

**SUMMARY REPORT OF SEMINAR ON THE PERILS OF PEAK  
PHOSPHORUS: GEOPOLITICS, FOOD SECURITY, CORPORATE SOCIAL  
RESPONSIBILITY AND HUMAN RIGHTS: IMPLICATIONS FOR WESTERN  
SAHARA**

**Bååtska Rummet, Munkbron 17, Gamla Stan, Stockholm  
Wednesday 19<sup>th</sup> May 2010, 14:00 – 17:00**



**Organisers**

Stockholm Environment Institute (SEI)  
Swedish International Agricultural Network  
Initiative (SIANI)  
Nordic Africa Institute (NAI)  
Riksdagens tvärpolitiska nätverk för  
Västsahara  
International Commission of Jurists (ICJ-  
Swedish Section)  
VästsaharaAktionen

**Speakers**

Dr Arno Rosemarin, Stockholm Environment  
Institute (SEI)  
Dr Kjell Havnevik, Nordic Africa Institute  
Mr Sören Lindh, VästsaharaAktionen  
Ms Cecilia Asklöf, International Commission  
of Jurists – Swedish Section  
Dr Magnus Furugård, GES Investment  
Services International

**Moderator**

Ms Cecilia Ruben, Stockholm Environment Institute (SEI)

**Compiled by**

Mr Nelson Ekane, Stockholm Environment Institute (SEI)

## **Opening of the Seminar**

The moderator opened the seminar by welcoming the speakers and participants and regretted that many additional persons interested in participating were unable to do so due to the lack of space.

On behalf of the seminar's six organising institutions, the moderator thanked Magnus Furugård, President and Managing Director, GES Investment Services International for participating in the seminar and highlighted the importance of his contribution on the topic "How Investors Can Facilitate Corporate Responsibility through Active Engagement using Western Sahara as a Case Study".

Additionally, gratitude was expressed to the Swedish Parliament for gracefully making the Bååtska Rummet available for the seminar.

The moderator further reflected on the bold architecture of the seminar and found that the many diverse issues to be dealt with each merited its own seminar and that all six organising institutions had demonstrated courage and willingness to highlight the complexity of phosphorus issues in a globalised world.

Furthermore, the moderator explained that the aim of the seminar was to gain a better understanding of how phosphorus reserves and the use of phosphorus - and for that matter the sometimes wasteful use of phosphorus in contemporary society - have a bearing on diverse concerns such as:

- food security
- natural resource management
- minimisation of wastefulness of phosphorus and other essential micronutrients used in agriculture so as to reduce eutrophication of bodies of water
- harnessing phosphorus that is in circulation, i.e. closing the loop on phosphorus by safely recycling it from the sanitation and solid waste sectors and from composting of organic matter in agriculture so that poor farmers also can avail themselves of safe fertilizers
- highlighting the sanitation-nutrients-food security-livelihoods nexus
- geopolitics as it relates to international trade agreements
- linking global malnutrition and the lack of political willpower to rectify access to adequate food supply
- reduction of energy consumption related to the production, distribution and use of commercial fertilizers
- disrespect for human rights in the context of Western Sahara
- how financial investors can relate to Western Sahara in respect to human rights, and other legal aspect in that country by facilitating and exercising corporate social responsibility through active engagement with companies exploiting natural resources from the region.

The moderator emphasized that solutions to the dilemmas presented were not likely to be found during the course of the seminar. Rather, it was hoped that the seminar would put in focus the Phosphate rock rich Western Sahara, an

occupied territory whose natural resources are being extracted, and yet the majority of the Saharawi people remain hungry, live in abject poverty, and are deprived of basic human rights. Also, the seminar would offer highlights to the inter-relationships between the multitude of key issues and various actors for the sustainable survival of the globe's population and hopefully it would be the upshot to a crucial dialogue with key actors in Sweden and elsewhere in relation to peak phosphorus.

The five Powerpoint presentations summarised below are available at the website of SEI's EcoSanRes Programme at [www.ecosanres.org](http://www.ecosanres.org).

### **Peak Phosphorus – The next inconvenient truth**

#### ***Dr Arno Rosemarin, Stockholm Environment Institute (SEI)***

Phosphorus is an essential nutrient for all plants and animals. About 80% of mined phosphate rock, the main source of phosphorus, is used in fertilizers thus making it very vital for the world's agricultural sector. According to Dr Arno Rosemarin, the US Geological Survey, the only official available source of global phosphate rock data, reports that phosphate rock reserves are running out and that phosphate rock extraction will peak around the year 2030. The extraction rate of phosphate rock in the United States (US) peaked 15 years ago and present forecasts show that the US will deplete its reserves within 30 years. Globally, phosphate rock reserves are estimated to be depleted within 75–100 years, Dr Rosemarin added. He further explained that part of the problem is that this non-renewable resource, which is in nature a micro nutrient is being used as a macro nutrient and more focus has been on its extraction rate than on its depletion rate. In addition, there is about 50 to 70% efficiency in the extraction of P from rock and only 20% of what is mined ends up in our food. Being a non-renewable resource, phosphorus cannot be manufactured from alternative sources. Therefore, he emphasized the need for agricultural reforms and innovative and sustainable strategies to recover phosphorus from human, animal and other organic wastes for use in agriculture. He mentioned that phosphate rock is also found in the ocean depths in sand and sedimentary rocks but extracting it from these sources is expensive and not economically viable, at least not in the current conditions.

Data show that 90% of phosphate rock reserves are found in only five countries and the largest commercially recoverable reserves are found in three countries – China, United States and Morocco/Western Sahara. Dr Rosemarin asserted that these factors present geopolitical challenges even more complex than those of oil and pose social and economical threats for which the world is ill-prepared to handle. He stressed the multifaceted challenges such as higher food prices and growing food insecurity in most developing countries caused by the high prices of chemical fertilizers. The scarcity of phosphate rock will be reflected in the price of fertilizers, and ultimately in the cost of food.

The price of phosphate fertilizer unexpectedly increased in 2008 partly due to the growing demand for biofuels to replace oil. The use of fertilizers to produce biofuel crops, such as maize for ethanol, pushed fertilizers into a pricing structure determined by the soaring price of oil and the result was a

surge in food prices, which mainly affected people in developing countries who rarely benefit from fertilizer subsidies. Dr Rosemarin pointed out that so far, governments, UN agencies and international NGOs have failed to acknowledge, let alone respond to, the phosphorus problem and that there is yet to be an international mechanism to handle phosphorus issues. The future implications for food production and hunger will be unspeakably severe and calamitous, if business continues as usual in this sector with the present rate of phosphate rock extraction and little reuse. The above mentioned facts and figures are presented in his publication – “The next inconvenient truth – Peak Phosphorus”, published in August 2009. Available at: <http://www.thebrokeronline.eu/en/Magazine/articles/Peak-phosphorus>

### **New Policy Regimes to Achieve Food Security in Africa**

***Dr Kjell Havnevik, Nordic Africa Institute***

Presently, more than a billion people — a sixth of the world's population — are critically hungry and the majority of this hunger-stricken population reside in developing countries, Dr Kjell Havnevik reported. He also highlighted the link between the distribution of natural resources and hunger, which presents a serious risk for peace and security in most developing countries, Western Sahara being no exception, and questioned the often exclusive focus on agricultural inputs, including phosphorus inputs to address the present hunger crisis. Dr Havnevik presented the concept of food security, which is characterized by production/abundance, adequacy of food, cultural acceptance of food, and access to food. He stated that features of the new policy regimes for food security overlook power aspects and that the concept of food security is unable to explain why one billion people remain critically hungry. The crucial role played by women in food production and the inherent problem of their weak user rights to land in developing countries in particular were raised by Dr Havnevik. He recommended that sustainability aspects of agriculture must be addressed and stressed the need to change policy to reduce global hunger by strengthening rights to food approach; shift policy focus from food security to food sovereignty; develop sustainable smallholder agriculture and staple food production, so that both smallholder farmers and commercial farmers can benefit; promote consumption and attitude change in the developed countries; and ensure policy space for low income countries, including Western Sahara.

In Western Sahara, food security has been characterized by 30 years of a catastrophically poor diet, aggravated by cut in food rations which has resulted in malnutrition, illness and high child mortality rates. Even though efforts are being made to improve food distribution and health issues in Western Sahara, Dr Havnevik concluded that the end of Morocco's occupation of Western Sahara will pave the way for policy change to increase food security and improve livelihoods of the Saharawis in Western Sahara.

### **Brief Overview on Western Sahara Natural Resources**

***Mr Sören Lindh, VästsaharaAktionen***

The natural resources of Western Sahara have always been an issue of conflict, but recently it has become the focus of much more international attention. VästsaharaAktionen, a Swedish umbrella organisation with 27

member organisations, including solidarity groups, almost all political youth and women's leagues and some Christian organisations, have garnered momentum to express their dissatisfaction of Morocco's occupation of Western Sahara, defiance of the decision of the International Court of Justice giving the Saharawis' the right to self-determination, illegal exploitation of its natural resources and violation of the Charter of the United Nations. Speaking for the VästsaharaAktionen, Sören Lindh gave examples of natural resources under threat; some areas where exploitation is going on (fish, phosphate) and areas where Morocco has published strategic plans for exploration and exploitation. He said that their organization is advocating freedom or self-determination of the Saharawis. Sören Lindh referred to Morocco's occupation of Western Sahara as a colonial issue that is mainly about power, and added that phosphorus extraction in the region is perhaps partly the reason why the King of Morocco's assets increase every year making him one of the wealthiest monarchs in the world. There are different reasons behind Morocco's occupation of Western Sahara. Toby Shelly (2006) reports in her article on natural resources and the Western Sahara in "Current African Issues" No. 33 that while the control of West Saharan phosphate reserves may have been a factor in Morocco's determination to seize Western Sahara, it is the control of fish stocks and the hope of finding oil that now dominates the agenda of Morocco's officials.

### **Respect for Human Rights and Relevant Legal Aspects in Western Sahara**

#### ***Ms Cecilia Asklöf, International Commission of Jurists – Swedish Section***

Ms Cecilia Asklöf accounted for the advisory opinion delivered in 1975 by the International Court of Justice. This advisory opinion was meant to clarify the status of Western Sahara and the nature of its ties to Morocco and Mauritania. According to the ruling there were no legal ties of territorial sovereignty between Morocco and Western Sahara at the time of its colonization. Cecilia Asklöf pointed out that this meant that Morocco has no legitimate claim over Western Sahara, which has been included in the UN list of Non-Self Governing Territories since 1963. Morocco has never been formally recognized by the UN as being the Administrating Power of the territory.

As to the exploitation of natural resources in the area, Cecilia Asklöf referred to a legal opinion delivered in 2002 by Hans Corell, former Under-Secretary-General for Legal Affairs and the Legal Council of the United Nations, and the further clarifications of that opinion made by Mr. Corell at a conference on international law in Pretoria in 2008. The legal opinion was requested in order to sort out the legality of two contracts for oil-reconnaissance in Western Sahara, signed by Morocco. A distinction can be made between economic activities that are detrimental to the people of a Non-Self Governing Territory and those directed to benefit them. The General Assembly has recognised the value of foreign economic investment when undertaken in **collaboration** with the peoples of the Non-Self Governing Territory and in **accordance to their wishes**.

In the case at hand, the UN Legal Council came to the conclusion 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 principles of international law applicable to mineral resource activities in Non-Self-Governing Territories*”.

At the conference in Pretoria, Mr. Corell clarified that his principle applies regardless of whether the natural resource in question would be a renewable or a non-renewable resource.

### **How Investors can Facilitate Corporate Responsibility through Active Engagement – Western Sahara as a Case Study**

***Dr Magnus Furugård, GES Investment Services International***

Dr Furugård firstly reflected on how investors can facilitate and exercise corporate responsibility through active engagement to change company behaviour in situations where resources are being exploited from an occupied territory against the will of the people. He stressed that GES Investment Services International is not an investor, but rather gives advice to investors on companies' management of Environmental, Social and Governance (ESG) issues. He further explained the GES engagement forum, which is a collaborative tool for an active ownership aiming to improve companies' compliance with international norms on ESG issues. The key in the process is a dialogue on how to improve actions to ensure a responsible behaviour.

GES Investment Services International has together with clients been conducting active engagement with the Australian company, Wesfarmers, which is violating international law by importing phosphate from the occupied Western Sahara, Dr Furugård reported. He added that Wesfarmers is particularly interested in Western Saharan phosphate because it is relatively clean. The engagement process included an investor group meeting with the company in Australia last year. Wesfarmers' subsidiary CSBP has subsequently announced the decision to invest in new technology, which will enable the company to use phosphate rock from sources other than the occupied Western Sahara and thus reduce the company's reliance on phosphate rock from the occupied area. GES Investment Services will continue its engagement with Wesfarmers concerning the exploitation of natural resources in Western Sahara and the need to regard the interests and wishes of the people of Western Sahara.

### **Discussion and Recommendations**

The seminar presentations generated heated discussions amongst the invigorated participants on issues related to natural resource exploitation and the blatant disregard for basic human rights in the occupied Western Sahara. It was recommended that a holistic perspective is needed in addressing such problems. Some roles and responsibilities of the rest of the world in making an impact in such situations were also pinpointed.

Concerning the impending depletion of phosphate rock reserves, proposals were made to create an International Task Force to develop a white paper on

phosphorus just like it was done for climate change. This might be initiated by a small group, e.g. by the Nordic countries.

It was suggested that determining the quantity of blooming blue green algae in the Baltic Sea caused by phosphorus originating from Western Sahara could make a political impact on the situation related to phosphorus export from the occupied territory and the unlawful actions by Morocco.

Suggestions were also made to broaden the audience of the phosphorus debate to include large-scale commercial farmers in developed countries, who benefit from heavy subsidies, much of which are spent on agricultural inputs to raise crop productivity resulting in wastage in most cases.

Pertinent questions such as: when do issues such as peak phosphorus, peak oil, climate change, etc. become important to us? Are we able to see ourselves as part of the problem/part of the solution? was also raised.

It was suggested to investigate the possibility to create a fund to allow the Saharawis to benefit from the phosphate rock resource they are endowed with.

What does it take to see the complexities of the situation in developing countries, including Western Sahara? This is the question we are faced with. The fact that 1.6 billion people in the world are living in abject poverty and one billion without sufficient food should spur governments and the international community to act. It was reported that one of the reason for this status quo might be that we have not been able to clearly master the power relationships.

Proposals were made to abstain from goods produced using resources from Western Sahara and other regions under similar circumstances. It was recommended that the international community learn from the Norwegian action, which sent back two ships carrying phosphorus from Western Sahara.

As customers or clients, people have the liberty to make ethical decisions not to consume products made with resources from such regions. However, the question is how do people know what they buy and how to select purchases in order to boycott products made with resources from illegal sources? For instance, as consumers, it is difficult to know where the content of tinned sardines or tomatoes come from.

It was concluded that there is a need for a serious international discussion to fine-tune responsibilities in an international perspective. Various actors need to be identified and the principles for an international mechanism for dealing with peak phosphorus and human rights violations in Western Sahara should be outlined in a white paper on current conditions with suggestions on how to create responsible action for sustainable extraction and identification of how to safely recycle key micronutrients, including phosphorus.

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## Note takers

Mr Nelson Ekane, EcoSanRes, SEI, in collaboration with Mr Befekadu Temesgen and Mr Mauricio Portilla Ospina, interns at SIANI hosted by SEI.

## For further information related to the seminar and follow-up

Please contact Cecilia Ruben, SEI, 08 674 7435 or [cecilia.ruben@sei.se](mailto:cecilia.ruben@sei.se).

## Related documentation

Seminar Program

- **Peak Phosphorus – The Next Inconvenient Truth**  
*Arno Rosemarin*, Stockholm Environment Institute
- **New Policy Regimes to Achieve Food Security in Africa**  
*Kjell Havnevik*, The Nordic Africa Institute
- **Brief Overview on Western Sahara Natural Resources**  
*Sören Lindh*, VästsaharaAktionen
- **How Investors Can Facilitate Corporate Responsibility through Active Engagement – Western Sahara as a Case Study**  
*Magnus Furugård*, GES-Investment Services International
- **Respect for Human Rights and Relevant Legal Aspects in Western Sahara**  
*Cecilia Asklöf*, International Commission of Jurists – Swedish Section
- **Panel Discussion**
- **Moderator: Cecilia Ruben, Stockholm Environment Institute**

Five PowerPoint presentations available at [www.ecosanres.org](http://www.ecosanres.org)

## Further Reading

- “The next inconvenient truth – Peak Phosphorous”, published in August 2009. Available at:  
<http://www.thebrokeronline.eu/en/Magazine/articles/Peak-phosphorus>
- Current African Issues No. 33. A Publication of the Nordic African Institute.
- Hans Corell’s speech at The Legal Counsel, United Nations Security Council, 12 February 2002. Available at:  
<http://www.havc.se/res/SelectedMaterial/20020129legalopinionwesternsahara.pdf>
- The legality of exploring and exploiting natural resources in Western Sahara Ambassador Hans Corell, Former Under-Secretary-General for Legal Affairs and the Legal Counsel of the United Nations Sweden.
- Oral Questions: Minerals—Importation from Non-self-governing Territories, Metiria Turei MP, Green Party, New Zealand.

## Media Coverage

- Matpriser Skenar Vid ”Peak Fosfor”. Klimatmagasinet Effekt 3-4/2010: p 7.
- MR-konsekvenser när fosfor tar slut. Nyhetsbrev, 2010-05-31. Internationella Juristkommissionen, ICJ-S.
- Watch part of the seminar on youtube  
<http://www.youtube.com/watch?v=Eey5miTp-o>

- Nästa obekväma sanning by Mikael Färnbo in Dagensarena, May 28 2010. <http://dagensarena.se/reportage/nasta-obekvama-sanning/>

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**SIANI**  
TOWARDS A COHERENT RESPONSE TO  
SUSTAINABLE AGRICULTURAL DEVELOPMENT



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**Riksdagens tvärpolitiska  
nätverk för Västsahara**