

Brussels  
18 February 2015

To the attention of Simon Levine and Cameron Jay Rains,  
Global Co-CEOs of DLA Piper

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

Dear Mr Levine,  
Dear Mr Rains,

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, DLA Piper, 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 has found Morocco's exploitation of the Saharawi people's resources lawful, we believe that your company and OCP would have little reason to withhold it from the Saharawis. Moreover, because companies such as 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 DLA Piper 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

A copy of this letter was sent to:

- Ms Ana Palacio, Founder and Director of Palacio y Asociados
- 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)