

RMTU calls for end of "blood phosphate" imports after High Court judgement

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The Rail and Maritime Transport Union has repeated its call to end imports of "blood phosphate" from Western Sahara following a High Court judgement.

On 15 March 2021, the High Court of New Zealand released its judgment in *Kamel Mohamed & Barton v Guardians of New Zealand Superannuation*, which concerns an application for judicial review of the New Zealand Superannuation Fund's investments in Western Sahara.

RMTU National Secretary Wayne Butson says the ongoing importation of blood phosphate was unacceptable.

He says the RMTU is disappointed the Court dismissed the application for a judicial review.

"However, the Court has sent a clear message by noting blood phosphate imports pose a reputational risk to New Zealand's wider interests."

Mr Butson says it is inevitable the imports will end as international concern grows about the plight of the Saharawi people of Western Sahara.

New Zealand is the only country in the western world that still imports phosphate from Western Sahara, through fertiliser companies Ballance and Ravensdown.

Since 2012, pension and investment funds worldwide have excluded investments in companies involved in the exploration and extraction of resources in Western Sahara, including on the basis that the phosphate trade contributes to Morocco's continued presence in Western Sahara.

In 2019 the New Zealand Council of Trade Unions (CTU) passed a resolution condemning Morocco's illegal occupation of Western Sahara and calling upon the New Zealand government to halt importation of phosphates from the area.

The RMTU represents port workers in several New Zealand ports the phosphate is imported into.

As a CTU affiliate, the RMTU has taken a number of actions to raise awareness of the situation in ports, including delivering a letter of protest to the captain of a phosphate ship in the Port of Tauranga earlier this month.

The RMTU is committed to continuing its protest action with the goal of ending the importation of blood phosphate into New Zealand.

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Background

Western Sahara has been substantially occupied by Morocco since 1976, despite the International Court of Justice concluding in 1975 that Morocco did not have rights of sovereignty over the territory.

Western Sahara is recognised by the United Nations as a non-self-governing territory, and the Polisario Front is recognised by the United Nations as the legitimate representative of the people of Western Sahara. Under international law, the Western Saharawi people have a right to self-determination and sovereignty over natural resources located in their territory.

As noted in the High Court's judgment, "The transfer of administrative authority over the territory to Morocco and Mauritania in 1975 [by Spain] did not affect the international status of Western Sahara as a Non-Self-Governing Territory" and "Morocco... is not listed as the territorial administering Power [of Western Sahara] in the United Nations list of Non-Self-Governing Territories".

The Court also observed that "a series of General Assembly resolutions on the question of Spanish/Western Sahara reaffirmed the applicability of the Declaration of the Granting of Independence to Colonial Countries and Peoples (General Assembly Resolution 1514 (XV)) to the territory".

The Polisario Front's position is that the Saharawi people have never been consulted on the extraction of phosphate from Western Sahara and such extraction does not benefit the people of Western Sahara.

In December 2020, Minister of Finance Grant Robertson wrote to the Super Fund asking it to adopt ethical investment policies to help "lift New Zealand's reputational standing as a responsible investor in the international community".