

# Een *Ander* Joods Geluid



## Urban District Haaglanden: Veolia-transport undesirable and unacceptable in city of peace and justice

*From: - United Civilians for Peace  
(Cooperation between Cordaid, ICCO, IKV Pax Christi, Oxfam Novib)  
- Another Jewish Voice*

*To: - Urban District Haaglanden*

*Re: - Fact file Veolia*

*Date: - April 19, 2012*

### 1. Introduction

The French multinational Veolia Environment<sup>1</sup> ('Veolia') is possibly contributing to violation of international law including the Geneva Conventions and discriminates Palestinians concerning its activities in Israel / the occupied Palestinian territories as shown in the fact file presented below and the accompanying legal opinion.<sup>2</sup> Based on these facts, Veolia has to be excluded from participation in the tender procedure for the concession 'public transport bus Haaglanden-city'.

### 2. Veolia: The facts

#### 2.1 Jerusalem Light Rail project (JLR)

The Jerusalem Light Rail project connects West-Jerusalem with a number of Jewish settlements in and around occupied (and illegally annexed) Palestinian East-Jerusalem. The establishment of settlements is illegal under international law. The JLR is part of the 'Jerusalem Transportation Master Plan', drawn up by the Israeli Government in March 1996.<sup>3</sup>

The City Pass Consortium consists of Veolia (Veolia Transport Israel), Alstom, two Israeli companies and the Israeli banks Hapaolim and Leumi. In 2002, this Consortium won the tender of the Israeli Government for the construction, maintenance and exploitation of the JLR as well as the

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<sup>1</sup>Veolia Environment is the name of the parent company and consists of 4 divisions: Transport, Water, Energy and Environmental Services. In March 2011, Veolia Transport merged with Transdev in VeoliaTransdev, still a division of Veolia Environment.

<sup>2</sup> See Annex 1: Legal opinion.

<sup>3</sup> [http://www.mfa.gov.il/MFA/MFAArchive/1990\\_1999/1998/6/Jerusalem%20Urban%20Development%20-%20Urban%20Projects%20and%20F](http://www.mfa.gov.il/MFA/MFAArchive/1990_1999/1998/6/Jerusalem%20Urban%20Development%20-%20Urban%20Projects%20and%20F)

production of the tramcars and signaling. In 2005, Veolia signed its contract with City Pass, obtaining a share of 5% in the City Pass Consortium as well as the right of exploitation of the JLR for the duration of 27 years from the moment the JLR would become operational in 2011. As operator, Veolia is fully responsible for its exploitation (day-to-day performance of the JLR, including customer service, maintenance planning, sales, track control, etc.).

Former prime minister Ariel Sharon said in his speech at the occasion of the signing ceremony of this contract in July 2005 that regarding the light rail *“we did this in Jerusalem (...) because it is the united and eternal capital of Israel”* and *“this should be done (...) to strengthen Jerusalem, construct it, expand it and sustain it for eternity as the capital of the Jewish people and the united capital of the State of Israel”*.<sup>4</sup>

In 2009, Veolia tried to sell 49% of its contract with the City Pass Consortium to operate the light rail, to the Israeli transport company Dan Bus. The deal fell through. In October 2010 Veolia reached an agreement in principle with the Israeli transport company Egged concerning the sale of its shares in the City Pass contract and its share of 79% in Connex Jerusalem; the Veolia subsidiary operating the Jerusalem light rail. The Jerusalem public transportation authorities rejected this deal in January 2012 as Egged, in their opinion, has not sufficient expertise to operate a light rail.<sup>5</sup> Veolia therefore continues to remain fully responsible for the exploitation of the light rail.

The first of the in total 6 planned tramlines opened to a restricted public on August the 19<sup>th</sup> 2011 and fully on December 1<sup>st</sup> 2011 and connects the Jewish settlements Pizgat Zeev and French Hill with West-Jerusalem.<sup>6</sup> A station on Ammunition Hill (occupied Palestinian territory) will serve as transfer station for traffic to and from Ma'aleh Adumim, a large Jewish settlement on the West Bank, and the Jewish settlements in the occupied Jordan Valley. A maintenance- and storage depot for tramcars is built on a plot of 40.000 m<sup>2</sup> near the Jewish settlement French Hill.<sup>7</sup> It's the intention to expand the system in order to also connect the Jewish settlements Neve Yaacov and Gilo with West-Jerusalem.<sup>8</sup>

The light rail strengthens the permanent character of these Jewish settlements<sup>9</sup> and contributes to their expansion.<sup>10</sup> 10 of the 23 tram stops are located in occupied East Jerusalem.<sup>11</sup> All Jewish settlements that are being served by the light rail are located at the Israeli side of the separation barrier. This separation barrier is largely built on the West Bank and therefore illegal according to the International Court of Justice.<sup>12</sup> The barrier divides the Jewish settlements from the rest of the West Bank and the areas populated by Palestinians in East-Jerusalem. In this way, the light rail contributes seriously to the process of spacial integration / annexation of the settlements and parts of the occupied Palestinian area between the separation barrier and the green line (=demarcation line) with Israel 'proper' (i.e. Israel within the demarcation line of 5 June 1967).<sup>13</sup> Moreover, this leads to a decreasing consciousness that the light rail of Israel (Jerusalem) goes to and from occupied territory, thus 'normalizing' the occupation.

Furthermore, Palestinian land is confiscated for the construction of the light rail. In Shuafat, the station is built on two square kilometers belonging to the Palestinian Mahmoud al-Mashni. Still more of his land has been confiscated for the construction of the parking lot adjacent to this station. Property from other Palestinian families has also been confiscated. The main road from Shuafat and Beit Hanina, a busy road between East-Jerusalem and Ramallah, has been used for the construction of the rails, effectively reducing this three-lane road on occupied Palestinian territory

<sup>4</sup> <http://www.pmo.gov.il/PMOEng/Archive/Current+Events/2005/07/event170705.htm>

<sup>5</sup> <http://www.veolia.com/en/medias/focus-on/jlrl.htm>

<sup>6</sup> [http://en.wikipedia.org/wiki/File:Karte\\_der\\_Stra%C3%9Fenbahn\\_Jerusalem\\_\(topographisch\).png](http://en.wikipedia.org/wiki/File:Karte_der_Stra%C3%9Fenbahn_Jerusalem_(topographisch).png). See also Annex 3.

<sup>7</sup> [http://en.wikipedia.org/wiki/Jerusalem\\_Light\\_Rail](http://en.wikipedia.org/wiki/Jerusalem_Light_Rail)

<sup>8</sup> [http://en.wikipedia.org/wiki/Jerusalem\\_Light\\_Rail](http://en.wikipedia.org/wiki/Jerusalem_Light_Rail)

<sup>9</sup> See legal opinion for clarification why Jewish settlements are illegal

<sup>10</sup> See Annex 2: schematic map of the light rail routes.

<sup>11</sup> [http://en.wikipedia.org/wiki/File:Karte\\_der\\_Stra%C3%9Fenbahn\\_Jerusalem\\_\(topographisch\).png](http://en.wikipedia.org/wiki/File:Karte_der_Stra%C3%9Fenbahn_Jerusalem_(topographisch).png). Starting from Mount Herzl the light rail passes the demarcation line ('green line') between stations 13 and 14 and continues in occupied Palestinian territory.

<sup>12</sup> <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6&ca> See also legal opinion (Annex 1)

<sup>13</sup> Map with route separation barrier: [http://www.btselem.org/Download/Separation\\_Barrier\\_Map\\_Eng.pdf](http://www.btselem.org/Download/Separation_Barrier_Map_Eng.pdf)

to a one-lane road with all negative consequences for mobility of Palestinians and air pollution.<sup>14</sup>

In a report on the situation in the Palestinian territories that was adopted by the General Assembly of the United Nations in 2008, the confiscation of privately owned land for the construction of this light rail was condemned.<sup>15</sup>

During its 13<sup>th</sup> session in March 2010, the Human Rights Council of the United Nations opposed the '*Israeli decision to establish and operate a tramway between West-Jerusalem and the Israeli settlement Pisgat Zeev, which is in clear violation of international law and relevant United Nations resolutions*'.<sup>16</sup>

The Palestine Liberation Organization PLO, as legal representative of the Palestinian People abroad, has opposed the light rail and Veolia's involvement in this project from the start and issued a press release in July 2001, clarifying its point of view on the subject.<sup>17</sup> In a press release of October 2007, the PLO stated that the project 'harms the Palestinian population and their right of self-determination'. The PLO warned Veolia in 2005 to distance itself from the light rail, and started a court case against Veolia in 2007, together with the Association France Palestine Solidarité (AFPS), before the French court, demanding the cancelation of Veolia's contract with the City Pass Consortium.<sup>18</sup> This lawsuit is still ongoing. In November 2009, Dr. Rafiq Husseini, director-general of the President's office of the Palestinian Authority, called on the Arab states to stop doing business with the companies involved in the light rail.<sup>19</sup> Also the Arabic League condemned the illegal construction of the Jerusalem light rail during its summit in Khartoum, March 2006.<sup>20</sup>

In a letter to the Russell Tribunal on Palestine in November 2010<sup>21</sup> Veolia states that it 'tries to respect international law at all times.' Already in May 2006, as a reaction on the criticism of third parties on Veolia's involvement in the light rail, Veolia stated it would seek an independent legal opinion. Veolia contracted Ove Bring, a respected emeritus professor International Law from the University of Stockholm and the Swedish National Defense College, for advice. Bring informed Veolia that, due to Israel's illegal occupation, it can be assumed that the Jerusalem Light Rail project is illegal as well.<sup>22</sup> An important advice, as this specialist was hired by Veolia itself.

## 2.2 Veolia bus services to settlements

Besides the involvement of Veolia in the Jerusalem Light Rail project, Connex Israel, a full subsidiary of VeoliaTransdev, operates six bus lines (line 7, 19, 109, 110, 422 and 425) connecting Israeli communities in Israel with Jewish settlements on the West Bank. In the same way as the light rail, these bus lines strengthen the process of integration of the Jewish settlements, illegal according to international law, with Israel.<sup>23</sup> The result is annexation of Palestinian land.

Line 7<sup>24</sup> operates to and from the Jewish settlements Hashmona and Kfar Haoranim (among others via highway 446); line 19<sup>25</sup> serves the settlement Mevo Horon, all located on the occupied West Bank and thus illegal.<sup>26</sup> Line 110 serves the settlements Beit Horon, Giv'at Ze'ev (West Bank)

<sup>14</sup> [http://en.wikipedia.org/wiki/Beit\\_Hanina](http://en.wikipedia.org/wiki/Beit_Hanina)

<sup>15</sup> Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, note 35

<sup>16</sup> <http://unispal.un.org/UNISPAL.NSF/0/CC511BB12179A0F5852574F7005C8EA7>

<sup>17</sup> <http://unispal.un.org/UNISPAL.NSF/0/37BF1829818D0B788525770D00536076> Item 5G

<sup>18</sup> <http://www.orienthouse.org/press/Release/July11.01.html>

<sup>19</sup> <http://electronicintifada.net/content/veolia-whitewashes-illegal-light-rail-project/9001>

<sup>20</sup> <http://www.haaretz.com/hasen/spages/1128773.html>, <http://www.jpost.com/Israel/Article.aspx?id=161130>

<sup>21</sup> <http://gulfnews.com/news/gulf/saudi-arabia/company-in-saudi-rail-project-linked-to-israel-1.2089>

<sup>22</sup> See <http://www.russelltribunalonpalestine.com/en/sessions/london-session> for general information on the tribunal and the letter of Veolia

<sup>23</sup> <http://electronicintifada.net/content/veolia-whitewashes-illegal-light-rail-project/9001>

<sup>24</sup> See legal opinion for clarification

<sup>25</sup> See for list of stops, times and map of line 7:

[http://bus.co.il/otobusim/Front2007/LinePlaces.asp?CompanyID=41&LineCode=2\\_7&Design=2007&LanguageID=20](http://bus.co.il/otobusim/Front2007/LinePlaces.asp?CompanyID=41&LineCode=2_7&Design=2007&LanguageID=20)

<sup>26</sup> See for list of stops, times and map of line 19:

[http://bus.co.il/otobusim/Front2007/LinePlaces.asp?CompanyID=41&LineCode=2\\_19&Design=2007&LanguageID=20](http://bus.co.il/otobusim/Front2007/LinePlaces.asp?CompanyID=41&LineCode=2_19&Design=2007&LanguageID=20)

<sup>27</sup> [http://www.whoprofits.org/sites/default/files/the\\_activities\\_of\\_veolia\\_in\\_israel\\_-\\_an\\_update.pdf](http://www.whoprofits.org/sites/default/files/the_activities_of_veolia_in_israel_-_an_update.pdf)

and Ramot Alon (East-Jerusalem)<sup>27,28</sup>; line 109<sup>29</sup> also serves these settlements and furthermore starts (or ends) in the settlement Mevo Horon. Both lines use highway 443 and 404 for this.

Furthermore, in November 2010 Veolia won the concession for the exploitation of three bus lines (lines 422, 425 and 427) between Bnei-Brak and Jerusalem for the Haredim community. An ultra-orthodox community where women and men can only travel in the buses strictly separated, by some compared with the racial segregation in buses in the US in the sixties and condemned by the Israeli Supreme Court.<sup>30</sup>

Besides that, the lines 422<sup>31</sup> and 425<sup>32</sup> mainly go through the occupied West Bank, using highway 443 and 436 and serving, among others, the settlements Giv'at Ze'ev and Ramot Polin.<sup>33</sup>

An important point here is that Veolia / Connex operates these services on a discriminatory basis as only Israelis are allowed to make use of the bus services. For Palestinians living on the West Bank it is forbidden to make use of big parts of these routes as the buses use so-called 'settler roads' 443<sup>34</sup>, 404 and 436 restricted to Israelis only<sup>35,36,37</sup>. Furthermore, the bus enters areas that are completely forbidden for Palestinians with a Palestinian ID, like West-Jerusalem (Israel), Mevo Horon (illegal Jewish settlement) and areas within the green line / demarcation line ('no man's land') like Modi'in-Maccabim-Re'ut.

Inspired by the so-called 'freedom riders' who, in the sixties in the US, denounced racial segregation and inequality in public transport, Palestinian *freedom riders* got on a Veolia bus heading towards Jerusalem on the 15<sup>th</sup> of November 2011. A bus that normally only transports Jewish Israelis from the settlements Psagot and Kokhav Yaakov to Jerusalem and back. They did this to openly denounce the inequality and discrimination Palestinians undergo as a consequence of Israel's occupation of the Palestinian territories and its related settlement policy. All Palestinians were removed from the bus by the Israeli Defense Force and arrested.<sup>38</sup>

### 2.3 Tovlan landfill in the Palestinian Jordan valley

The Tovlan landfill is situated close to the Jordan river on the occupied West Bank.<sup>39</sup> TTM – Integrated Recycling Services, a subsidiary of Veolia Environmental Services, is owner and operator of this landfill. Besides TTM, also TTM's subsidiary Y.R.A.V Sherutey Noy 1985 has a license to dump waste at this dumping site. The property contract, the contract for exploitation of the dumping site and the licenses for dumping waste are signed / issued by the settlements regional council and the Israeli office of environment. The dumping site falls under their jurisdiction.

The Tovlan site was opened in 1999 and serves at least five Jewish settlements, among which Tomer and Beqaot. Waste from the areas of HaSharon, Sgula, Haifa and Afula and from Hirya (South-East of Tel Aviv), all areas within Israel, is also being dumped at the Tovlan landfill. Also waste transport from Israel and the refuse collection of these settlements is being done by the subsidiaries of Veolia.

<sup>27</sup> See map line 110: <http://australiansforpalestine.com/wp-content/uploads/2010/08/connex-line-no-110-map-2.jpg>

<sup>28</sup> See for list of stops, times and maps of line 110:

[http://bus.co.il/otobusim/Front2007/LinePlaces.asp?CompanyID=41&LineCode=2\\_110&Design=2007&LanguageID=20](http://bus.co.il/otobusim/Front2007/LinePlaces.asp?CompanyID=41&LineCode=2_110&Design=2007&LanguageID=20)

<sup>29</sup> See for list of stops, times and maps of line 109:

[http://bus.co.il/otobusim/Front2007/LinePlaces.asp?CompanyID=41&LineCode=2\\_109&Design=2007&LanguageID=20](http://bus.co.il/otobusim/Front2007/LinePlaces.asp?CompanyID=41&LineCode=2_109&Design=2007&LanguageID=20)

<sup>30</sup> [http://en.wikipedia.org/wiki/Mehadrin\\_bus\\_lines#cite\\_note-RFriedman2-3](http://en.wikipedia.org/wiki/Mehadrin_bus_lines#cite_note-RFriedman2-3)

<sup>31</sup> See for list of stops, times and maps of line 422:

[http://bus.co.il/otobusim/front2007/LinePlaces.asp?CompanyID=41&LineCode=12\\_422&Design=2007&LanguageID=20](http://bus.co.il/otobusim/front2007/LinePlaces.asp?CompanyID=41&LineCode=12_422&Design=2007&LanguageID=20)

<sup>32</sup> See for list of stops, times and maps of line 425:

[http://bus.co.il/otobusim/front2007/LinePlaces.asp?CompanyID=41&LineCode=12\\_425&Design=2007&LanguageID=20](http://bus.co.il/otobusim/front2007/LinePlaces.asp?CompanyID=41&LineCode=12_425&Design=2007&LanguageID=20)

<sup>33</sup> [http://www.whoprofits.org/sites/default/files/the\\_activities\\_of\\_veolia\\_in\\_israel\\_-\\_an\\_update.pdf](http://www.whoprofits.org/sites/default/files/the_activities_of_veolia_in_israel_-_an_update.pdf)

<sup>34</sup> See map: [http://australiansforpalestine.com/wp-content/uploads/2010/08/Road\\_443\\_Map\\_17-6-09-copy.jpg](http://australiansforpalestine.com/wp-content/uploads/2010/08/Road_443_Map_17-6-09-copy.jpg)

<sup>35</sup> [http://www.btselem.org/English/Freedom\\_of\\_Movement/Road\\_443.asp](http://www.btselem.org/English/Freedom_of_Movement/Road_443.asp)

<sup>36</sup> [http://www.btselem.org/English/Freedom\\_of\\_Movement/Forbidden\\_Roads\\_table.pdf](http://www.btselem.org/English/Freedom_of_Movement/Forbidden_Roads_table.pdf)

<sup>37</sup> <http://www.haaretz.com/print-edition/opinion/who-ll-want-to-drive-on-route-443-1.292475>

<sup>38</sup> <http://mondoweiss.net/2011/11/follow-the-freedom-rides.html>

<sup>39</sup> See Annex 3: Map of Tovlan dumping site

Veolia Environmental Services has stated that it also serves the Palestinian city of Nablus. This fact by no means takes away the illegal character of the activities mentioned above. Moreover, in reality, the use of the dumping site for Nablus is very limited / nil due to the number of Israeli checkpoints that have to be crossed in order to reach the dumping site and the high rates for dumping waste.<sup>40</sup>

Here, Veolia profits directly from its services to the Jewish settlements and Israeli citizens in Israel through the exploitation of land and natural resources in occupied Palestinian territory, making it complicit in the continuous violation of the Fourth Geneva Convention by Israel. In its resolution 63/201 from 2009 the General Assembly of the United Nations explicitly calls on Israel to stop dumping waste in the occupied Palestinian territories.<sup>41</sup>

In August 2011, Y.R.A.V Sherutei Noy 1985, a subsidiary of Veolia through TTM, won a tender from the Israeli Ministry of Defense to collect waste from the Israeli army bases in the Jordan Valley, occupied Palestinian territory.<sup>42</sup>

As a result of the criticism, Veolia has communicated for already some time that it intends to sell the site or even that it already sold it. This, please note, to the nearby Jewish settlement. This is however not yet the case. The Israeli office of environment and the settlements regional council, responsible for the Tovlan dumping site, do not have any knowledge of Veolia's intention to sell its contract. It even states that such a sale would be in breach of the contract between Veolia and these authorities.<sup>43</sup>

## 2.4 Sewage treatment for Jewish settlement

Veolia Water Israel writes on its website<sup>44</sup>, that its Ayalon wastewater treatment plant treats wastewater for various communities, among which the Jewish settlement Modi'in Illit. Modi'in Illit is situated between Jerusalem and Tel Aviv on the occupied West Bank, and is thus an illegal settlement. Veolia Water Israel is a full subsidiary of Veolia Environment. Also because of this, Veolia can possibly be complicit in the continuous violation of the Fourth Geneva Convention by Israel.

## 2.5 Discrimination of Palestinians

According to the legal opinion added to this fact file, Veolia's activities in the occupied Palestinian territories support and facilitate Palestinian discrimination as they provide both the opportunity and means to this end. After all, Veolia almost exclusively renders services to Israelis both within and outside Israel, in the occupied Palestinian territories, but not to the Palestinians themselves who live there under Israeli occupation.

The above mentioned bus lines offer the opportunity to discrimination as they are practically speaking only accessible to Israelis and not to Palestinians.

The light rail doesn't take possible needs of the Palestinian people into consideration as it is mainly designed to serve Jewish colonists. From declarations from City Pass Consortium's spokesperson Ammon Elian emerged that the JLR-project will strengthen the status-quo situation of segregation. He told Belgian researcher Karolien Van Dyck in April 2009: *'If Palestinians would want to make use of the light rail, both groups will not meet in the light rail, because of their different life patterns.'* According to Elian, integration of Palestinian users in the light rail is *'not necessary'* due to the

<sup>40</sup> <http://corporateoccupation.wordpress.com/2010/01/28/veolias-dirty-business-the-tovlan-landfill>

<sup>41</sup> <http://unispal.un.org/UNISPAL.NSF/0/023EB658DD2AC18E85257562006F0CFA>

<sup>42</sup> <http://www.whoprofits.org/content/veolias-involvement-occupied-jordan-valley-%E2%80%93-update>

<sup>43</sup> Information acquired by Who Profits, after telephone contact with the concerned authorities.

<sup>44</sup> <http://www.veoliawater.co.il/he/services/Waterandsewage/ayalon/>

existence of a network of buses used by the Palestinians.<sup>45</sup>

Prices of transport with the light rail are considerably higher than those of the local Palestinian bus lines. In shekels, the rate is equivalent to about 1 dollar 70. The rate for the buses used by the Palestinians is on the other hand about 1 dollar 32.<sup>46</sup> This means practically speaking that the majority of the Palestinians will not (be able to) use the light rail and continue to use the bus.

Except for one stop, all stops in occupied Palestine territory are planned on the route to the illegally colonized 'Israeli territories'. This one stop is at the Palestinian village Shuafat and has as such little value for Palestinians; they cannot enter the Jewish settlements and have few relevant affairs or relations in Israel's West-Jerusalem.

The discriminatory policy of the City Pass Consortium (in which Veolia participates) manifested itself in the nature of a survey among residents of Jerusalem. City Pass asked the residents whether they felt comfortable if it included stops in the Palestinian neighborhoods of occupied East-Jerusalem in its route and whether it would bother them when both Jews and Arabs could freely embark "without undergoing a safety check". Israeli officials described the questions as "racist".<sup>47</sup>

Veolia's recruitment policy for the light rail is another example of discrimination of Palestinian Israelis: an advertisement for new personnel, broadcasted on Israeli television in August 2010, mentioned fulfillment of Israeli military service and knowledge of Hebrew and English as job requirements. In practice, these criteria mean that Palestinian Israeli candidates are excluded as it is prohibited for a Palestinian Israeli to serve in the Israeli army. Besides, Arabic is not included as a requirement although it is an official language of Israel.<sup>48</sup> This discriminating recruitment policy is prohibited by Israeli law. Veolia was criticized for this and stopped the television advertisement immediately but it still appeared for a considerable amount of time on the Hebrew website of Veolia. In the light of the above it is the question to what extent the recruitment- and selection policy of Veolia has also been adapted in practice.

## 2.6 Corruption and people, planet, profit

Veolia top-managers and directors have been accused of and sentenced for bribery / corruption.<sup>49</sup> In March 2011, Veolia tried to prevent the broadcast of a French documentary 'Water makes Money' as it exposed Veolia's corruption.<sup>50</sup> Veolia also has a questionable track record in the field of environment and self-interest ('profit') comes before community interest ('people', 'planet').<sup>51</sup>

## 2.7 Veolia is one company

Veolia Environment is the name of the parent company and has 4 divisions: Transport, Water, Energy and Environmental Services. In 2005, the company gave all its four divisions the same name: 'Veolia'. The company's website states that *'the move signaled the desire of the entire company to link Veolia divisions in a coherent way and increase its visibility.'*<sup>52</sup>

<sup>45</sup> Public transport and political control: empirical study of the CityPass project on the West Bank, Karolien van Dijck, University of Gent, 2008-2009 (Unpublished).

<sup>46</sup> <http://electronicintifada.net/blog/adri-nieuwhof/veolia-tries-sugar-coat-its-complicity-israeli-violations-international-law>

<sup>47</sup> <http://www.haaretz.com/print-edition/news/officials-slam-racist-jerusalem-light-rail-survey-1.309620>

<sup>48</sup> [http://www.diakonia.se/sa/node.asp?node=1653&nd\\_view=view\\_pressrelease&nd\\_ukey=9528ed226275dfabdc1c2b0ea9da63ff&nd\\_nr\\_of\\_items=5&nd\\_id=458051](http://www.diakonia.se/sa/node.asp?node=1653&nd_view=view_pressrelease&nd_ukey=9528ed226275dfabdc1c2b0ea9da63ff&nd_nr_of_items=5&nd_id=458051)

Translation:

<sup>49</sup> <http://www.alternativenews.org/english/index.php/topics/jerusalem/2829-veolia-publishes-discriminatory-ad-for-jerusalem-light-rail>

<sup>50</sup> <http://www.powerbase.info/index.php?title=Veolia>

<sup>51</sup> <http://www.europalestine.com/spip.php?article5971>

<sup>51</sup> <http://www.citizen.org/documents/Vivendi-USFilter.pdf>

<sup>52</sup> <http://www.veolia.com/en/group/history/today>

Veolia calculates its revenues and profit for the company as a whole. In 2011, Veolia's revenues added up to 29.6 billion Euros<sup>53</sup> and had approximately 317.000 employees.<sup>54</sup> Veolia Environment is listed on the stock exchange in Paris and New York. In its reports, Veolia considers its subsidiaries as divisions of its company<sup>55</sup> and contracts of its subsidiaries as own contracts. Veolia's mobility policy is applicable for all subsidiaries.<sup>56</sup>

All these characteristics indicate that Veolia, Veolia Transport, Veolia Water, Veolia Energy and Veolia Environmental Services must be treated as one single unity.

Early March 2011, Veolia Transport (one of the four divisions of Veolia Environnement) merged with Transdev in VeoliaTransdev, whereby both Veolia Environnement and Caisse des Dépôts (both parent companies) are owners for 50%. The CEO of parent company Veolia Environnement (Antoine Frérot) has now become president of the board of VeoliaTransdev too.<sup>57</sup>

This means that Veolia as an organization is still responsible and to be held accountable for activities of what used to be called Veolia Transport, and has now also become responsible for the activities of (the subsidiaries of) what used to be called Transdev.

In the Netherlands, Connexxion (subsidiary of Transdev) and Veolia Transport Netherlands (subsidiary of Veolia) have now become sister companies.<sup>58</sup> This also means that Connexxion and its subsidiaries Hermes and Novio must be seen as part of VeoliaTransdev. They should therefore be seen as part of the parent company Veolia Environnement.

### **3. Worldwide consequences of Veolia's undesirable activities in occupied Palestinian territory**

Veolia's declarations that it is withdrawing from activities in Israel / occupied Palestinian territories, through which Veolia is possibly complicit in violation of International law including the Geneva Conventions, like Jerusalem Light Rail and the Tovan landfill, are so far unfulfilled promises. Until now, they seem to aim more at pulling the wool over the critics' eyes. Above mentioned facts rather show the opposite: Veolia is expanding its activities in Israel.

It is therefore not surprising that in an 'exclusive interview' in the newspaper Ha'aretz<sup>59</sup> of the 16<sup>th</sup> of January 2012, Veolia Israel's CEO Arnon Fishbein states: '*not only does Veolia not intend on leaving Israel – but is also planning to stay here for many more years, it will invest billions of Shekels...*'. And '*Veolia Israel is the most profitable of all the Veolia branches in the world*'.

As a consequence of Veolia's undesirable activities in the occupied Palestinian territories, there is a worldwide campaign against Veolia going on. Herewith a short overview of the places where campaigning against Veolia took place and where contracts for Veolia fell through or where Veolia was excluded from contracts.<sup>60</sup> The reasons for this are not always explicitly mentioned by policymakers though.

#### **\* East Sussex (UK)**

In March 2012, Veolia was excluded from a joint tender for refuse collection, recycling, cleaning services for streets and beaches for 20 years for the municipalities of Eastbourne, Hastings, Rother and Wealden of East Sussex.<sup>61</sup>

<sup>53</sup> [http://www.finance.veolia.com/docs/Consolidated-financial-statements-for-2011\\_7-mars.pdf](http://www.finance.veolia.com/docs/Consolidated-financial-statements-for-2011_7-mars.pdf) page 7

<sup>54</sup> [http://www.veolia.com/veolia/ressources/files/3/10918\\_Veolia\\_EN\\_ethics.pdf](http://www.veolia.com/veolia/ressources/files/3/10918_Veolia_EN_ethics.pdf) page 3.

<sup>55</sup> See organizational chart on page 90 <http://www.finance.veolia.com/docs/VE-DDR-2011-EN.pdf>

<sup>56</sup> [http://www.veolia.com/veolia/ressources/files/1/2329\\_Mobility-of-personnel.pdf](http://www.veolia.com/veolia/ressources/files/1/2329_Mobility-of-personnel.pdf)

<sup>57</sup> [http://www.veoliatransdev.com/en/press-room/press-releases/2010-05-05\\_signing-veolia-transdev.htm](http://www.veoliatransdev.com/en/press-room/press-releases/2010-05-05_signing-veolia-transdev.htm)

<sup>58</sup> [http://www.connexxion.com/actueel/383/definitief\\_akkoord\\_bereikt\\_fusie\\_veolia\\_transport\\_en\\_transdev/1726/](http://www.connexxion.com/actueel/383/definitief_akkoord_bereikt_fusie_veolia_transport_en_transdev/1726/)

<sup>59</sup> <http://www.whoprofits.org/content/interview-veolia-israels-ceo> This is an English translation of the interview

<sup>60</sup> <http://gulfnews.com/news/region/palestinian-territories/timeline-of-opposition-of-jerusalem-light-rail-1.708699>

<sup>61</sup> <http://www.australiansforpalestine.net/60592>

\* London (UK)

On February 8, 2012, the British Parliament tabled a resolution, signed by 71 MPs stating that:  
*“This House ... notes the UN Human Rights Council declaration that the Jerusalem Light Rail extension into East Jerusalem is in clear violation of international law and relevant United Nations Resolutions (Resolution 13/7 of 14 April 2010); and calls on the Government to facilitate and support effective EU legislation to ensure the cessation of EU finance for illegal Israeli settlements and that economic operators aiding and abetting the building, maintenance or servicing of illegal Israeli settlements be excluded from public contracts in the EU.”*<sup>62</sup>

\* London (UK)

On December 24, 2011, the West London Waste Authority decided to exclude Veolia from a contract with a value of 485 million British Pounds for the processing of domestic waste of 1.4 million inhabitants of the boroughs Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond-upon-Thames.<sup>63</sup>

\* London (UK)

On August 3, 2011, it became known that Ealing Council (London) did not select Veolia for the tender for domestic waste collection, cleaning of streets and maintenance of parks. This contract has a value of about 300 million British Pounds and covers a period of 15 years. This happened while Veolia already possessed the current contract for park maintenance.<sup>64</sup>

\* East Hants/Winchester City (UK)

In May 2011, Veolia lost the new joint contract for waste collection in East Hants / Winchester City.<sup>65</sup>

\* Stockholm (Sweden)

In April 2011, it became known that the ethical council of four Swedish pension funds (AP1, AP2, AP3, AP4; managing a total volume of almost 100 billion Euros) called upon Alstom and Veolia to stop their involvement in the Jerusalem Light Rail.<sup>66</sup>

\* London (UK)

On April 5, 2011, it became known that the South London Waste Partnership (SLWP), containing 4 urban districts in South London, deleted Veolia from the shortlist of 3 candidates for the construction of residual waste treatment infrastructure: a contract with a value of 990 million British Pounds.<sup>67</sup>

\* Richmond and Portsmouth (UK)

In Richmond (February 2011) as well as in Portsmouth (March 2011), the city council decided not to extend Veolia's contract for environmental services.<sup>68</sup>

\* Tower Hamlets Borough (UK)

On the 2<sup>nd</sup> of February 2011, the Tower Hamlets Borough city council adopted a resolution in which it excludes Veolia from future tenders.<sup>69</sup> The resolution states among others that:

*“This Council believes that --- (4) urgent steps should be taken to review all contracts with Veolia and not to place any more contracts with this company, (5) The Mayor should write to Veolia as soon as possible to communicate to them the contents of this motion and the council's determination to terminate any relationship to Veolia.”*

<sup>62</sup> <http://www.parliament.uk/edm/2010-12/2717>

<sup>63</sup> <http://mondoweiss.net/2011/12/bds-victory-veolia-loses-huge-waste-treatment-contract-in-london-boroughs.html>

<sup>64</sup> [http://www.palestinecampaign.org/index7b.asp?m\\_id=1&l1\\_id=4&l2\\_id=24&Content\\_ID=2088](http://www.palestinecampaign.org/index7b.asp?m_id=1&l1_id=4&l2_id=24&Content_ID=2088)

<sup>65</sup> [http://www.palestinecampaign.org/index7b.asp?m\\_id=1&l1\\_id=4&l2\\_id=24&Content\\_ID=1941&utm\\_medium=email&utm\\_campaign=PSC+Weekly+update+-+May+12th+2011+-+End+...&utm\\_source=YMLP&utm\\_term=click+here+for+more+details+on](http://www.palestinecampaign.org/index7b.asp?m_id=1&l1_id=4&l2_id=24&Content_ID=1941&utm_medium=email&utm_campaign=PSC+Weekly+update+-+May+12th+2011+-+End+...&utm_source=YMLP&utm_term=click+here+for+more+details+on)

<sup>66</sup> [http://www.responsible-investor.com/home/article/swedish\\_ap\\_funds\\_ethical\\_council/](http://www.responsible-investor.com/home/article/swedish_ap_funds_ethical_council/)

<sup>67</sup> <http://www.letsrecycle.com/news/latest-news/councils/veolia-out-of-running-for-south-london-waste-deal>

<sup>68</sup> <http://www.leedspsc.org.uk/?p=8288>

<sup>69</sup> Resolution 24 at the end of [http://moderngov.towerhamlets.gov.uk/Published/C00000309/M00003040/\\$\\$\\$Decisions.doc.pdf](http://moderngov.towerhamlets.gov.uk/Published/C00000309/M00003040/$$$Decisions.doc.pdf)

\* Edinburgh (UK)

In December 2010, the city council of Edinburgh decided not to award a contract to Veolia for the environmental services in the city while Veolia was the most likely winner.<sup>70</sup>

\* Caerphilly County Borough (UK)

On November 23, 2010, the Caerphilly County Borough adopted the following resolution in which Veolia is excluded from future tenders:

*"RESOLVED that the notice of motion which calls upon the Leader and Chief Executive not to sign or allow to be signed any new contracts or renewal of any existing contracts with Veolia Environmental Services or any other company in breach of international law, so long as to do so would not be in breach of any relevant legislation be supported."*<sup>71</sup>

\* Lille (France)

In November 2010, the municipality of Lille decided to not award the contract for public transport in the city to Veolia.<sup>72</sup>

\* Cork (Ireland)

In October 2010, the municipality of Cork adopts the resolution to refrain from signing contracts with Veolia or renewing them:

*„Cork City Council recognising*

- 1. That Veolia is a leading partner in the consortium contracted to build a light railway system linking Israel to illegal settlements in occupied East Jerusalem.*
- 2. That the Irish government and the U.N. does not recognise Israel's annexation and occupation of East Jerusalem and have repeatedly stated their views that the Israeli settlements in East Jerusalem and the West Bank contravene international law.*
- 3. That Veolia's involvement in the project is in contravention of the U.N.'s stated demand that Israeli settlement activities and occupation should not be supported.*

*This Council calls on the City Manager not to sign any new or renew any existing contracts with Veolia as it would be in contravention of the wishes of this Council."*<sup>73</sup>

\* Swansea (UK)

On the 17<sup>th</sup> of June 2010 the Swansea municipality adopted a resolution in which Veolia is excluded from future contracting:

*"The UN not only does not recognize Israel's annexation and occupation of East Jerusalem, but has repeatedly stated its view that the Israeli settlements in East Jerusalem and the West Bank contravene international law, and it has demanded that the Israeli settlement activities and occupation should not be supported. The international trading company, Veolia, is a leading partner in a consortium seeking to build a light railway system linking Israel to illegal settlements in occupied East Jerusalem, a project that clearly not only contravenes UN demands but is in contradiction of international law. The Council therefore calls on the leader and chief executive not to sign or allow to be signed any new contracts or renewal of any existing contracts with Veolia or any other company in breach of international law, so long as to do so would not be in breach of any relevant legislation."*<sup>74</sup>

\* Donegal (Ireland)

In June 2010, the Donegal County Council adopts a resolution not to renew contracts with Veolia due to Veolia's activities in Israel / Palestinian territories. In a clarification on his website, the one submitting this resolution states that:

*"Directive 2004/18/EC on the coordination of procedures for the award of public works, public supply and public service contracts provide that public bodies can reject bids where the organisation has committed acts of grave misconduct in the course of their business"*<sup>75</sup>

<sup>70</sup> <http://www.alternativenews.org/english/index.php/topics/economy-of-the-occupation/3086-palestine-campaigners-claim-bds-success-as-edinburgh-council-rejects-veolia->

<sup>71</sup> <http://globalexchange.org/sites/default/files/038723.pdf> Item 15 on page 6 en 7.

<sup>72</sup> <http://www.nord-palestine.org/2010-11-06CroixduNord-Veolia.JPG>

<sup>73</sup> <http://www.corkcity.ie/services/corporateaffairs/minutesofordinarymeetings/minutes2010/MinsCouncilMeeting111010.pdf>, page 23

<sup>74</sup> <http://swanseaactionforpalestine.blogspot.com/2010/07/swansea-city-council-ban-future.html>

<sup>75</sup> [http://thomaspringle.ie/?page\\_id=12](http://thomaspringle.ie/?page_id=12)

\* Dublin (Ireland)

In May 2010, the city council of Dublin adopted a resolution not to sign or renew contracts with Veolia because of Veolia's activities in Israel / Palestinian territories.<sup>76</sup>

\* Victoria (Australia)

In June 2009, the city council of Victoria decides to not extend the contract with Veolia for the exploitation of Melbourne's trains. In July 2009 Veolia loses the contract for the construction of a desalination installation with a value of 2.9 billion US dollar.<sup>77</sup>

\* Bordeaux (France)

In April 2009, Veolia loses a contract in Bordeaux with a value of 750 million Euros concerning the exploitation of the biggest urban public transport network of France.<sup>78</sup>

\* Galway (Ireland)

In April 2009, the city council of Galway votes against the renewal of Veolia's contract for the operation of Galway's water management due to Veolia's activities in Israel / Palestinian territories.<sup>79</sup>

\* Sandwell (UK)

In March 2009, the Sandwell Metropolitan Borough city council did not include Veolia in the shortlist of candidates for a contract for a 'waste improvement plan' for the city. Contract value: 1 billion British Pounds over 20 years.<sup>80</sup>

\* Stockholm (Sweden)

After 10 years of exploitation, Veolia lost a contract in January 2009 for a value of 3.5 million Euros for the exploitation of the Stockholm metro.<sup>81</sup>

\* Nanterre (France)

In February 2007, the Association France-Palestine Solidarité (AFPS), supported by the PLO, started a court case contesting the legitimacy under French law of the contracts awarded to Veolia, Alstom and Alstom Transport as part of the City Pass Consortium. On the 15<sup>th</sup> of April 2009, the court of Nanterre accepted jurisdiction for this case. In higher court, the Court of Appeal of Versailles endorsed the decision of the court of Nanterre. Alstom en Alstom Transport lodged another appeal, but on February the 4<sup>th</sup> 2010, the Court of Cassation determined that the higher appeal does not prevent the hearing of the case by court of Nanterre. The court case is still ongoing.<sup>82</sup>

\* The Hague, the Netherland

In November 2006, ASN bank sells its shares in Veolia because its activities "are not in line with UN requirements to stop support (colonisation-) activities".<sup>83</sup>

\* Ireland

In August 2006, the Irish Union forces Veolia to abandon plans to train Israeli operators and engineers in Ireland.<sup>84</sup>

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<sup>76</sup> <http://www.indymedia.ie/article/96594> including complete text of the resolution

<sup>77</sup> <http://australiansforpalestine.com/4443>

<sup>78</sup> <http://palsolidarity.org/2009/04/6165/>

<sup>79</sup> <http://www.indymedia.ie/article/92001>

<sup>80</sup> [http://www.humanityvoice.net/news\\_details.php?id=2959](http://www.humanityvoice.net/news_details.php?id=2959)

<sup>81</sup> <http://www.diakonia.se/sa/node.asp?node=2807>

<sup>82</sup> <http://www.veolia.com/en/medias/focus-on/ilrt.htm>

<sup>83</sup> <http://www.trouw.nl/tr/nl/4324/Nieuws/article/detail/1493217/2006/12/03/ASN-stoot-bezittingen-af-wegens-VN-eisen.dhtml>

<sup>84</sup> <http://www.labournet.net/world/0608/tram1.html>

## 4. Conclusion

Veolia has signed the UN Global Compact<sup>85</sup> with which it commits itself to support and respect the protection of international human rights and commits itself as a company not to be complicit in violations of human rights. However, the annexed legal opinion shows that:

- by constructing and maintaining the light rail,
- by operating the bus lines on the occupied West Bank for Israelis only,
- by exploiting the Tovlan landfill on the occupied West Bank,
- by collecting waste from the Israeli army bases in the Jordan Valley and
- by taking care of the waste water treatment for a Jewish settlement,

Veolia facilitates violations of the Fourth Geneva Convention and is complicit in the continuation of these violations. By facilitating and strengthening Israel's violations, Veolia is also complicit in Israel's violations of the Convention of The Hague (1907) that forbids an occupying power to change infrastructure in an occupied territory. Furthermore, Veolia discriminates Palestinians in the offering of its services.

The States that are signatories to the Geneva Conventions and by extension their public organs, thus also the lower authorities, are, based on Article 1 of the Fourth Geneva Convention, obliged 'to respect and to ensure respect for the present Convention in all circumstances' and based on Article 146 (3) of the Fourth Geneva Convention, to take all measures necessary for the suppression of all acts contrary to the provisions of that Convention.<sup>86</sup> Furthermore, all government institutions are responsible for protection against human rights violations by multinational companies and for the formulation of a policy that guarantees that multinationals respect human rights.<sup>87</sup>

The Dutch government fulfils a pro-active role concerning the compliance with the new OECD-guidelines in which respect for human rights is explicitly mentioned. In the letter of presentation to the Dutch Lower House, the minister states that *'the guidelines are formulated as recommendations to companies. They cannot be legally enforced but, the Dutch government considers the guidelines as a reference for companies for corporate social responsibility'*<sup>88</sup> The urban district Haaglanden is, as a public organ, part of the Dutch state. Besides that, the Dutch state is still for 33% co-owner of the Dutch VeoliaTransdev-subsiidiary Connexxion.<sup>89</sup>

Companies who are complicit in violations of human rights and violations of international law should therefore not be awarded with government contracts in Europe, also not in the Netherlands.

On top of that: Urban district Haaglanden seems not to be able to act otherwise, when it states in its tender-specifications under 2.2.1 'Criteria for exclusion' item 4 (page 20): 'From participating in the tender procedure are being excluded by the granters of the concession every participant that: d. *has been guilty of grave professional misconduct proven by any means which the contracting authorities can demonstrate.*' This is a direct translation of the European legislation on tenders, translated into the Dutch legislation on tenders: Article 45 BAO, part 3.d. If complicity in violation of international law, including the Geneva Conventions, is not a matter of grave professional misconduct, then what is?

The Hague, as biggest municipality of the urban district Haaglanden, has to keep up a strong international reputation as city of peace and justice. Besides the International Court of Justice which is based in the Peace Palace in The Hague, also the International Criminal Court, the Yugoslavia Tribunal, the Iran-US Claims tribunal and the Permanent Court of Arbitration are

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<sup>85</sup> <http://www.unglobalcompact.org/participant/9933-Veolia-Environnement>

<sup>86</sup> <http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5>

<sup>87</sup> Report of the Special Representative of the UN Secretary-General on the issue of human rights and transnational corporations and other business enterprises, Human Rights Council, A/HRC/8/5, 7 April 2008.

<sup>88</sup> [http://dev.oesorichtlijnen.nl/wp-content/uploads/kamerbrief\\_over\\_de\\_nieuwe\\_oeso\\_richtlijnen.pdf](http://dev.oesorichtlijnen.nl/wp-content/uploads/kamerbrief_over_de_nieuwe_oeso_richtlijnen.pdf)

<sup>89</sup> <http://nl.wikipedia.org/wiki/Transdev>

located in The Hague. And in Leidschendam, also part of the Haaglanden, the Special Tribunal for Lebanon is based. Finally, since March 2012, The Hague is the first 'shelter city' of Europe. 'Shelter cities' provide a temporary safe shelter to human rights defenders in times of emergency.<sup>90</sup>

The above facts and arguments, together with the accompanying legal opinion provide sufficient arguments for the urban district Haaglanden to make a proper decision.

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**ANNEXES:**

1. Legal opinion concerning Veolia
2. Map East-Jerusalem
3. Schematic map of planned routes of the light rail
4. Map Tovlan landfill

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<sup>90</sup> <http://www.dichtbij.nl/den-haag/regionaal-nieuws/artikel/2295009/den-haag-wordt-shelter-city.aspx>