

**Andries Nkome, attorney at Nkome Incorporated Attorneys Incorporated
BASF Shareholder meeting, Rosengarten Mannheim, 4 May 2018**

Dear Ladies and Gentlemen, dear shareholders of BASF,
Dear Management and Supervisory Board,
my name is Andries Nkome, I'm a lawyer at Nkome Incorporated Attorneys. I'm speaking here for the Campaign Plough Back the Fruits, which campaigns for justice for the victims of the Marikana massacre and decent working conditions at your platinum supplier Lonmin, as well as for the Association of Ethical Shareholders.

I am the first lawyer to arrive and offer assistance to the Marikana victims after the 2012 massacre when 279 miners were arrested for the murders of their fellow comrades amongst others. I started representing the injured and arrested miners of Marikana from Saturday the 18th of August 2012 to date.

I want to address two topics here and ask corresponding questions:

1. New findings about the massacre
2. The Social and Labor Plan Lonmin has to fulfill.

1. New findings about the massacre

Since 2012 our clients, the injured and arrested, have been facing criminal charges for the murders of their fellow comrades and they spent a lot of time and money attending courts, whilst the police who were seen live on television firing live ammunition at striking mineworkers were not charged. Now only in 2018, have police officials, including general Mpembe who led the operation of the 13th of August 2012, been charged.

Our law firm has exposed the email correspondence between Lonmin managers, the police and Cyril Ramaphosa, the the current South African president and former shareholder of Lonmin. Ramaphosa described the behavior of the workers struggling for better working conditions as "a dastardly criminal act that needs to be tackled with concomitant action." So, there can be no question: The South African state did collaborate with Lonmin, which then led to the massacre of the workers. Cyril Ramaphosa has apologized, but only for his "use of unfortunate words". Therefore, we continue to request from Lonmin an official apology for being responsible for injury and death. We demand an apology and compensation for those who were injured in the massacre and illegally arrested. In addition, there has been a new testimony before the Farlam Commission, the commission of inquiry, which is supervised with the clarification and processing of the massacre. The expert witness called by the South African Police Services, Mr De Rover, testified that the massacre would not have happened without political interference.

This was confirmed by one police official who lost his job in the police service. He came out this year to say the police officers were muzzled and forbidden from testifying before the Farlam commission. The testimony before the Farlam commission was not the truth, which adds more weight to the voice of the injured and arrested that the findings of the Farlam commission report must be reviewed.

Our clients feel that the testimony of De Rover is coming to bear since the role of politicians like Cyril Ramaphosa and Suzan Shabangu, the former mineral resources minister, is now clarified.

Hence the question: Is BASF willing, in the light of these circumstances, to join the call for a review of the findings of the Farlam Commission?

Lonmin is already willing to support such a process that helps expose more facts and, ultimately, the truth about the massacre.

The OECD Guidelines for Multinational Enterprises forbid a company from being complicit in the abuse of human rights by another company it is connected with. In this case, BASF cannot be complicit in the flagrant abuses of human rights by Lonmin.

Will BASF, as Lonmin's main client, pressure Lonmin to pay reparations and apologies for the murders?

The South African state has begun negotiations on compensation for the people we represent. We demand the same from Lonmin. We also demand that the compensation cover the psychological damages and traumas that affect all the people who witnessed the killings and injuries.

2. Social and Labor Plan

Like Thumeka Magwangqana has stated, the Marikana community lives in squalor despite the fact that BASF, through Lonmin, mines platinum on their land, contrary to the Mineral and Petroleum Resources Development Act that stipulates that a mining company must file a social and labour development plan for the community it mines in to retain its mining license.

Today there is pending legal action in the High Court in South Africa to cancel Lonmin's mining license for its failure to fulfill its promises in its social and labour development plan.

Is BASF willing to join the court action to force Lonmin to fulfill its Social and Labour Plan plan within a particular period or face losing its license?

Thank you for your attention.