



Saharawi Arab Democratic Republic



31 January 2018

Nutrien Ltd.
Suite 500
122 – 1st Avenue South
Saskatoon SK S7K 7G3
Canada

Attention: Charles (Chuck) Magro, President & Chief Executive Officer
Joachen Tilk, Executive Chair

Dear Messrs. Magro and Tilk:

The illegal sale and import of phosphate rock from occupied Western Sahara

The government of the Saharawi Arab Democratic Republic, the SADR, has the privilege to present its compliments to you, the board of directors and employees of a newly formed Nutrien Ltd.

Our government writes to note Nutrien's recent announced withdrawal from the trade in phosphate mineral rock illegally mined and exported in that part of Western Sahara under armed occupation by Morocco. We refer to the presentation and remarks of Mr. Magro at Whistler, British Columbia on January 25.

We have, in our many letters and public statements, condemned Nutrien's predecessor entities Agrium Inc. and Potash Corporation of Saskatchewan Inc. for their purchase and import to Canada and the United States, respectively, of Western Sahara's phosphate rock. In the face of serious human right abuses in occupied Western Sahara, and the intransigence of what few companies had remained involved in buying the territory's phosphate rock, the SADR government acted last year to recover certain shipments, pursuing them by civil court orders in Panama and South Africa. That seized in Panama aboard the motor vessel *Ultra Innovation* had been bound for Agrium through the Port of Vancouver. In the second case, the High Court of South Africa noted the following:



Saharawi Arab Democratic Republic



The [1975 judgment of the International Court of Justice] is clear: Morocco has no claim to sovereignty over Western Sahara. Its claim to sovereignty as a result of its occupation of the territory is incompatible with the status of Western Sahara as a non-self-governing territory. Furthermore, it acquired control of the territory by force. This, as a means of acquiring sovereignty, is contrary to customary international law.

OCP and Phosboucraa do not claim to have mined the phosphate in Western Sahara with the consent of the people of the territory. They do not and cannot claim to do so on behalf of its people. Their claim to mine phosphate for the benefit of the people is disputed by the SADR and the PF: as most of the Sahrawi people live to the east of the berm or in refugee camps in Algeria, those who may benefit from the mining of phosphate are not the 'people of the territory' but, more likely, Moroccan settlers. (*Saharawi Arab Democratic Republic and another v. The owner and charterer of the motor vessel NM Cherry Blossom and others*, 2017 ZAECPHC 31, paragraphs 40 and 48.)

Let us underscore why the buying of phosphate rock from Western Sahara is unethical. First, the trade serves to give legitimacy to Morocco's claim and attempts to annex Western Sahara. We recall the International Court of Justice, the United Kingdom High Court, the High Court of South Africa and the European Court of Justice have concluded that Morocco has no territorial right or claim to Western Sahara. Second, none of the monies paid for the commodity are publicly accounted for, being remitted to a Moroccan corporation, Phosphates de Boucraa SA, itself a subsidiary of the Moroccan state company OCP SA. In other words, there is no transparency for payments which have sometimes been held out at being for the benefit of the people of Western Sahara. Third, even as Saharawi persons employed in the phosphate mining industry – who are a minority of a workforce of about 2200 – have been said to benefit from the trade, that half of the Saharawi population which resides in the refugee camps at Tindouf has received nothing in 40 years of such mining under occupation.

We wish to underline that the Saharawi people emphatically do not consent the development and export of their natural resources from the occupied part of Western Sahara.

Mr. Magro confirmed that notice has been given to end imports to Canada, by a stopping of the contract previously in place with Agrium, "at the end of this year". In our respectful view, however, this is not enough. The buying of Western Sahara's illegally exported phosphate rock must stop without delay. In our writing to you at this time, we hope to secure such a commitment.



Saharawi Arab Democratic Republic



We would like to express our readiness to meet the management and members of the Board of Nutrien at a convenient time and venue to start a serious dialogue not only about Nutrien's current involvement in Western Sahara but also about future relations of cooperation between Nutrien and the SADR.

We are confident of your consideration of the matter and look forward to your reply.

Emhamed Khadad

P.P.
Member of the Frente POLISARIO leadership
Advisor to the SADR President

c: The Honourable Chrystia Freeland, PC, MP
Minister of Foreign Affairs for Canada (Global Affairs Canada)

The Right Reverend Jordan Cantwell
Moderator of the United Church of Canada

His Excellency Ambassador Colin Stewart
Special Representative of the United Nations Secretary-General for Western Sahara
and Head, United Nations Mission for the Referendum in Western Sahara (MINURSO)

Mr. Peter Chapman
Executive Director, SHARE – Shareholder Association for Research & Education

Mr. Jamie Kneen
Communications & Outreach Coordinator, Mining Watch Canada