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Brussels  
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**Re. your company's participation in the transport of phosphate rock from occupied Western Sahara**

Dear Sirs,

It is our privilege to write to you again. We are writing to follow up on our letter of 14 June 2017, which asked for clarifications regarding your company's involvement in the transport of phosphate rock from Western Sahara. The matter has become more pertinent as we've noticed that your company has engaged in another shipment from the occupied territory since then.

The transport in question was on board the bulk vessel *Western Seattle*, departing Western Sahara on 18 July 2017 with an estimated 55,000 tonnes of phosphate rock destined to the port of Napier, New Zealand.

The previous transport, subject of our initial letter, was that of the *Hanton Trader 1*, departing Western Sahara on 15 May 2016 with an estimated 60,000 tonnes of phosphate rock with destination Vancouver, Canada.

As we will cover these shipments in an upcoming report on the 2017 trade in phosphate rock from occupied Western Sahara, we would welcome your views and comments. We cannot see having received a reply to our first letter, so please allow us to rephrase the questions we raised before. We'd be grateful if you could answer them.

- 1. Did your company seek the consent of the representatives of the people of Western Sahara prior to undertaking these shipments?**
- 2. Does your company currently have plans or agreements for further transports of such goods from Western Sahara?**
- 3. Based on recent legal developments and on the principles of international law relating to such transports, will your company introduce measures to avoid taking part in similar transports from Western Sahara in the future?**

Western Sahara, as you may know, is often referred to as *the last colony in Africa*. It was invaded by Morocco in 1975, and is divided by the world's longest fortified structure, the 'berm', which features some five million landmines, and stretches 2400 kilometers across the territory. The berm is garrisoned by an estimated 60,000 Moroccan armed forces. Across the berm, across the border to Algeria, half the Saharawi population reside in six refugee camps.

In 1991, the United Nations, by agreement of Morocco and the Polisario Front, committed to deliver a self-determination referendum for the Saharawi people, something assured for them in a decolonizing world as a basic human right. But that referendum has not yet come to pass, and all the while, phosphate mineral rock from the occupied area of Western Sahara continues to be exported. The Saharawi people, including civil society organizations and their democratically elected government, have been outspoken in protesting the mining, export and ocean transport of the phosphate commodity. The value of the cargo aboard the vessel operated by your company corresponds to a substantial part of the humanitarian aid that the refugees rely on annually.

The UN Legal Counsel commented in 2002 that any exploitation of natural resources in Western Sahara would be in violation of international law if the people do not consent to it. The Court of Justice of the EU on 21 December 2016 came to the same conclusion.

Not only is this a matter of international law and ethics, but also of real financial risk for the involved companies. On 1 May 2017, the bulk vessel *NM Cherry Blossom*, containing a cargo of 55,000 tonnes of phosphate rock was detained in the port of Port Elizabeth, South Africa, while the vessel was on its way to New Zealand. In South Africa, Saharawi authorities, the government of the Saharawi Republic in combination with the Sahara people's organization, the Polisario Front, obtained a court order to detain the cargo. On 15 June 2017, the South African High Court decided that the case to ascertain the ownership of the cargo brought by the Saharawi authorities was accepted, and that the cargo was to remain in detention. OCP, Morocco's state-owned phosphate company – which had attempted to defend its right to the cargo – declared on 13 July 2017 that it would no longer proceed. To date, the *NM Cherry Blossom* remains at anchor in Port Elizabeth – presenting a huge financial loss to the owner and operator of the vessel.

We ask your company not to undertake any more shipments from Western Sahara in the future. Please do not hesitate to contact us if you'd require any further information on any of the above included elements. We look forward to your reply.

Sincerely,

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