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To  
Mr. Tom O'Leary  
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<u>Deres ref</u>	<u>Vår ref</u>	<u>Kontakt</u>	<u>Sted:</u>	<u>Dato</u>
	eh	<a href="mailto:info@vest-sahara.no">info@vest-sahara.no</a>	Oslo	16. January 2012

## **Regarding imports from Western Sahara**

Dear Mr. O'Leary

Thank you for your reply today to the letter we sent your company on 8 December 2011.

As you recall, our rather detailed questions to your company was formulated so that we would understand a) the scope of the current and future imports from Western Sahara by Wesfarmers Ltd, b) the nature and effect of your much mentioned RTO technology investment vis-à-vis your overall production, c) the statements from the Norwegian government's pension fund's Council on Ethics regarding your firm, and d) your firm's interpretation of the legality and ethics of the trade.

Your reply answers our concern c), namely that it is not correct that your RTO investments has will eliminate the need for further imports. Your reply reflects earlier statements from CSBP/Wesfarmers: That the new RTO technology might reduce the dependency on the phosphates rock of Western Sahara origin.

We take note of the fact that your company does not respond to the question as to what CSBP/Wesfarmers has done to assure that the trade is in accordance with the wishes of the Saharawis. We interpret your response so that you have had no contact with Saharawi groups in Western Sahara. Our question as to where your company obtained an "external legal opinion" defending the trade remains unanswered.

We also take note of the fact that you do not respond to the question as to whether Wesfarmers today holds a long term agreement on phosphates from Western Sahara, fails to reply to the question on when such an agreement expires, and fails to reply to questions on the volume and value of such phosphates imports over the last years.

From your response, it is impossible to deduct whether RTO will have any effect on the Western Sahara trade, and if it has an effect, to what extent this technology is planned to replace these phosphates. We appreciate that it will be difficult to predict how the technology might function in the future, and how it will influence your sourcing options. Yet, it would have been useful to learn about how CSBP estimates this to develop (ref. question 7). Your reply leaves it open as to whether 1% or 100% of the Western Sahara phosphates will be replaced.

The lack of reply on how CSBP estimates this to develop in the future, combined with the lack of response as to whether new long term agreements will be signed, leaves it to us to conclude that the trade is indeed planned to continue, systematically, into the future.

The Norwegian Support Committee for Western Sahara welcomes the fact that CSBP/Wesfarmers replies to concerns from civil society. In this regards, your company shows a will of dialogue which is visibly better than other importers we try to establish contact with. We wish to uphold this communication, and hope it will be possible for your company to reply to the questions that we asked in our letter of 8 December 2011.

Until we receive appropriate answers to our concerns, we kindly request your company to not refer to our communication with you to third parties as a way to claim legitimacy of the trade (ref. the way in which Wesfarmers has claimed to be “engaged in dialogue” with an other Western Sahara support group.)

Looking forward to hear from you,

Sincerely,

/sign./

Erik Hagen  
Director,  
Norwegian Support Committee for Western Sahara