</sup> At that time Fernz was already a long term client of Bou Craa phosphates.

The firm signed a long-term agreement with OCP in 1999, requiring OCP to supply phosphates to Ballance.<sup>77</sup> Ballance executives have on at least one occasion visited the Bou Craa mine in the occupied territory.<sup>78</sup>

During the course of 2017, Ballance received four shipments of phosphate rock illegally excavated in occupied Western Sahara. The cargoes have a projected combined volume of 223,000 tonnes worth around US \$20 million – the firm's highest annual import volume from the occupied territory in years. Ballance's 2016 imports of 161,000 tonnes were consistent with the firm's imports of 2012 through 2014, with a decrease to 104,000 tonnes in 2015.

WSRW has contacted Ballance once a year from 2014 to 2018, but never received an answer to its questions.<sup>79</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>80</sup>

## 6 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 two shipments to Ravensdown during 2017, totaling an estimated 110,000 tonnes with a net value of around US \$9.8 million. That means that the company has imported a significantly lower volume in 2017 than in the preceding year, when it took in around 188,000 tonnes. Ravensdown has thus returned to its import level of 2014-2015, which averaged around 100,000 tonnes annually. Before 2014, the annual import volumes averaged around 180,000 tonnes per year. WSRW asked the company about the trade on 22 February 2018, and received no answer.<sup>81</sup>

*The bulk vessel Anarita captured in Otago, New Zealand, on 23 January 2018, home to one of the plants where Ravensdown processes its purchased phosphate rock from Western Sahara. The Anarita transported a cargo of 55,000 tonnes. The vessel is owned and operated by Ocean Agencies in the United Kingdom. She had departed from El Aaiun, Western Sahara on 2 December 2017.*

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



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

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

Monmeros received a single shipment of phosphate from occupied Western Sahara in calendar year 2017, totaling approximately 17,000 tonnes, worth about US \$1.5 million. The imports have thus reduced dramatically: in 2016, Monmeros imported 58,000 tonnes.

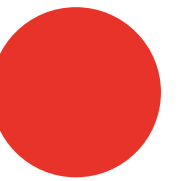
WSRW has raised the matter with both Monmeros and its parent company Pequiven on several occasions. Our most recent letter was sent to the Government of Venezuela on 8 March 2018.<sup>82</sup> So far, neither Monmeros nor Pequiven nor the Venezuelan Government have replied to any of our letters.

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

However, no shipments to Colombia and Venezuela have been observed following the detentions of the two vessels in South Africa and Panama in May 2017. The importing companies and the Venezuelan government have never responded to requests from WSRW, with a singular exception by Tripoliven, which in 2013 denied importing from Western Sahara, which later proved to be incorrect.<sup>83</sup>

For more about the imports to Puerto Cabello, Venezuela, read P for Plunder 2016.<sup>84</sup>

# 8 INNOPHOS HOLDINGS (USA)



A Mexican subsidiary of the US registered company Innophos Holdings has for many years been a key importer of Western Sahara phosphate rock. Yet since 2015, WSRW has not observed any shipment into Innophos's plant in Coatzacoalcos, Mexico.

However, WSRW believed that Innophos's manufacture plant in Geismar, Louisiana, is dependent on sourcing phosphate rock from Western Sahara, sold to them via a pipeline from the plant of PotashCorp. That has now been confirmed by Innophos in its annual report published on 3 April 2016, at the time when the previous P for Plunder report was being printed.

"We are also subject to risks stemming from local social and political conditions in those jurisdictions where the phosphate rock that supports our operations is sourced. The phosphate rock that is utilized by PCS to supply MGA to our Geismar, Louisiana facility is subject to those social and political conditions in Western Sahara, where PCS sources the phosphate rock, which territory has had a long history of social and political upheaval. If PCS is unable to source phosphate rock or sufficient amounts of phosphate rock, our MGA supply would be disrupted and our ability to manufacture our products could be materially adversely affected", Innophos' annual report reads.<sup>85</sup> The same reference was made in its annual report of 2017, dated 4 April 2018.

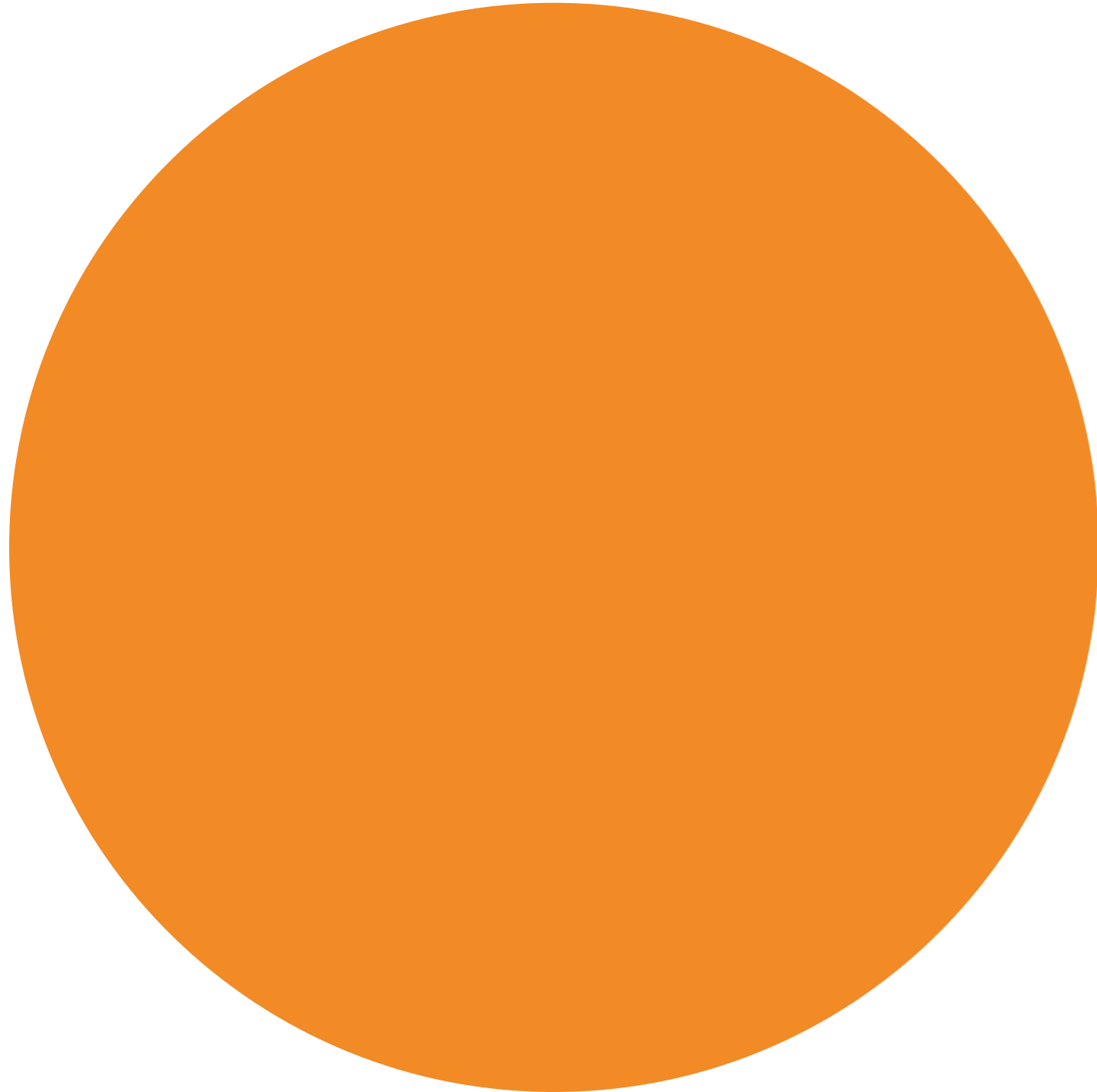
WSRW contacted Innophos on 1 March 2018 regarding the company's revelation that it was still using raw materials from Western Sahara for its Geismar plant, yet has not received an answer.<sup>86</sup> From 2010 to 2017, WSRW sent Innophos six letters about the company's purchases from the occupied territory, without receiving a reply. The lack of response from the company management has also been observed by several of its former investors.

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>87</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>88</sup>

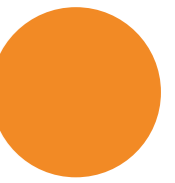
WSRW's hypothesis that Innophos was still purchasing phosphate rock from Western Sahara through Potash Corporation of Saskatchewan, has been confirmed by Innophos' most recent annual report. Here is the vessel Coral Queen en route to transport a shipment in 2013, at the time when they imported directly into Mexico.

# Companies under observation

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



# INCITEC PIVOT LTD (Australia)



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

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

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

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

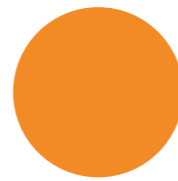
Incitec Pivot told the Australian Western Sahara Association in December 2017 that there had been no imports since December 2016, as they now source their phosphate rock in Togo. WSRW has indeed not tracked any shipments to the company in 2017.

WSRW last wrote IPL on 6 March 2018.<sup>91</sup>



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

# LIFOSA AB (Lithuania/Switzerland/Russia)



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

The company took in its last shipment on 8 October 2016, in spite of a promise by Eurochem in February that same year that "... the Group does not intend to purchase phosphate rock from Western Sahara in 2016 or at any time over the foreseeable future."<sup>92</sup> The cargo was destined for Lifosa, as Lifosa's managing director admitted to Lithuanian media.<sup>93</sup> EuroChem confirmed to WSRW on 23 March 2017 that its subsidiary had indeed imported 68,250 tonnes on board the SBI Flamenco.<sup>94</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 Kovdorskiy were intended to help us become self-sufficient in the production of phosphate rock. The production of our own raw materials from these two investments has progressed at a slower pace than projected and so we continue to require third-party supplies of phosphate rock", the company wrote.

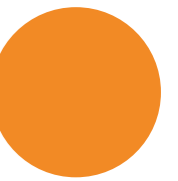
WSRW has been in dialogue with both Lifosa and its owners EuroChem Group since 2010. But the company's initial reluctance to thoroughly respond to WSRW's questions resulted in its June 2011 delisting from the UN List of Socially Responsible Corporations.

Ever since, Lifosa/EuroChem has actively sought ways to maintain its dialogue with WSRW and conduct further due diligence with regard to importing from Western Sahara while under occupation. The company stated in March 2014 that it was seeking to implement ways to diversify external purchases. In 2013-2014, the trade was around 400,000 tonnes annually.

WSRW has not observed any shipments to Lifosa in 2017. WSRW last wrote to EuroChem in March 2018 to seek confirmation that the company has now stopped all further imports from Western Sahara.<sup>95</sup> The company responded that it has 'no plans' to purchase from Western Sahara again.<sup>96</sup>

*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.*

# AGROPOLYCHIM AD (Bulgaria)



Bulgarian fertilizer producer Agropolychim AD is located near Varna port. The company has Bulgarian and Belgian owners.<sup>97</sup>

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

WSRW contacted Agropolychim in October 2008, urging the company to terminate its phosphate imports.<sup>98</sup> A reply was never received, but the company did defend its imports in Bulgarian media. "Agropolychim has a contract for the import of phosphate from North Africa since 1974 and never had problems with supply", the company stated.<sup>99</sup>

## Indian importers

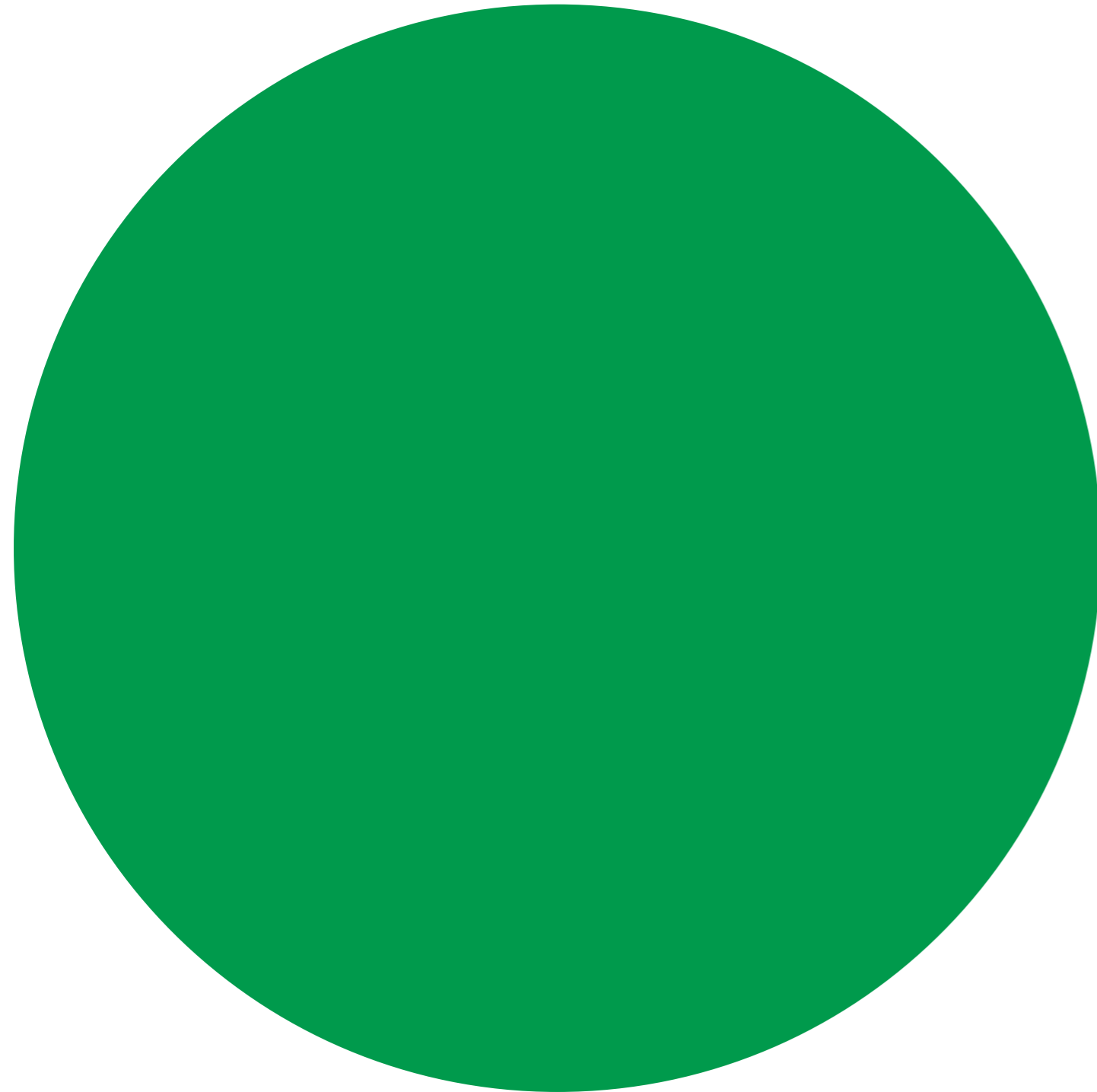
In March 2014, WSRW observed a single shipment to India, unloaded at Tuticorin harbor. This followed the trend from previous years of one annual shipment, arriving at Tuticorin.

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



# Companies no longer involved

Some companies have in the past been identified and named as importers. These have not been involved in the trade since 2012, and WSRW sees little risk that they would resume purchases.



# Impact Fertilisers Pty Ltd (Australia/Switzerland)

Australian phosphate importer Impact Fertilisers imported phosphates from Western Sahara, at least from 2002 to 2013. The company imported the rock to Hobart, Tasmania. In 2010 the company became part of Ameropa, a Swiss privately owned grain and fertilizer trading company. Western Sahara groups in both Australia and Switzerland worked on highlighting the company for many years.

In 2013 Impact announced it had halted the imports from Western Sahara.<sup>100</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.*

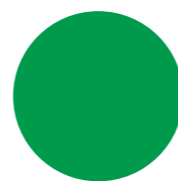


# Nidera Uruguay S.A. (Uruguay/The Netherlands)

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>101</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 definitely take into consideration". The company at the time also stated that its subsidiary in Uruguay had not received any phosphate rock from Western Sahara during the years 2007, 2008, 2010, 2011.<sup>102</sup>

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



## Yara International ASA (Norway)

Yara is the world's leading supplier of mineral fertilizers. It used to be a large importer of phosphates from Western Sahara in the past, but has since decided to cease doing so. The main motive for the decision to stop purchasing has been that the Norwegian government urges Norwegian companies not to trade with goods from Western Sahara, due to concerns of international law. The company has today as a policy only to import or trade with phosphates from Morocco proper, not from the Bou Craa mines.

"We hope the country will be liberated, then the population there will profit from us quickly receiving their phosphates", Chief Communication Officer, Bente Slaatten told.<sup>103</sup>

## 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>104</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>105</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>107</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>108</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>106</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.

## Other companies

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

Three companies that have previously been on WSRW's observation list, were in 2016 moved over to the list of companies longer involved. The reason for this is that such a long time has passed since a shipment took place that we expect them not to be engaged again. These are: **Petrokem-ija PLC** from Croatia, **Tata Chemicals** from India, **Zen Noh** from Japan. The last time WSRW saw shipments to any of these companies was in 2006. Neither 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>109</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>110</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>111</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>112</sup> Ana Palacio, head of Palacio y Asociados, wrote back to express her disagreement with WSRW's analysis and also cited legal privilege.<sup>113</sup>

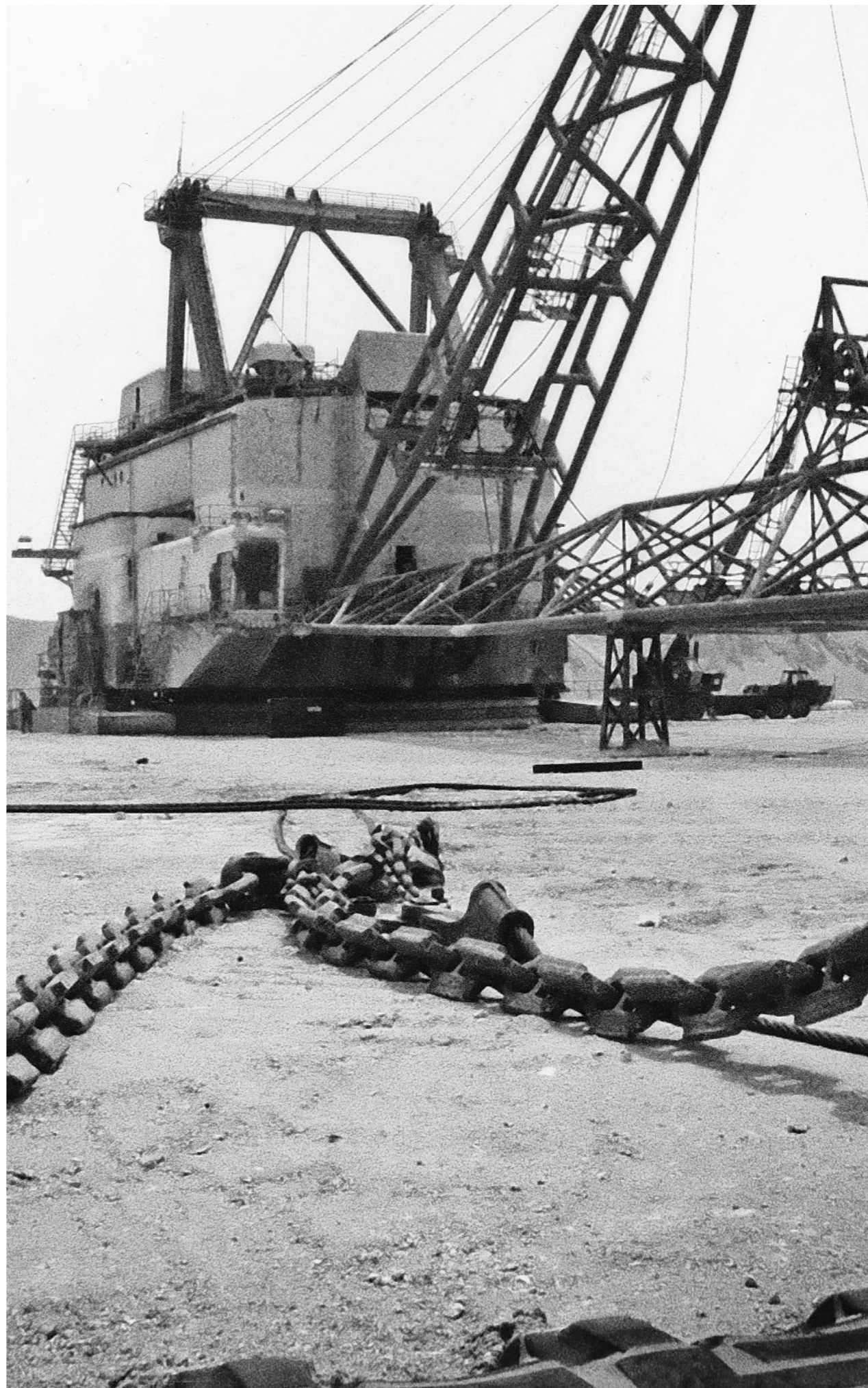
In November 2015, PotashCorp named the firm **Dechert LLP** and Palacio y Asociados as co-authors of a legal opinion. Dechert LLP is an international law firm, headquartered in Philadelphia, USA, with offices in 14 countries.

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 Durántez, wife of Britain's former Deputy Prime Minister Nick Clegg, who represented OCP when working at DLA Piper, but who is said to have taken the OCP contract with her when she moved to Dechert. OCP has reportedly paid an estimated US \$1.5 million for work carried out by both Dechert and DLA Piper.<sup>114</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>115</sup>

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

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



# Morocco lobbies for more toxics in EU farmlands

One of OCP's law firms, Dechert LLP, has been instructed to lobby the EU institutions against the European Commission's proposed cadmium regulation. Based on several risk assessments, the EU Commission wants to limit the EU population's exposure to this heavy metal due to its adverse health effects, particularly in terms of causing several types of cancer. In 2016, the Commission proposed a regulation for fertilizers made from phosphate rock, foreseeing in the stepwise reduction of cadmium content to 20 mg/kg over a 12 year timeframe.<sup>116</sup> Phosphate fertilizers are responsible for 60% of the current cadmium emissions to the Union's soil and crops, as documented in a February 2017 study by the European Parliament's Policy Department.<sup>117</sup>

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>118</sup> The EP Policy Department paints an even bleaker picture, citing levels of 38-200 mg Cd/kg P<sub>2</sub>O<sub>5</sub>.

OCP has a sales figure of 32% in Europe. Since the proposed regulation would result in the nullification of that sales figure over time, OCP has unleashed an intense counter-lobby. OCP argues that there is not enough scientific proof to underpin the idea of limiting cadmium levels, and suggests the EU to even raise cadmium levels to 80 mg/kg, far higher than the suggestion from the EU Commission. On 11 May 2016, OCP sent a letter to the Commission, stating it disagreed with the proposal. OCP also lamented that "major fertilizer producers [...] had not been consulted".<sup>119</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.

Retained to work alongside Dechert, is the PR firm **Edelman**.<sup>120</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>121</sup>

In October 2017, the European Parliament supported the Commission's proposal to limit the amount of cadmium allowed in fertilizer products sold on the single market, though opting to phase-out over a 16 year timeframe. The proposed regulation still lacks green light from the Member States, which seem divided on the issue.<sup>122</sup>

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

# 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 respect the African Union Legal Opinion on Western Sahara, published in October 2015, which noted among other things that any exploration or exploitation of the territory's natural resources is illegal as they violate the Saharawi people's right to self-determination and to permanent sovereignty over their resources.

## To purchasers of phosphates from Bou Craa mine:

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

## To the governments of Venezuela and India:

- Abstain from further purchases of phosphate rock from Western Sahara.

## To the governments of Australia, Canada, Colombia, Lithuania, New Zealand, USA:

- To assess trade in phosphates originating in Western Sahara and engage with the companies concerned with a view to ending this trade.

## To investors:

- To engage with the mentioned companies, and divest unless action is taken to halt the purchase.
- To refrain from buying bonds of the Office Chérifien des Phosphates (OCP).

## 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 legitimise its continuation

## To the European Union and its Member States:

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

## To the United Nations:

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

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# Annex 1:

# Terminology

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

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

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

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

**Registered owner:** the company which is at least the nominal owner of the ship. The problem is that a ship often has a registered owner whose total assets consist only of the ship in question. The company may well be owned by another company which also owns a number of other 'single-ship companies'. That company may in turn be owner 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 2017 to 31 December 2017

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

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

No	Vessel Name	Flag	Departure from Western Sahara	Destination (Importer)	Arrival	Vessel Details	Estimated cargo (tonnes)	Reg. owner	Reg. owner address	Reg. owner nationality	Group owner	Group owner - registered nationality	Group owner - nationality of controlling interest	Operator	Operator address	Operator nationality	Operator email	Operator website	P&I Club	Comment
1	Spar Lyra	Norway	08/02/2017	Paradip, India (Paradeep Phosphates Ltd)	19/03/2017	IMO # 9289013 MMSI 257316000 53,565 DWT	50000	Spar Shipping AS	Kokstadflaten 30, 5257 Kokstad	Norway	Spar Shipping AS	Norway	Norway	Spar Shipping AS	Kokstadflaten 30, 5257 Kokstad	Norway	mail@sparshipping.com	www.sparshipping.com	GARD AS	
2	F.D. Angelica	Isle of Man	17/03/2017	Geismar, United States (PotashCorp Inc)	04/04/2017	IMO # 9668893 MMSI 235107902 81,922 DWT	75000	Chijin Shipping SA	Care of Kambara Kisen Co Ltd, 1083, Tsuneishi, Numakuma-cho, Fukuyama-shi, Hiroshima-ken, 720-0396	Japan	Tsuneishi Group	Japan	Japan	d'Amato Fratelli SpA	Via dei Fiorentini 21, 80133 Naples NA	Italy	operation@fratellidamato.com, technical@fratellidamato.com, chartering@fratellidamato.com,	www.fratellidamato.com	GARD AS	
3	Hako	Malta	March 2017	Vancouver, Canada (Agrium Inc)	01/06/2017	IMO # 9691814 MMSI 229697000 63,104 DWT	60000	Hako Maritime Ltd	Care of GSD Denizcilik Gayrimenkul Insaat Sanayi ve Ticaret AS, Kaptan Rifat Sokak 3, Aydindevler Mah, Maltepe, 34854 Istanbul	Turkey	GSD Holding AS	Turkey	Turkey	GSD Denizcilik Gayrimenkul	Kaptan Rifat Sokak 3, Aydindevler Mah, Maltepe, 34854 Istanbul	Turkey		www.gsdmarin.com.tr	GARD AS	
4	GH Northern Dancer	Marshall Islands	11/04/2017	Paradip, India (Paradeep Phosphates Ltd)	ca 12/05/2017	IMO # 9724764 MMSI 538007288 63,025 DWT	60000	GH Northern Dancer LLC	Care of Union Apex Shipping Co Ltd, 12th Floor, 200, Gloucester Road, Wan Chai	China	Great Harvest Maeta Group	Cayman Islands	Hong Kong	Union Apex Shipping Co Ltd	12th Floor, 200, Gloucester Road, Wan Chai, Hong Kong	China			The West of England Ship Owners Mutual Insurance Association	
5	NM Cherry Blossom	Marshall Islands	13/04/2017	Bluff, New Zealand (Ballance Agri-Nutrients)	Detained in South Africa	IMO # 9703655 MMSI 538006164 60,494 DWT	55000	NM Shipping SA	Care of AM Nomikos Transworld Maritime Agencies SA, Euroco Building, 1, Alamanas Street, Marousi, 151 25 Athens	Greece	AM Nomikos Transworld Maritime	Panama	Greece	AM Nomikos Transworld Maritime	Euroco Building, 1, Alamanas Street, Marousi, 151 25 Athens	Greece	amngr@nomikos.gr	www.amnomikos.net	UK P&I Club	
6	Ultra Innovation	Panama	28/04/2017	Vancouver, Canada (Agrium Inc)	09/06/2017	IMO # 9767481 MMSI 374883000 61,188 DWT	59840	La Darien Navegacion SA	Care of Shoei Kisen Kaisha Ltd, 4-52, Kora-cho 1-chome, Imabari-shi, Ehime-ken, 799-2111	Japan	Shoei Kisen Kaisha Ltd	Japan	Japan	Ultrabulk Shipping A/S	Camillo Eitzen House, Amerika Plads 38, 2100 Copenhagen	Denmark	operations.cph@ultrabulk.com	www.ultrabulk.com	North of England P&I Assoc	
7	Jin Jing Hai	Hong Kong	10/05/2017	Geismar, United States (PotashCorp Inc)	Ca 26/05/2017	IMO # 9747546 MMSI 477301400 77900 DWT	72000	Jin Jing Hai Shipping Ltd	Care of China COSCO Bulk Shipping (Group) Co Ltd, Building 24, Courtyard 1, Wuliqiao Yijie, Chaoyang Qu, Beijing	China	China COSCO Shipping Corp Ltd	China	China	China COSCO Bulk Shipping	Building 24, Courtyard 1, Wuliqiao Yijie, Chaoyang Qu, Beijing	China		www.chinacoscobulk.com	The West of England Ship Owners Mutual Insurance Association	

No	Vessel Name	Flag	Departure from Western Sahara	Destination (Importer)	Arrival	Vessel Details	Estimated cargo (tonnes)	Reg. owner	Reg. owner address	Reg. owner nationality	Group owner	Group owner - registered nationality	Group owner - nationality of controlling interest	Operator	Operator address	Operator nationality	Operator email	Operator website	P&I Club	Comment
8	Common Spirit	Greece	15/05/2017	Tauranga, New Zealand (Ballance Agri-Nutrients)	ETA 25/06/2017	IMO # 9594717 MMSI 241143000 57078 DWT	55000	Common Life Compania Naviera	Care of Common Progress Compania Naviera SA, 44, Kifisias Avenue, Marousi, 151 25 Athens	Greece	Common Progress Compania	Panama	Greece	Common Progress Compania	44, Kifisias Avenue, Marousi, 151 25 Athens	Greece	ops@commonprogress.gr, info@commonprogress.gr	www.commonprogress.gr	UK P&I Club	
9	Minanur Cebi	Turkey	20/05/2017	Barranquilla, Colombia (Monomeros S.A.)	07/06/2017	IMO # 9326304 MMSI 271000836 18830 DWT	17000	Cebi Denizcilik ve Ticaret AS	Bestekar Saadettin Kaynak Sokak 2, Altunizade Mah, Uskudar, 34662 Istanbul	Turkey	Kaptain Demir Celik Endustrisi	Turkey	Turkey	Cebi Denizcilik ve Ticaret AS	Bestekar Saadettin Kaynak Sokak 2, Altunizade Mah, Uskudar, 34662 Istanbul	Turkey	nurship@nurship.com	www.kaptandemir.com.tr	Hanseatic Underwriters	
10	Western Seattle	Philippines	19/07/2017	Napier, New Zealand (Ravensdown)	27-30/08/2017	IMO # 9660619 MMSI 545568000 57936 DWT	55000	Ratu Shipping Co SA	Care of Nisshin Shipping Co Ltd (Nisshin Kaiun KK), 19th Floor, Nihonbashi 1-chome Building, 4-1, Nihonbashi 1-chome, Chuo-ku, Tokyo, 103-0027	Japan	Nisshin Shipping Co Ltd	Japan	Japan	Nisshin Shipping Co Ltd		Japan	ship@bigthree.co.jp, tramp1@bigthree.co.jp		Japan Ship Owners Mutual P&I	
11	BW Hazel	UK	26/07/2017	Geismar, United States (PotashCorp Inc)	ca 10/08/2017	IMO # 9626687 MMSI 232005859 81150 DWT	78000	BW Dry Cargo Ships Ltd	Care of BW Maritime Pte Ltd, 18-01, Mapletree Business City, 10, Pasir Panjang Road, Singapore 117438	Bermuda	BW Group Ltd	Bermuda	Bermuda	BW Maritime Pte Ltd	18-01, Maple-tree Business City, 10, Pasir Panjang Road, Singapore 117438	Singapore	marinesafety.sgp@bwshipping.com	www.bwshipping.com	North of England P&I Assoc	
12	SITC Taishan	Hong Kong	09/08/2017	Vancouver, Canada (Agrium Inc)	01/10/2017	IMO # 9520780 MMSI 477925300 58107 DWT	56000	SITC Taishan Shipping Co Ltd	Care of SITC Steamships Co Ltd, 44, Xiaogang Yilu, Shinan Qu, Qingdao, Shandong, 266011, China.	Hong Kong, China	SITC International Holdings Co	China, People's Republic Of	China, People's Republic Of	SITC Steamships Co Ltd	44, Xiaogang Yilu, Shinan Qu, Qingdao, Shandong, 266011, China.	China, People's Republic Of	icefeng@sitc.com.cn	n/k	North of England P&I Assoc	
13	Bulk Phoenix	Panama	24/07/2017	Tauranga, New Zealand (Ballance Agri-Nutrients)	29/09/2017	IMO # 9622813 MMSI 370699000 56088 DWT	54000	M&S Ship Holding SA	Care of Tohmei Shipping Co Ltd, Shin-SURFEEL Nakameguro Building, 18-11, Kamimeguro 1-chome, Meguro-ku, Tokyo, 153-0051	Japan	Meiji Shipping Group	Japan	Japan	Dry Bulk Handy Holding Inc	Gildo Pastor Center, 7, rue du Gabian, 98000 Monte Carlo	Monaco	operations@ctmmc.com		Japan Ship Owners Mutual P&I	
14	Golden Keen	Marshall Islands	30/08/2017	Geismar, United States (PotashCorp Inc)	14/09/2017	IMO # 9595723 MMSI 538004290 81586 DWT	79000	Golden Keen Inc	Care of Golden Ocean Group Ltd (GOGL), Par la Ville Place, 14, Par la Ville Road, Hamilton, HM 08, Bermuda.	Liberia	Golden Ocean Group Ltd	Bermuda	Bermuda	Golden Ocean Group Ltd	Par la Ville Place, 14, Par la Ville Road, Hamilton, HM 08, Bermuda.	Bermuda	operation@goldenocean.no	www.goldenocean.no	SKULD	SKULD since 08.08.2017
15	Ultra Crimson	Panama	03/09/2017	Vancouver, Canada (Agrium Inc)	16/10/2017	IMO # 9757826 MMSI 374654000 61084 DWT	59000	Taiei Naviera SA	Care of MMSL Pte Ltd, 10-03, 78, Shenton Way, Singapore 079120	Panama	Chiba Shipping Co Ltd	Japan	Japan	Ultrabulk Shipping A/S	Camillo Eitzen House, Amerika Plads 38, 2100 Copenhagen, Denmark	Denmark	operations.cph@ultrabulk.com	www.ultrabulk.com	North of England P&I Assoc	
16	Nautical Hilary	Liberia	08/09/2017	Vancouver, Canada (Agrium Inc)	06/11/2017	IMO # 9699036 MMSI 636016819 65531 DWT	63000	Nautical Bulk Shipping 1 Ltd	Care of C Transport Maritime SAM (CTM SAM), 7, rue du Gabian, 98000 Monte Carlo, Monaco.	Bermuda	Nautical Bulk Holding Ltd	Bermuda	Bermuda	C Transport Maritime SAM	7, rue du Gabian, 98000 Monte Carlo, Monaco.	Monaco	operations@ctmmc.com	www.ctmmc.com	GARD AS	
17	Ultra Dynamic	Singapore	20/09/2017	Vancouver, Canada (Agrium Inc)	29/11/2017	IMO # 9589798 MMSI 566157000 61412 DWT	59000	Ultra Summit Singapore Pte Ltd	Care of Belships Management Singapore Pte Ltd, 9-104, Trade Hub 21, 18, Boon Lay Way Singapore 609966	Singapore	Ultrabulk Shipping A/S	Denmark	Chile	Ultrabulk Shipping A/S	Camillo Eitzen House, Amerika Plads 38, 2100 Copenhagen, Denmark	Denmark	operations.cph@ultrabulk.com	www.ultrabulk.com	Steamship Mutual	
18	Glovis Madrid	Singapore	06/10/2017	Paradip, India (Paradeep Phosphates Ltd)	06/11/2017	IMO # 9610999 MMSI 566844000 56605 DWT	54000	PST Management Pte Ltd	03-00, PIL Building, 140, Cecil Street, Singapore 069540	Singapore	Pacific Shipping Trust	Singapore	Singapore	Norden A/S Dampskibsselskabet	Strandvejen 52, 2900 Hellerup, Denmark.	Denmark	tankers@ds-norden.com	www.ds-norden.com	Standard Club, The	

No	Vessel Name	Flag	Departure from Western Sahara	Destination (Importer)	Arrival	Vessel Details	Estimated cargo (tonnes)	Reg. owner	Reg. owner address	Reg. owner nationality	Group owner	Group owner - registered nationality	Group owner - nationality of controlling interest	Operator	Operator address	Operator nationality	Operator email	Operator website	P&I Club	Comment
19	Panagiotis	Marshall Islands	20/09/2017	Geismar, United States (PotashCorp Inc)	23/10/2017	IMO # 9461063 MMSI 538007308 80717 DWT	78000	Panagiotis Maritime Ltd	Care of Empire Bulkers Ltd, 88, Vouliagmenis Avenue, Elliniko, 167 77 Athens, Greece.	Marshall Islands	Unknown	Unknown	Unknown	Empire Bulkers Ltd	88, Vouliagmenis Avenue, Elliniko, 167 77 Athens, Greece.	Marshall Islands	hsqe@empirebulkers.com	n/k	Britannia Steam Ship Ins Assoc	
20	SBI Tango	Marshall Islands	10/10/2017	Tauranga, New Zealand (Ballance Agri-Nutrients)	27/11/2017	IMO # 9714707 MMSI 538006140 61192 DWT	59000	SBI Tango Shipping Co Ltd	Care of Scorpio Commercial Management SAM, Le Millenium, 9, boulevard Charles III, 98000 Monaco-Ville, Monaco.	Marshall Islands	Scorpio Bulkers Inc	Marshall Islands	Monaco	Scorpio Commercial Management	Le Millenium, 9, boulevard Charles III, 98000 Monaco-Ville, Monaco.	Monaco	operations@scorpiogroup.net	www.scorpio.mc	Steamship Mutual	
21	Pacific Constant	Hong Kong	21/10/2017	Vancouver, Canada (Agrium Inc)	16/12/2017	IMO # 9712888 MMSI 477900700 61450 DWT	59000	Pacific Constant Shpg Co Ltd	Care of Hong Kong Ming Wah Shipping Co Ltd, 32nd Floor, China Merchants Tower, Shun Tak Centre, 168-200, Connaught Road Central, Central, Hong Kong, China.	Hong Kong, China	China Merchants Energy Shpg	China, People's Republic Of	China, People's Republic Of	Hong Kong Ming Wah Shpg Co Ltd	32nd Floor, China Merchants Tower, Shun Tak Centre, 168-200, Connaught Road Central, Central, Hong Kong, China.	Hong Kong, China	mwte@hkmw.com.hk	www.hkmw.com.hk	West of England Ship Owners'	
22	Desert Oasis	Greece	30/10/2017	Vancouver, Canada (Agrium Inc)	31/12/2017	IMO # 9543782 MMSI 241183000 57436 DWT	55000	Desert Oasis ENE	Care of Atlantic Bulk Carriers Management Ltd, 41-43, Akti Miaouli, 185 35 Piraeus, Greece.	Greece	Atlantic Bulk Carriers Mgmt	Marshall Islands	Greece	Atlantic Bulk Carriers Mgmt	41-43, Akti Miaouli, 185 35 Piraeus, Greece.	Marshall Islands	atlanticbulk@atlanticbulk.gr	www.abcm.com/home_uk.htm	Britannia Steam Ship Ins Assoc	
23	Chang Hua	Hong Kong	31/10/2017	Paradip, India (Paradeep Phosphates Ltd)	13/12/2017	IMO # 9653692 MMSI 477017700 53000 DWT	51000	Wellway Shipping Ltd	Room 1102, 11th Floor, Bupa Centre, 141, Connaught Road West, Sheung Wan, Hong Kong, China	Hong Kong, China	China Govt	China, People's Republic Of	China, People's Republic Of	Fujian Huarong Marine Shipping	28th Floor, Zhongfu Plaza, 92, Dong Jie, Gulou Qu, Fuzhou, Fujian, China.	China, People's Republic Of	go@huarongmarine.cn	www.huarongmarine.cn	Steamship Mutua	Changed ownership Jan 2018. Transaction was completed Oct 2017
24	Great Vision	Hong Kong	19/11/2017	Paradip, India (Paradeep Phosphates Ltd)	23/12/2017	IMO # 9728681 MMSI 477307800 63376 DWT	61000	On Great Ltd	Rooms 601 & 602, Tower A, Sinotrans Plaza, A43, Xizhimen Beidajie, Xicheng Qu, Beijing, 100044	China	SINOTRANS	China	China	Sinotrans Ship Management Ltd	21st Floor, Great Eagle Centre, 23, Harbour Road, Wan Chai, 999077	Hong Kong	marine@sinotranship.com, technical@sinotranship.com	www.sinotranship.com	SKULD	
25	Anarita	Liberia	02/12/2017	Napier/Lyttelton/Dunedin/Tauranga, New Zealand (Ravensdown)	14/01/2017	IMO # 9636008 IMO 9636008 58000 DWT	55000	Anarita Maritime Ltd	Care of Ocean Agencies Ltd, 2nd Floor, Marlborough House, 298, Regents Park Road, London, N3 2TJ, United Kingdom.	Liberia	Unknown	Unknown	Unknown	Ocean Agencies Ltd	2nd Floor, Marlborough House, 298, Regents Park Road, London, N3 2TJ, United Kingdom.	United Kingdom	operations@ocean-agencies.com	n/k	UK P&I Club	
26	Ultra Saskatchewan	Panama	08/12/2017	Vancouver, Canada (Agrium Inc)	26/01/2018	IMO # 9570486 MMSI 355178000 61484 DWT	59000	Cypress Maritime/Koyo Shosen	Care of Shoei Kisen Kaisha Ltd, 4-52, Kora-cho 1-chome, Imabari-shi, Ehime-ken, 799-2111	Japan	Shoei Kisen Kaisha Ltd	Japan	Japan	Ultrabulk Shipping A/S	Camillo Eitzen House, Amerika Plads 38, 2100 Copenhagen	Denmark	operations.cph@ultrabulk.com	www.ultrabulk.com	UK P&I Club	
27	Ocean Rose	Marshall Islands	20/12/2017	Paradip, India (Paradeep Phosphates Ltd)	18/01/2018	IMO # 9351725 MMSI 538004680 56023 DWT	54000	Impex Trade International Ltd	Care of Mercantile Shipping Lines Ltd, Fresh Villa, 15, Road No 34, Gulshan, Dhaka, 1212, Bangladesh.	Marshall Islands	Unknown	Unknown	Unknown	Mercantile Shipping Lines Ltd	Fresh Villa, 15, Road No 34, Gulshan, Dhaka, 1212, Bangladesh.	Bangladesh	info@meghnagroup.biz	www.meghnagroup.biz	SKULD	



“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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