



Saharawi Arab Democratic Republic
Petroleum Authority



9 June 2012

Mr. Dallas J. Howe
Chair, Board of Directors
Potash Corporation of Saskatchewan Inc.
Suite 500
122 – 1st Avenue South
Saskatoon SK Canada S7K 7G3

Mr. William J. Doyle
President and Chief Executive Officer
Potash Corporation of Saskatchewan Inc.
Suite 500
122 – 1st Avenue South
Saskatoon SK Canada S7K 7G3

Dear Messrs. Howe and Doyle:

In the matter of the purchase of phosphate rock from occupied Western Sahara

I write to convey the request of the Saharawi Arab Democratic Republic (SADR) government that your company, Potash Corporation of Saskatchewan Inc. (PotashCorp), end the purchasing of phosphate rock from Western Sahara.

We make the request in the circumstances Morocco's continuing occupation of much of Western Sahara's territory including the Bou Craa mine from which phosphate is exported. This export trade is illegal because it continues to infringe the Saharawi people's right of permanent sovereignty to their natural resources. The exercise of that right is an important part of our self-determination. We consider the taking of phosphate from our territory also violates international humanitarian law.

We know that PotashCorp is aware of Western Sahara's history. We wish to offer some details important to understanding the consequences that result from the taking of our phosphate resources.

Western Sahara, formerly Spanish Sahara, is often called Africa's last colony. The territory was abandoned by Spain in late 1975, given to Mauritania and Morocco which each occupied it during the following months. That occupation, it should be noted, was by armed force contrary to international law as well as several United Nations resolutions. On 27 February 1976 the Saharawi people's representatives declared the SADR's independence, a state recognized by more than 80 countries and the African Union. In 1979 the SADR and Mauritania concluded a peace treaty which resulted in Mauritania withdrawing from our territory and admitting that it had illegally occupied Western Sahara. The Kingdom of Morocco subsequently occupied more of Western Sahara, now three-quarters of the territory.

Tel: +61 2 92 65 82 58
Fax: +61 2 92 8 392 70

Email: info@sadroilandgas.com
Web: www.sadroilandgas.com

P O Box 291
Glebe NSW 2037
Australia



Saharawi Arab Democratic Republic Petroleum Authority



Morocco's occupation of Western Sahara has been illegal from the outset, including under the United Nations *Charter*, the law of self-determination for colonized (non-self-governing) peoples and the emerging law of aggression codified in the *Rome Statute* of the International Criminal Court. The cases of East Timor, Namibia and Kuwait underscore this illegality. The United Nations General Assembly has declared the occupation to be one as such, and no state recognizes Morocco's claim to Western Sahara. (By way of example we note the direction of the governments of Norway and the United States that their national free trade agreements with Morocco expressly do not extend to Western Sahara.)

Those who trade in the natural resources of the Saharawi people claim that the territory of Western Sahara is "disputed" and that it is acceptable for Morocco to export the resources on the premise that it has been consented to by the Saharawi people and benefits them. However, our territory is not in dispute. Rather, it is illegally occupied through the presence of more than 100,000 Moroccan soldiers. The occupation is secured by a sand wall extending 2,700 kilometres across Western Sahara which, with five million landmines along it, is the longest fortified structure in the world. By any definition of international law, Western Sahara is not claimed or disputed by Morocco, but is illegally occupied by it. We recall the conclusions of the International Court of Justice in its 1975 Western Sahara advisory opinion in rejecting Morocco's assertion that it had a claim to our territory:

[T]he Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco or the Mauritanian entity. Thus the Court has not found legal ties of such a nature as might affect the application of resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory. [Paragraph 162. Emphasis added in bold.]

Morocco's occupation of Western Sahara is notoriously brutal, violating basic norms of the *Fourth Geneva Convention* and the *International Covenant on Civil and Political Rights*, treaties of universal application that Morocco first acceded to more than fifty years ago. The human rights situation inside occupied Western Sahara continues to deteriorate as events during the Arab Spring have demonstrated. Further, there remains the problem of half the Saharawi people in refugee camps inside Algeria, who receive no benefit whatsoever from natural resources in the occupied territory and rely on food and other aid to survive in one of the most inhospitable settings on earth. In May of this year, these problems were the subject of submissions to the UN Human Rights Council during its "Universal Periodic Review" of Morocco.

Tel: +61 2 92 65 82 58
Fax: +61 2 92 8 392 70

Email: info@sadroilandgas.com
Web: www.sadroilandgas.com

P O Box 291
Glebe NSW 2037
Australia



Saharawi Arab Democratic Republic Petroleum Authority



This illegal occupation of Western Sahara is legitimized, in part, by individuals and corporations who deal with Morocco for the natural resources of the territory. The conflict over Western Sahara is prolonged, and the Saharawi people denied their economic future, by such engagement.

We repeat a profoundly important point. The Saharawi people emphatically do not consent the development and export of their natural resources from the occupied part of Western Sahara. And we wish to be clear that we do not have the benefit of those resources, the revenues from which go to sustain the occupation and to economically and socially support the further in-migration of Moroccan nationals. While the government of the SADR welcomes commercial development, it must be achieved within a framework of legality as a matter of international and domestic law.

I look forward to your consideration of this matter and to your reply. The taking of natural resources from occupied Western Sahara entails grave consequences for the Saharawi people and it is vital those consequences be engaged in their ethical, legal and humanitarian dimensions.

Yours sincerely,

Emhamed Khadad
Member of the Frente POLISARIO leadership and
Advisor to the SADR President.