

From: s9(2)(a) (MEA)

Sent: Monday, 30 March 2015 11:36 a.m.

To: FANZ s9(2)(a)

Subject: RE: Import of phosphate rock from Western Sahara

[UNCLASSIFIED]

Hi s9(2)(a),

Thanks for the phone conversation earlier. I am glad to hear that you're receiving independent legal advice recognising the 2002 UN legal opinion on the question of Western Saharan natural resources, and its stipulations about the need for the Sahrawi people to benefit from any resources extracted from Western Sahara.

With regards to the UN process on Western Sahara, the mandate for the UN Mission for the Referendum in Western Sahara (MINURSO) will expire on 30 April 2015. In the weeks preceding this, the UN Security Council will receive the report of the Secretary-General on Western Sahara. Following this, Council members will have consultations on MINURSO, and have an opportunity to extend the Mission's mandate for a further period.

More information can be found on the MINURSO website (<http://minurso.unmissions.org/>).

Please don't hesitate to contact me if you have any questions.

Regards,
s9(2)(a)

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OFFICIAL INFORMATION ACT

From: FANZ s9(2)(a)

Sent: Wednesday, 3 December 2014 9:01 a.m.

To: s9(2)(a) (MEA)

Cc: HORNE, Stuart (MEA); LANGLEY, Jeff (MEA)

Subject: RE: Import of phosphate rock from Western Sahara

Hello s9(2)(a)

Thanks for getting in touch. If you were able to meet with us around 9.30 am on Tuesday 9 December that would be much appreciated. Would that work from your perspective?

I don't think we need a long conversation(perhaps 15 min) but it would be good to review where things are at with the Western Sahara issue from an MFAT perspective and perhaps review the nature of the correspondence between MFAT, SADR and Morocco

By way of some background, the fertiliser industry has received independent legal advice that there are no New Zealand or international legal or regulatory barriers to the import of rock phosphate into New Zealand from Western Sahara and that OCP's operations in Western Sahara meet the requirements of international law, in particular the relevant Resolutions of the Security Council and the General Assembly of the United Nations that the trade in resources is done in a manner consistent with the needs, interests and wishes of the local people.

FANZ member companies continue to exercise due diligence on this issue and have sought and continue to receive a variety of information from OCP on their business practices, including key indicators on their community investments, such as the building of healthcare centres and schools. FANZ member companies are also working with OCP to ensure they follow a robust and auditable annual reporting process.

In the meantime, the fertiliser industry wishes to continue to liaise with MFAT on the general issue of trade in natural resources with Western Sahara to ensure our opinions and advice on the matter are aligned and to seek your assistance to monitor any developments internationally.

Kind regards, s9(2)(a)

s9(2)(a)
s9(2)(a)

/ FERTILISER ASSOCIATION / s9(2)(a)

The Fertiliser Association of New Zealand Incorporated

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From: s9(2)(a) (MEA)
Sent: Tuesday, 24 June 2014 12:19 p.m.
To: FANZ s9(2)(a)
Cc: RILEY, Barney (MEA/LGL/TLU)
Subject: RE: Import of phosphate rock from Western Sahara

[UNCLASSIFIED]

Kia ora **s9(2)(a)**,

Not a problem, and thank you for inviting us to come along and speak to you about the issue.

As mentioned at our meeting, if you are wanting to quote the Ministry's advice, you should base it on the Ministry's formal advice available on our website. We are not in a position to provide you with legal advice, or provide you with a copy of our internal legal advice, as this would require the waiver of legal professional privilege (something only the Attorney General can do on behalf of the Crown). If you are wanting to reflect legal advice in the statement, you could refer to the UN legal opinion or source your own legal advice. In addition, if you wanted to note that there are no regulatory barriers to the import of phosphate into NZ from Western Sahara, you could do so (this is just a statement of fact).

So you might like to look at your third and fourth paragraphs again in light of the above.

OUT OF SCOPE

Kind Regards

s9(2)(a)
Policy officer
Middle East and Africa Division (MEA)
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

s9(2)(a) www.nzunsc.govt.nz



NEW ZEALAND
UNITED NATIONS
SECURITY COUNCIL
2015-16



HOLDING STATEMENT – NOT FOR RELEASE

27 November 2014

FANZ affirms position on Western Sahara

The Fertiliser Association of New Zealand (FANZ) is aware of the complex and long-running territorial dispute in the non-self-governing territory of Western Sahara.

FANZ member companies import a portion of the rock phosphate used in New Zealand for the manufacture of fertilisers from Office Chérifien des Phosphates SA (OCP), a Moroccan state-owned company that mines phosphate rock from a number of sites, including the Bou Craa mine in Western Sahara.

FANZ has received expert independent legal advice that there are no New Zealand or international legal or regulatory barriers to the import of rock phosphate into New Zealand from Western Sahara and that OCP's operations in Western Sahara meet the requirements of international law, in particular the relevant Resolutions of the Security Council and the General Assembly of the United Nations that the trade in resources is done in a manner consistent with the needs, interests and wishes of the local people.

FANZ member companies continue to exercise due diligence on this issue and have sought and continue to receive a variety of information from OCP on their business practices, including key indicators on their community investments, such as the building of healthcare centres and schools.

FANZ member companies are working with OCP to ensure they follow a robust and auditable annual reporting process.

FANZ continues to liaise with the Ministry of Foreign Affairs and Trade on the issue of trade in natural resources with Western Sahara and to monitor any developments internationally.

ENDS

Background

The Fertiliser Association of New Zealand

The Fertiliser Association of New Zealand (FANZ) is a trade association representing the New Zealand manufacturers of superphosphate and nitrogen fertilisers. FANZ has two member companies – Ballance Agri-Nutrients Ltd and Ravensdown Fertiliser Co-operative Ltd. Both of these companies are farmer owned co-operatives with some 45,000 farmer shareholders between them. FANZ member companies supply over 98 per cent of all fertiliser used in New Zealand. This represents a \$2 billion share of the market.

To promote good management practices, FANZ and its member companies develop training programmes, codes of practice and industry information fact sheets. They fund research, partner with government on research and development projects and work closely with other organisations in the agricultural sector on industry-good issues. Industry research and development spending exceeds \$16 million per annum. This includes funding for the OVERSEER® nutrient management tool.

FANZ supports and encourages an environmentally responsible science-based approach to nutrient management and its regulation. FANZ member companies provide products that are critical to New Zealand farming systems along with research that supports both environmentally sustainable farming practices and government's export growth agenda. FANZ is influential across all agricultural sectors, including dairy, sheep, beef, arable and horticulture.

More information about FANZ can be found on the website at www.fertiliser.org.nz

Further information

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Fertiliser Association of New Zealand