

Dechert LLP
Cira Centre
2929 Arch Street
Philadelphia, PA, 19104-2808
United States of America

Brussels
8 February 2016

To the attention of Daniel O'Donnell,
Chief Executive Officer of Dechert LLP

Re: Dechert's work regarding *Office Chérifien des Phosphates'* phosphate mining in occupied Western Sahara.

Dear Mr O'Donnell,

Western Sahara Resource Watch (WSRW) is privileged to write to you. We wish to enquire about your company's work for the Moroccan state-owned phosphate company *Office Chérifien des Phosphates SA (OCP)*.

We understand that your firm, Dechert, has prepared a joint legal opinion with *Palacio y Asociados* that addresses OCP's exploitation and export trade of phosphate rock from the Bou Craa mine located in the Moroccan occupied part of Western Sahara, such opinion concluding the activities consistent with international law as being the "benefit of the people of the region". The latter is a quote from Canada's Potash Corporation of Saskatchewan Inc., one of OCP's clients which openly refers to the legal opinion. Indeed, the document has been circulated to OCP's international clients in a bid to defend the phosphate trade.

It is useful to recap the basic facts. Western Sahara is a Non-Self Governing Territory without an administering power assigned by the United Nations. Its people, the Saharawi people, have a well-established right to self-determination; one that includes sovereignty to determine the future status of their land and to dispose of its natural wealth and resources. The Saharawi people - through their internationally recognized political representative body the Frente Polisario and by routine protests of Saharawi civilians - have repeatedly spoken out against Morocco's phosphate mining in their land. Not only do the Saharawis oppose the exploitation, they have also frequently stated that they do not benefit from the trade. This is most noticeably the case for the Saharawi refugees fled to neighbouring Algeria during Morocco's brutal annexation of their land, but Saharawis who today still live in the territory and who are subject of gross human rights violations at the hand of the Moroccan authorities assert the same claims.

For that reason, it is important that the Saharawi people have access to the legal opinion drafted by your firm in collaboration with *Palacio y Asociados*. As the opinion allegedly concluded Morocco's exploitation of the Saharawi people's resources to be lawful, we believe that your company and OCP would have little reason to withhold it from the Saharawis. Moreover, because companies such as

WWW.WSRW.ORG

Western Sahara Resource Watch works to raise awareness of the illegal occupation of Western Sahara, and to support the recognition of the Saharawi people's right to self-determination and their right to dispose of their natural resources.

Potash Corporation rely on the opinion to continue their purchasing of Saharawi phosphate, the basis of that reliance needs to be addressed on its merits.

Accordingly, we pose a single question for your firm: Will Dechert kindly share its legal opinion on the Western Sahara phosphate trade with the Saharawi people who were, we note, the sole original inhabitants of the territory prior to Morocco's invasion in 1975?

We thank you for your consideration of our request, and remain at your disposal should further information be required to assess the matter.

Sincerely,

Sara Eyckmans
International Coordinator
Western Sahara Resource Watch
coordinator@wsrw.org

A copy of this letter was sent to:

- HE Ambassador Christopher Ross, UN Secretary-General's Personal Envoy for Western Sahara
- HE Kim Bolduc, UN Secretary-General's Special Representative for Western Sahara and Head of the United Nations Mission for the Referendum in Western Sahara (MINURSO)
- HE Nkosazana Dlamini-Zuma, Chairperson of the African Union Commission

WWW.WSRW.ORG

Western Sahara Resource Watch works to raise awareness of the illegal occupation of Western Sahara, and to support the recognition of the Saharawi people's right to self-determination and their right to dispose of their natural resources.