



South Africa – NM Cherry Blossom: OCP Group recovers its phosphate cargo

CASABLANCA—8 Mai, 2018- The Cherry Blossom vessel, which was illegally seized in South Africa on May 1, 2017, has just departed South African territorial waters, and its cargo has been restored to its legitimate owner, the OCP Group.

"Today, OCP is pleased that its rightful ownership has been restored. The refusal of all potential buyers to bid constitutes clear and irrefutable evidence of the illegitimacy of the ownership granted to the Polisario by the court in Port Elizabeth," said Otmane Bennani Smires, Executive Vice President and General Counsel of the OCP Group.

The refusal of any potential buyers to be complicit in this clear breach of basic principles of domestic and international law has demonstrated a unanimous rejection of this type of abusive action that threatens the freedom and security of international commerce.

In July 2017, after the local court in Port Elizabeth rendered a flawed decision asserting jurisdiction to adjudicate the merits of international sovereignty claims involving a cargo lawfully sold by the OCP Group, OCP refused to participate in the subsequent legal proceedings on the merits. Faced with the shipowners' legitimate claims against the improper detention of the vessel for the past year, the South African court was forced to issue a pro forma and unreasoned default judgment in February 2018 attributing ownership of the cargo to the Polisario Front in order to finally free the vessel through a judicial sale of the seized cargo.

In order to free their vessel, the ship operator covered the auctioneer's costs and were awarded the cargo, which they then returned to its legitimate owner, the OCP Group, for a symbolic \$1 USD.

This outcome was a result of the OCP Group's refusal to participate in a trial on the merits before a local court flouting the limits of its competency by purporting to rule on another country's national sovereignty, seeking in effect to substitute itself for the UN Security Council.

OCP strongly denounces these methods, which seek to employ a strategy of judicial harassment as a means to bypass the established UN Security Council process. These underhanded maneuvers only serve to harm the interests of the local communities in the region who are the primary beneficiaries of the Group's activities. OCP reaffirms its unconditional commitment to these local communities to which many OCP employees and their families belong, and we will continue to devote ourselves to the development of the local economy and community everywhere we operate.

About Phosboucraa

OCP Group's operations at Boucraa, in the Southern Provinces of Morocco (the "Region"), are conducted by its wholly-owned subsidiary Phosboucraa, whose reserves represent 1.6% of Morocco's total phosphate reserves. Phosboucraa is the largest private employer in the Region employing nearly 2,200 people of which 76% are local. Phosboucraa's operations support 50 local subcontracting companies, which in turn employ 627 people from the Region. All Phosboucraa profits are reinvested locally in maintaining and developing its operations and supporting and developing dynamic and thriving regional and local ecosystems, economically and socially. The ongoing USD 2 Billion investment program includes the development of a large-scale fertilizer plant dedicated to the African continent, a flotation and beneficiation unit to preserve the phosphate resources and increase the lifespan of the reserves, a port, a water desalination plant with large excess water capacity destined for the local community and region, and a technopole with a world class research university with a focus on arid agriculture and renewable energies. These investments and the initiatives supported by the Phosboucraa Foundation are intended to ensure that Phosboucraa will be an ongoing source of wealth and prosperity for the Region and its community.

For more information visit: www.phosboucraa.ma

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