

VIOLATIONS SET IN STONE

HEIDELBERGCEMENT IN THE OCCUPIED PALESTINIAN TERRITORY



EXECUTIVE SUMMARY | FEBRUARY 2020

Palestinians in the Occupied Palestinian Territory (OPT) have been subjected to ongoing Israeli occupation and colonisation policies depriving them of their basic rights. Among others, this has been manifested in the unlawful exploitation of natural resources in the OPT, resulting in a wide array of human rights violations and intensifying the de-development and capture of the Palestinian economy by the Occupying Power and business enterprises. This is a summary of a report that investigates the activities of the German multinational HeidelbergCement in the West Bank.

Israeli and multinational corporations operating and active in the OPT under Israel's administration are knowingly complicit in breaches of international law against the occupied Palestinian population. Unsurprisingly, these companies have benefited from the already-existing culture of impunity for Israel's prolonged occupation and the lack of (the enforcement of) regulatory frameworks under international law, namely humanitarian and human rights law, for businesses operating in the OPT to avoid liability and whitewash their unlawful activities – accompanied by the lack of political will of third States in this regard.

The *Nahal Raba* stone quarry, operated by the German multinational HeidelbergCement through its subsidiary

Hanson Israel, provides a clear example of corporate complicity in grave breaches of international humanitarian law that may amount to internationally recognised crimes against Palestinians. The case study in this report documents the direct and indirect implications of the quarry and its activities in the past 13 years on the lives of Palestinian communities living nearby as well as the Palestinian population as a whole.

HeidelbergCement's extraction of Palestinian natural resources, namely stone, has taken place in a context of deliberate institutional policies aimed towards the confiscation and exploitation of Palestinian land and resources by Israel, the Occupying Power. Consequently, Palestinians have been denied their right to self-

determination, access and sovereignty over their natural resources, while their economy suffers from a continued state of captivity and de-development. The Palestinian economy is being stripped of billions of dollars each year. Conservative estimates by the World Bank indicate that the missing revenues amount to 3.4 billion dollars per year, which has the potential to increase the Palestinian GDP by about a third.¹ The potential value which could be generated by mining production in the occupied West Bank, wherein HeidelbergCement operates, is estimated at USD 900 million annually.²

KEY FINDINGS

HUMAN RIGHTS VIOLATIONS RESULTING FROM THE QUARRY'S OPERATIONS

- *The Right to Self-Determination and to Permanent Sovereignty over Natural Resources:* HeidelbergCement's activities, comprising quarrying and manufacturing of materials in the *Nahal Raba* quarry in occupied territory contribute to the infringement of the Palestinian right to self-determination and to permanent sovereignty over natural resources, a fundamental principle of international law.
- *Unlawful Appropriation of Land:* HeidelbergCement is benefiting from the appropriation of private and public property that belongs to the protected Palestinian population.
- *Pillage:* the unlawful quarrying of natural resources from the *Nahal Raba* quarry and transfer of the material to Israeli settlements and the construction sector in Israel, while royalties are paid to the Israeli Civil Administration. This provides evidence that the illegal activities in the *Nahal Raba* quarry benefit the Israeli economy, including the settlement enterprise, at the expense of the Palestinian people, thus amounting to the crime of pillage committed by the Occupying Power and facilitated by HeidelbergCement.
- *The Right to Freedom of Movement:* HeidelbergCement has contributed to and benefited from the systemic Israeli-imposed restrictions on Palestinian access to land and natural resources, which has been implemented by means of land confiscation, the construction of the Wall, its settlement enterprise, and military infrastructure.
- *The Right to Work and Access to Livelihood:* the *Nahal Raba* quarry has prohibited Palestinians from accessing and utilising their land and resources, thus further limiting job prospects, economic opportunities and denying livelihoods.
- *Transfer of Civilian Populations into Occupied Territory:* HeidelbergCement's continued operations and activities in the *Nahal Raba* quarry, for more than a decade now, have facilitated the transfer of Israeli settlers into the OPT, including by means of providing job opportunities and construction materials used to establish and expand illegal Israeli settlements.
- *Environmental Impacts and Destruction:* the *Nahal Raba* quarry has been in operation for more than three decades, depleting the finite resources and raw materials therein. In addition, the resulting clouds of dust and pollution from the quarry have impacted the residents and agriculture in the nearby villages. The destruction of the environment further infringes on the right to life and health.



The Nahal Raba quarry. Photo taken from Al-Zawiya by Al-Haq, 18 January 2020.

DENIAL OF INVOLVEMENT IN AND RESPONSIBILITY FOR GROSS HUMAN RIGHTS ABUSES

HeidelbergCement has presented a myriad of justifications to legitimise its operations in the *Nahal Raba* quarry and denies liability for its involvement in human rights violations and grave breaches of international law:

- *Aligning with the Occupying Power:* HeidelbergCement disregards and takes advantage of the existence of an occupation where its activities take place in the *Nahal Raba* quarry in the occupied West Bank, thus violating the rights of Palestinians by operating through the oppressive and exploitative policies that Israel, the Occupying Power, enacts as it exercises effective control over the OPT.
- *Exploiting an Unjust Legal System:* Israeli jurisprudence allows for the exploitation of natural resources in the OPT, as can be seen from the Israeli Supreme Court's decision in 2011.
- *Disseminating Misinformation Regarding its Responsibility:* HeidelbergCement denies that its activities cause harm to Palestinians and their economy and result in human rights abuses. HeidelbergCement also denies its role in bolstering Israel's exploitative and expansionist policies in the OPT, including those that contribute to the maintenance and growth of Israel's illegal settlement enterprise.
- *Claim to Benefit the Affected Community:* in an apparent effort to deflect criticism of their operations in the OPT, HeidelbergCement claims that its activities in the *Nahal Raba* quarry benefit Palestinians, including the claim to provide job opportunities and projects for their benefit. HeidelbergCement has also established a Palestinian subsidiary under the jurisdiction of the Palestinian Authority in the West Bank, in an apparent attempt to enhance its image. The Palestinian subsidiary is unlinked to its activities in the *Nahal Raba* quarry, and it remains unclear what its economic activity or value constitutes.
- *Undermining Rightful Owners and Communities:* by shaping a distorted narrative which frames its operation of the quarry as benefiting the local population, HeidelbergCement not only manipulates how its activities are perceived, but it also feeds into the structural delegitimisation of the affected population's struggles against foreign occupation and associated corporate interests.
- *Shielding the Parent Company from Liability:* HeidelbergCement has structured the transnational corporate group into distinct legal entities and carried out its operations through an Israeli subsidiary to insulate the parent company from liability.
- *Irresponsible Disengagement through the Sale of the Quarry to Avoid Liability:* in May 2019, HeidelbergCement announced that it had decided to sell the *Nahal Raba* quarry and that a 'disposal process was started'. Often, companies turn to disengagement as a method to avoid bearing responsibility for human rights violations they are involved in and to maintain their reputation – without mitigating the adverse impacts or allowing for effective redress.

Palestinian land, including from the village of Al-Zawiya, confiscated for the construction of the Wall. Photo taken by Al-Haq, 18 January 2020.



Endnotes

- 1 Who Profits, "The Israeli Exploitation of Palestinian Natural Resources: Part II HeidelbergCement", November 2016, <https://whoprofits.org/updates/the-israeli-exploitation-of-palestinian-natural-resources-part-ii-heidelberg-cement/>, last accessed 20 January 2020.
- 2 Palestine Ministry of National Economy, ARIJ, "The economic costs of the Israeli occupation for the occupied Palestinian territory", September 2011, <http://www.mne.gov.ps/pdf/EconomiccostsofoccupationforPalestine.pdf>, last accessed 20 January 2020.

COLOPHON

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The Centre for Research on Multinational Corporations (SOMO) is a critical, independent, not-for-profit knowledge centre on multinationals. Since 1973 we have investigated multinational corporations and the impact of their activities on people and the environment. We provide custom-made services (research, consulting and training) to non-profit organisations and the public sector. We strengthen collaboration between civil society organisations through our worldwide network. In these three ways, we contribute to social, environmental and economic sustainability.



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Al-Haq is an independent Palestinian non-governmental human rights organisation based in Ramallah, West Bank. Established in 1979 to protect and promote human rights and the rule of law in the Occupied Palestinian Territory (OPT), the organisation has special consultative status with the United Nations Economic and Social Council.



Mind the Gap is a four-year project in which consortium partners research how companies avoid responsibility for human rights abuses, collaborate with civil society to improve corporate accountability and engage with policy makers to close governance gaps that enable companies to avoid responsibility. The overall aim of the project is to increase respect for human rights and effective access to justice and remedy for individuals and communities whose lives and livelihoods are affected by multinational corporations.

