

Oslo, 23 January 2012



K&L Gates  
Chairman and Global Managing Partner, Peter J. Kalis

**Regarding the occupation of Western Sahara and K&L Gates lobbying for Innophos, Inc.**

Dear Mr. Kalis

Western Sahara Resource Watch would like to raise an issue with you which is of great concern to us.

We have with interest studied the quarterly lobbying reports that your firm has filed with the Clerk of the House of Representatives. The reports dated July 19<sup>th</sup> 2010 and October 20<sup>th</sup> 2010, January 19<sup>th</sup> 2011, April 20<sup>th</sup> 2011, July 20<sup>th</sup> 2011, October 18<sup>th</sup> 2011, and January 20<sup>th</sup> 2012 particularly caught our interest. In the reports, your firm states that it has lobbied issues on behalf of the company Innophos, Inc., covering “United States policy and trade relations with Morocco that may affect/effect economic conditions in Western Sahara”.

We see also that your firm has previously covered “United States foreign policy and trade relations” both with Morocco and Mexico with central institutions in the US administration, all on behalf of Innophos, Inc.

We would like to raise a few concerns and questions regarding this work, and to underline some points regarding the role you currently might risk playing in the conflict over Western Sahara.

As you probably know, the firm you represent, Innophos, Inc., is one of the world’s leading importers of phosphate rock from Western Sahara. The firm started its imports to Mexico in 1992.

However, it seems that at no point in time has Innophos sought advice from the people of Western Sahara, the Sahrawis regarding the trade. On the other hand, Innophos has been importing phosphates from the territory directly from the Moroccan state phosphate company OCP.

According to international law, Morocco is not in a position to explore or exploit the natural resources of Western Sahara without the consent of the people of Western Sahara. Please see a UN Legal Opinion regarding this matter: [www.arso.org/Olaeng.pdf](http://www.arso.org/Olaeng.pdf).

The International Court of Justice already in 1975 concluded that Morocco does not have sovereignty over Western Sahara. In spite of this, Morocco brutally invaded the territory that same year. Half of all Sahrawis have since lived as refugees. More than 100 UN resolutions state that the Sahrawi people have a right to self-determination. This right applies both to the territory itself, as well as to the natural resources within it. Western Sahara is treated by the UN General Assembly as a so-called Non-Self Governing Territory, which is the legal term for a colony. The General Assembly’s Special Political and Decolonisation Committee still treats Western Sahara as an unresolved issue of decolonisation.

It is clear that it is highly unethical to pay an occupying power for resources from an occupied land, as your client is doing.

Those Sahrawis who are protesting Morocco's plunder or demanding their right to self-determination are subjected to grave human rights violations by the Moroccan authorities. Human rights organisations document regularly systematic torture against Sahrawis demanding their legitimate rights. The UN Human Rights Council concluded that all these human rights violations stem back to the fact that they have not been given the right to self-determination, as the UN demands, and as the Government of Morocco is refusing to accept.

Dear Chairman, if your country was occupied by a foreign state, how would you feel if the entire natural wealth of your people was plundered in disregard of the wishes of the American people and international law? And what if your countrymen were tortured and sent to military jails if you protested? This is the harsh reality of those that oppose the unethical Moroccan plunder of Western Sahara. During the Christmas week of 2010, the Secretary-General of the Sahrawi committee for the protection of natural resources in Western Sahara was arrested and sent to a military jail. He has still not been presented before a court. More than 500 Sahrawis have disappeared without a trace since the occupation began in 1975.

When 20.000 Sahrawis October 2010 settled in a peaceful protest camp to protest the plunder, the unemployment and the marginalisation they experience in their own land, Moroccan police raided the camps, injuring hundreds, and torturing people they believed had organised it. The following days, riots broke out in El Aaiun, with angry Sahrawis burning the offices of the Ministry of Mines which is responsible for illegally selling the Saharan phosphates to your client.

A large number of investors, shipping companies and fertiliser firms have stated that they do not want to get engaged in Western Sahara until the conflict is solved. Several governments have expressed their concern over such activity. "A particularly serious violation of fundamental ethical norms", stated the Norwegian government about such trade only 1 month ago. We are happy to send you information on all the firms in this industry that have announced they abstain from taking part in the conflict through such agreements.

On October 15<sup>th</sup> 2010, WSRW sent a letter to Innophos Holdings asking for details regarding the firm's involvement in the trade. We underlined that their imports make Morocco less inclined to contribute to finding a solution to the occupation and makes Morocco's delaying tactics and attempts to profit from the existing situation more attractive. WSRW believes strongly that the trade contributes to the illegal Moroccan presence in the region, and thus increases the risk for further armed conflict, destabilization and suffering. The letter has not yet been replied to. [http://www.wsrw.org/files/dated/2011-01-01/letter\\_wsrw-innophos\\_15.10.2010.pdf](http://www.wsrw.org/files/dated/2011-01-01/letter_wsrw-innophos_15.10.2010.pdf)

Another request was sent to Innophos Holdings on December 8<sup>th</sup> 2011. <http://www.wsrw.org/a105x2179>

WSRW struggles to understand what Innophos, Inc. could possibly know regarding "relations with Morocco that may effect/affect economic conditions in Western Sahara", or how the situation in Western Sahara is of any concern to the firm. As far as we see it, the only interest Innophos has in the trade is a continuation of its relations with their commercial partner, Moroccan government owned OCP, which exploits the phosphates in Western Sahara in violation of the wishes of the Sahrawis.

Under no circumstance do we believe that Innophos has ever consulted with representatives of the people of the territory regarding whether they want this trade. The only option we thus see, when

we study the lobbying reports filed by K&L Gates, is that your firm today lobbies the US government on behalf of the same interests that is today profiting on the illegal occupation of Western Sahara, and works to protect a seriously unethical business from the concerns of the owners of the phosphates.

We do not think K&L Gates LLP wishes to be associated with the highly unethical robbery of the oppressed Sahrawi people. The phosphate belongs to the Sahrawis, not to Morocco, nor to your client.

Therefore, we make the following requests to your firm:

First of all, we would request K&L Gates to terminate its relationship with Innophos, Inc. The firm, through its long term purchases from the territory, has shown that it lacks understanding of basic standards of corporate social responsibility. The firm plays an active part in financing the Moroccan occupation, through its purchases from the national Moroccan phosphate company in occupied Western Sahara.

Secondly, WSRW would like you to please explain the following:

- 1) Has K&L Gates at any point lobbied the US government to promote or defend the phosphate trade from Western Sahara?
- 2) What has K&L Gates done to ascertain whether this trade is in accordance with the wishes of the Sahrawi people?

Mr. Kalis, we appeal to your goodwill and sense of rightness. Before replying to us, we encourage you to research more about the Sahrawis' situation of oppression on their own land, and the conditions of life for all those Sahrawis who have fled their country after the occupation started. Imagine you were a Sahrawi protesting the trade that Innophos is taking part in, sitting in a military jail awaiting your trial, on the fourteenth month. Ask yourself whether the millions of dollars that your client is paying the Moroccan government annually should really be paid to someone else – namely to the owners of the phosphates.

Looking forward to hear from you,

Sincerely,

Erik Hagen  
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**Copy sent to:**

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