



Submission No 19

Inquiry into Australia's Trade and Investment Relations with North Africa (Algeria, Egypt, Libya, Morocco, and Tunisia)

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Supplementary submission to the Trade Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade's Inquiry into Australia's trade and investment relations with North Africa

Purpose of submission

The purpose of this supplementary submission is to bring to notice the illegal removal of phosphate mineral rock from the occupied territory of Western Sahara and its import into Australia.

New information

AWSA understands that the ship Furness Karumba loaded in Al Aaiun (Laayoune) and is due to arrive at Kwinana 7 November 2005. We understand that it is carrying phosphate mineral rock which is sourced solely from within Western Sahara. It would appear, from information that we have, that this is not the first time that phosphate mineral rock from Western Sahara has been imported into Australia. In August 2005, the ship "Triton Stork" arrived in Fremantle, Western Australia. AWSA understands that it too loaded a cargo of phosphate rock at Al Aaiun and this cargo was unloaded in Australia.

As we noted in our original submission of 11 July 2005, Western Sahara has an abundance of natural resources. These include a vast and valuable fishery and substantial deposits of phosphate. Also, substantial deposits of iron ore have been found and exploration for oil and gas has brought some success and is continuing, particularly in the off-shore areas of Western Sahara.


We also noted that these are the resources of the Saharawi people. They are not Morocco's resources to exploit. We drew attention to the legal opinion of Mr. Hans Corell, Legal Counsel and UN Under-Secretary-General for Legal Affairs, regarding arrangements between Morocco and oil companies to prospect for oil offshore Western Sahara that:

"[I]f 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 international law principles applicable to mineral resource activities in Non-Self-Governing Territories."

We now wish to emphasise that international law provides for mandatory requirements and duties concerning the use and security of natural resources in territories which have not reached independence or otherwise become "decolonized". Natural resources such as minerals, oil and gas, and agricultural-forestry products must be exploited only for the good of the people in the territory concerned, and in such limited ways as to leave the resources for a time when decisions about their use may be exercised by the peoples concerned.

International law, together with numerous United Nations resolutions, makes clear an obligation on all States and persons in these circumstances, namely that it is illegal to exploit the natural resources of a non-self determined territory. To allow such exploitation is to permit more than harm to the peoples concerned as it also undermines the rule of law between all peoples and States. The illegal taking of phosphate mineral rock from the occupied territory of Western Sahara is an obvious example. To trade, carry by sea or allow the importation of phosphate rock is also illegal, and does harm to the Saharawi people over the long term.

It is AWSA's submission that it is right and proper, as a matter of law, for Australians and Australian companies to refrain from dealing in what is in fact a stolen resource. While we referred to these matters in our initial submission, it has now become apparent to us that Australians and Australian companies are exploiting at least the phosphate resources of Western Sahara contrary to international law. We will be bringing this matter to the attention of both the Foreign Minister and the Minister for Trade.



Nick O'Neill

President

2 November 2005