

Sunday 17th March 2019, London

Borealis Maritime Ltd
139, Piccadilly
London, W1J 7NU
United Kingdom

Dear Sir or Madam,

Re: Borealis Maritime's participation in the transport of phosphate rock from occupied Western Sahara

We are writing with regard to the transport of phosphate rock from Western Sahara and the role of Borealis Maritime Ltd in this matter.

The shipment in question was on board the bulk vessel *Bomar Oyster*, departing Western Sahara in August 2018 with an estimated 54,000 tonnes of phosphate rock destined for the port of Paradip in India.

Western Sahara Resource Watch (WSRW) is an independent, non-governmental organisation based in Brussels, with representatives in other European countries. Our work consists of factual and neutral research into, and comment on, matters pertaining to natural resources in Western Sahara. Western Sahara, as you may know, is often referred to as *Africa's last colony*. 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 2,400 kilometres across the territory. The berm is patrolled by an estimated 60,000 Moroccan armed forces. Across the berm and over the border into Algeria, half the Saharawi population reside in six refugee camps.

In 1991, the United Nations, by agreement between Morocco and the Polisario Front, committed to deliver a self-determination referendum for the Saharawi people, something assured for them in a decolonising 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 organisations and their democratically elected government, have been outspoken in protesting against 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 European Court of Justice 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 companies involved. On 1 May 2017, the bulk vessel *NM Cherry Blossom*, containing a cargo of 54,000 tonnes of phosphate rock was detained in the port of Port Elizabeth, South Africa, while the vessel was on its way to New Zealand. The ship departed El Aaiun on the Atlantic coast of Western Sahara in April and

stopped in Port Elizabeth to refuel. In South Africa, Saharawi authorities, the government of the Saharawi Republic as well as the Sahara people's organisation, the Polisario Front, obtained a court order to detain the cargo. After 370 days' detention, the vessel was released in 2018. The High Court of South Africa had found that the cargo could not belong to the exporter, Morocco, which occupies the territory, nor to the importer in New Zealand which had bought it from them.

We therefore contact you for two reasons in relation to the vessel operated by your company.

Firstly, in protest of the aforementioned incident in which your company was involved. We ask that your company no longer undertake such transports in the future. This recommendation, and the mention of your company, will appear in a WSRW report to be published on in April 2019. The report outlines the companies behind all transports of phosphate rock from the territory for the calendar year 2018.

Second, we kindly ask your company to respond to the following questions:

- 1) Did Borealis Maritime seek the consent of the representatives of the Saharawi people prior to undertaking the transport of these goods?
- 2) Does Borealis Maritime currently have plans or agreements for further transportation of such goods from Western Sahara?
- 3) Based on the recent legal developments and on the general international law concerns relating to the transportation of these goods, will Borealis Maritime introduce measures to avoid taking part in similar transportation from Western Sahara in the future?

The answers to the questions will be made available on our website www.wsrw.org.

We look forward to your reply, which can be sent to the email shipping@wsrw.org. Please let us know what information we might offer further to what we have written above.

Yours faithfully,

Beccy Allen

Western Sahara Resource Watch

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