

To the attention of Mr Mark Wynne,  
Chief Executive Officer of Ballance Agri-Nutrients

Brussels  
21 March 2017

**Re. Ballance Agri-Nutrients 2016 imports of phosphate rock from Western Sahara**

Dear Mr Wynne,

Western Sahara Resource Watch is again privileged to write to you. This letter solicits a response to questions regarding Ballance Agri-Nutrients' imports of phosphate rock from occupied Western Sahara during 2016, so as to accurately reflect the company's views in our upcoming report on last year's phosphate trade from Africa's last colony.

Our research indicates that Ballance Agri-Nutrients has received three shipments of phosphate rock from occupied Western Sahara during the course of 2016. Our calculation put the total volume of those shipments at around 161,000 tonnes.

In our previous communications to Ballance Agri-Nutrients, we've explained our reasons for considering such imports to be void of any legal ground, politically off beam and ethically indefensible. We remain convinced that it is not in your company's interest to be associated with Morocco's military occupation and plunder of Western Sahara.

On 21 December 2016, the highest court of the European Union, the Court of Justice of the European Union (CJEU), concluded that any trade or association arrangement with Morocco could not be applicable to Western Sahara, since Western Sahara is not Morocco. The people of the territory, the Court argued, ought to be considered a third party to any EU-Morocco deal, and therefore their declared consent is an absolute requirement for any such deal to be applied to Western Sahara.

In stating that Morocco has no international legal mandate to administer Western Sahara, the CJEU echoes the 4 July 2014 Decision of Spain's High Court, the *Audiencia Nacional*, which confirms that Spain, not Morocco, is the administering power over Western Sahara, and that the "territory cannot be considered Moroccan".

The necessity of obtaining "prior, free and informed consent" of the Saharawi people in relation to development projects and extractive operations was also stressed by the UN Human Rights Committee in November 2016.

Accordingly, we would be grateful for an answer to the following questions;

1. Can you confirm that Ballance Agri-Nutrients was the recipient of an estimated 161,000 tonnes of phosphate rock from Western Sahara, during the calendar year of 2016?
2. What steps has Ballance Agri-Nutrients taken to assure itself of the express consent of the people of Western Sahara to the company's imports?

As expressed in previous letters, we remain at your disposal should you require any further information to assess the matter. We look forward to hearing from you.

Sincerely,

Sara Eyckmans  
Coordinator  
Western Sahara Resource Watch  
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