

## Veolia

Veolia, a large French multinational, is operating a tramway linking illegal settlements in East Jerusalem with Israel. Not only do the settlements contravene article 49 of the 4th Geneva Convention forbidding an occupier transferring its own civilians into the territory it occupies, but in most cases the establishment of the Israeli settlements involved war crimes too. The tramway tightens Israel's hold on occupied East Jerusalem, ties the settlements more firmly into Israel and undermines the chances of a just peace for the Palestinian people.

In the occupied Jordan Valley Veolia has been supporting illegal settlements by taking their refuse at its Tovlan landfill site. Veolia has now compounded its offence by trying to sell Tovlan to an illegal settlement, whilst maintaining an operating role.

(Until September 2013 Veolia also operated bus services connecting illegal Israeli settlements to Israel. Palestinian use of these services was either forbidden or severely restricted. The bus business has been sold to an Israeli company).

Veolia must be made to halt these activities which enable Israel to maintain and tighten its grip on the occupation. Until then, we encourage a boycott of Veolia – a firm complicit in the ongoing occupation and dispossession of the Palestinian people.

Scroll down for a full guide to the issues and how you can support the campaign.

## Why boycott Veolia

### Contents:

- **Veolia's support for Israel's illegal settlements.**
- **Veolia is one commercial entity.**
- **The "Dump Veolia" ("Bin Veolia" or "Derail Veolia") campaign.**
- **Campaign successes.**
- **Useful References.**
- **Annex: Veolia one commercial entity (detailed evidence)**
- **Map of the Jerusalem tramway first line.**

## **Veolia's support for Israel's illegal settlements**

The Veolia parent company is Veolia Environnement, a French multinational. Veolia Transportation, a subsidiary of Veolia Environnement, is a leading partner in the CityPass consortium that built the light-rail tramway linking west Jerusalem to illegal Jewish settlements in occupied east Jerusalem. The tramway cements Israel's hold on occupied east Jerusalem and ties the settlements even more firmly into the State of Israel. And not only the settlements in east Jerusalem: the "Ammunition Hill" station of the network operates as the feeder station for settler traffic from Ma'aleh Adumim, a large Israeli settlement in the West Bank, and from Jewish settlements in the Jordan Valley.

The line opened in 2011, with Veolia responsible for its operation. With its involvement in this project, the company is directly implicated in maintaining illegal settlements in occupied Palestinian territory and is playing a key role in Israel's attempt to make its annexation of the Palestinian territory of east Jerusalem irreversible. Further, as a willing agent of these policies, Veolia is undermining the chances of a just peace for the Palestinian people.

Israeli settlements in the Occupied Palestinian Territory and the annexation of East Jerusalem are illegal under international law. Numerous UN resolutions and the 2004 advisory opinion of the International Court of Justice on the wall have confirmed this. The settlements violate Article 49 of the 4th Geneva Convention: "...The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies" as well as Article 53 forbidding destruction of property. In some cases in East Jerusalem these violations amount to war crimes, i.e. "grave breaches" of the Convention (see Articles 146 and 147), as they involve extensive appropriation of Palestinian property not justified by military necessity. These grave breaches are being facilitated by Veolia's part in the construction and operation of the tramway serving the settlements. The tramway also constitutes a significant alteration of the infrastructure of the occupied Palestinian territories contrary to the Hague Regulations of 1907, Section 3, also part of international law.

Veolia published an advertisement recruiting operators for the tramway requiring Hebrew to mother tongue standard, no mention of Arabic. Full army or civic service was also required, i.e. no Palestinians.

In April 2010 the UN Human Rights Council declared the tramway **and its operation** to be illegal (A/HRC/RES/13/7 of 14 April 2010). The resolution was passed 44 to 1, with the UK, France and all the EU members of the Council voting in favour. The operation of the tramway is precisely what Veolia is now doing. The Council reiterated its condemnation of the tramway at its 22<sup>nd</sup> Session in March 2013.

On 25 October 2012, Richard Falk, the UN Special Rapporteur on Human Rights in the Occupied Palestinian Territories, told the UN General Assembly that companies profiting from Israel's illegal settlements, including Veolia, should be boycotted (<http://www.un.org/apps/news/story.asp?NewsID=43376#.UWbrerWkpu8>).

Through its involvement in the building and operation of this tramway linking Israel's illegal settlements with West Jerusalem, Veolia is facilitating Israel's 'grave breaches' of the Fourth Geneva Convention, and is complicit in its perpetuation of those breaches. **In other words, Veolia is involved in aiding and abetting on-going war crimes.** It is also facilitating, exacerbating, aiding and abetting Israel's breach of the Hague Regulations.

(Until September 2013 Veolia also operated bus services connecting illegal Israeli settlements to Israel. Palestinian use of these services was either forbidden or severely restricted. The bus business has been sold to an Israeli company)

In March 2011 the Veolia Transport Division of Veolia Environnement merged with Transdev to form Veolia Transdev. The merged company is 50% owned by Veolia Environnement. Veolia Environnement therefore still bears very substantial responsibility for Veolia Transdev's wholly owned subsidiary Veolia Transportation Israel. In 2013 Veolia Transdev was renamed Transdev.

Veolia's support for settlements is not only through Veolia Transportation Israel. Through its subsidiary TMM, Veolia Environmental Services Israel has been operating the Tovlan landfill site in the occupied Jordan Valley for many years. During this time Tovlan has been supporting Israel's illegal settlements in the West Bank by taking their refuse. Tovlan also receives refuse from Israel itself and the Israeli army, the occupier dumping its rubbish on the occupied. Subsidiary companies of Veolia Environmental Services are amongst those transporting the refuse to Tovlan. UN General Assembly Resolution 63/201 of 28 January 2009 called on Israel to stop dumping waste in the Occupied Palestinian Territories. Despite this Veolia continues with this activity.

Veolia says that it is selling Tovlan to a local buyer, but far from ending Veolia's complicity, the deal would compound it, for **the intended sale is to Massu'a, the nearby illegal Israeli settlement.** Moreover Veolia would continue its involvement by providing the settlement with advice concerning Tovlan. Veolia's involvement with Tovlan is not affected by the Veolia Transportation/Transdev merger, for the subsidiary concerned is part of Veolia Environnement's Environmental Services Division.

Veolia's support for Israel's illegal settlements breaches its obligations with respect to codes of conduct and conventions such as the OECD Guidelines for Multinational Enterprises (2000) and the UN Global Compact (2000). The latter's first two principles state that businesses should support and respect the protection of international human rights within their spheres of influence and make sure that they are not complicit in human rights abuses. Yet by supporting Israel's illegal settlements Veolia flagrantly violates both of these provisions.

### **Veolia is one commercial entity**

It is entirely evident that Veolia is a single entity and profits and prospers as such. This is also clear in the company's own marketing and public corporate structure where it treats itself as a coherent whole. As this is the case, the conduct of one

division or subsidiary is the conduct of Veolia as a whole. In short, if one subsidiary of Veolia is involved in activities of grave misconduct and profits from such conduct, then the parent company must necessarily be implicated in such misconduct and most certainly profits from such misconduct. That, in turn, means that Veolia as a whole – all of its divisions and subsidiaries – are implicated in such misconduct. (*Detailed evidence for Veolia being one commercial entity is set out in the Annex below*).

## **The “Dump Veolia” (“BinVeolia” or “Derail Veolia”) Campaign**

As Veolia is a multinational with operations in many countries, this is an international campaign.

### Excluding Veolia from public contracts

Under European Community regulations a company can be excluded from bidding for a public contract, or being awarded one, on the grounds of grave misconduct. The main thrust of the Derail Veolia campaign has been to demand that public authorities (mostly city or district councils and universities), exercise this discretion in respect of Veolia companies on the grounds that aiding and abetting war crimes amounts to grave misconduct. The British version of the European Directive is the Public Contract Regulations (2006). Section 23(4)(e) covers exclusion for grave misconduct.

Ask your local council (or other public authority) what contracts it has with Veolia and when they terminate. You can be sure that Veolia will try and bid for the replacement contract. Start your campaign with the council two years or more before termination as some councils award replacement contracts quite early, and your campaign will need time to have effect. Even if your council has no contract with Veolia, or only a long term one, you can ask for Veolia to be excluded from all future contracts until it gives up support for Israel’s illegal settlements.

Campaign methods include letter writing, lobbying council members, presentations/delegations at council meetings, involving the media, petitions, demonstrations, etc. <http://www.dumpveolia.org.uk/activists-toolkit/> includes a model motion for councillors to submit for adoption by their Local Authority and a model letter asking public authorities to exclude Veolia from contracts. [www.dumpveolia.org.uk](http://www.dumpveolia.org.uk) has more useful material, including contracts that Veolia might bid for.

### Asking companies using Veolia’s services to switch contracts to another service provider

These contracts are usually with Veolia Environmental Services for waste collection or management. Businesses and shops using Veolia can be identified by the Veolia Environmental Services (may also be marked Onyx or Cleanaway) rubbish skips in their yards. Some national or regional businesses with many local establishments may have one central contract with Veolia. Public contract regulations will not apply, but companies need to consider the effect on their reputation of doing business with a company like Veolia, complicit in war crimes.

## Asking churches, mosques and other places of worship using Veolia Environmental Services for refuse collection to switch to another provider

These contracts are likely to be local ones, so this is a way local congregations can take action. Discussion of the issue will be a good opportunity to explain the whole Israel/Palestine conflict and BDS campaign. Christian denominations and supervisory bodies of other faiths can be contacted centrally too and asked to persuade their places of worship to take action.

## Disinvestment from Veolia

Managers of pension funds, church funds and ethical investment funds can be asked not to invest in Veolia Environnement, the parent company. Ethical investment advisory groups associated with such funds can also be contacted. Challenge the Church of England to disinvest from Veolia Environnement!

## Writing to the Chairpersons and Chief Executive Officers of the Veolia Companies

Veolia Environmental Services for waste collection and management; Veolia Transport for bus and coach services (and in other countries metro and light rail transit services too). Veloway is Veolia Transport's subsidiary for city cycle hire schemes.

## The French Court Case

This was one of the earliest initiatives. Veolia Environnement (and Alstom, which as a member of the City Pass consortium has built the tramcars for the Jerusalem light rail transit) was taken to court by the French NGO AFPS and the PLO. AFPS lost the case and the subsequent appeal, but the Appeal Court did confirm that the PLO has the legal standing to make claims against companies allegedly complicit in Israel's violations of international law. The Appeal Court did not rule on the legality of the Jerusalem light rail transit. See <http://www.dumpveolia.org.uk/2013/05/07/french-courts-ruling-is-like-the-curates-egg/> for an expert critique of the Appeal Court ruling .

## **Campaign Successes**

June 2014

Since 2010, after vigorous local campaigns for the company's exclusion, Veolia has lost or withdrawn from waste contracts worth over £10 billion worldwide. In September 2013 Veolia made its first divestment from businesses supporting illegal settlements when it sold its bus company.

## Important Campaign Successes in UK

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Sandwell Metropolitan, Edinburgh, Richmond, Portsmouth, Winchester & East Hants, South London Waste Partnership, Ealing, West London Waste Authority, East Sussex, North Wales incinerator project, South Wales incinerator project, Harrow, Canterbury, North London Waste Authority (£4.7 billion!), Liverpool. In addition, having faced three years of demonstrations outside the Natural History Museum in London, Veolia ended its sponsorship of the Wildlife Photographer of the Year competition. **In May 2014 Veolia failed to renew its contract for ground maintenance of Regents Park or win the contract let by Royal Parks for the other eleven London parks.**

**Queen Mary College, University of London:** In February 2013 the Students Union passed a motion urging the college not to award any more contracts to Veolia (or G4S). The **University of East London** Students Union passed a similar motion in 2011.

**Swansea:** In June 2010 the Council passed a motion to exclude Veolia from all future contracts.

**Tower Hamlets (London) Borough:** The Council passed a motion in February 2011 asking the Mayor to review all contracts with Veolia, not to place any more contracts with the company and to terminate any relationship with Veolia.

#### Campaign Successes in Other Countries

Here are some of them:

**Stockholm Metro (Sweden):** Veolia Transport had been running the Stockholm metro for many years. In 2009 it lost the replacement contract after a high profile public campaign. This was a big blow to Veolia as the contract was worth 3.5 billion Euros. Veolia's finance manager for Sweden was sacked. Stockholm City Council did not admit that the campaign was responsible, but it was widely acknowledged that this was the case.

**Melbourne Metro (Australia):** After an effective campaign, Veolia Transport failed to win the contract for the Melbourne light rail transit. For Veolia, another big contract lost. Again a widely acknowledged victory for the campaign, despite the City Council's denial. Local authorities prefer to avoid controversy and as an easy way out can claim normal commercial considerations for their decision.

**Bordeaux (France):** In 2009, Veolia transport lost a 750 million Euro contract for the biggest urban network in France.

**Dublin City (Ireland):** In 2010 Dublin City Council instructed its City Manager not to grant or renew any contracts with Veolia.

**Regional Council of Haaglanden, including the Hague (Netherlands):** In May 2012 Veolia lost the contract for transportation systems in the city

**Yolo County, California (USA):** In December 2012 Veolia withdrew from a \$325 water project after a sustained local campaign for the company's exclusion.

**St Louis, USA:** In October 2013 Veolia withdrew from bidding for a contract with the St Louis Water Division after a sustained local campaign for the company's exclusion.

**TIAA CREF, USA:** In November 2013, after a long running campaign, giant pension fund TIAA CREF removed Veolia Environnement stock from its Social Choice Funds portfolio.

### **Useful References:**

**Veolia's activities in the OPT and the detailed legal case for exclusion**, including six "Fact Sheets": [http://ifjfp.com/?page\\_id=30763](http://ifjfp.com/?page_id=30763). Particularly useful if the initial statement of the legal case is queried.

**The Dump Veolia Campaign:** [www.dumpveolia.org.uk](http://www.dumpveolia.org.uk), including topical developments and **campaigners' toolkit** <http://www.dumpveolia.org.uk/activists-toolkit/>. The latter includes a **model letter** and a **model petition** asking contracting authorities to exclude Veolia from contracts, plus other useful stuff.

**Campaign visual materials:** <http://www.salim.org.uk/veolia-general.html>

### **Technical details of the tramway and contract**

**The Jerusalem Light Rail Train: Consequences and Effects.** Civic Coalition for Defending Palestinians' Rights in Jerusalem (2009): [http://www.civiccoalition-jerusalem.org/system/files/documents/jerusalem\\_light\\_rail.pdf](http://www.civiccoalition-jerusalem.org/system/files/documents/jerusalem_light_rail.pdf)

### **Annex: Veolia One Commercial Entity**

In 2005 Veolia Environnement's four divisions adopted a single name, Veolia, and a new logo. As the Veolia website states, this move 'signalled the desire of the entire company to link Veolia divisions in a coherent way and increase its visibility'. By the end of 2010 Veolia had revenues of £30 billion and employed around 317,000 people. Veolia's revenues and profits are calculated as 'a whole', and the corporation is quoted on Euronext Paris and the New York Stock Exchange. Indeed, even when reporting results, Veolia regards its subsidiaries as 'divisions' of itself and, significantly, Veolia regards its subsidiaries' contracts, including those with British local authorities, as its own. This is clearly illustrated in their statement that "The company [Veolia Environnement] won and renewed multiple contracts in its priority development zones, including: ... Shropshire in the UK in the Environmental Services (Waste Management) division." See <http://www.veoliaenvironnement.com/en/information/press-releases/press-release-details.aspx?PR=660>.

Further evidence that Veolia is one commercial entity is provided by a recent letter from Veolia Environmental Services (UK), which refers to "ascertaining the status of

our involvement with the Jerusalem Light Railway. All of your comments have been passed to the relevant departments within our company for their consideration.” From the comments a few lines later it is clear that “relevant departments” included the Paris Head office, i.e. the head office of the parent company. The letter goes on to refer to “our colleagues who are more closely linked to this project.” It is abundantly clear from this that for Veolia Environmental Services (UK) ‘our company’ is the entire Veolia group, the Paris office of Veolia Environnement is Veolia Environmental Services (UK)’s Head Office, other Veolia Group companies are departments of Veolia as a whole, and all personnel within the Veolia Group are colleagues of Veolia Environmental Services (UK).

This approach is further reflected in the employment policies, as here: <http://www.veolia.com/veolia/ressources/files/1/2329,Mobility-of-personnel.pdf> This shows Veolia’s commitment to allowing staff to move freely among the various divisions of Veolia Environnement, providing further evidence of one corporate entity. See, in particular: page 29 where it says that an employee’s company service is based on their start date within the group; page 40 where it says that international transfers are written up in an amendment to the employment contract; and page 45 where it says that at the end of an expatriation assignment your original company will make it a priority to find you a new assignment in the division and that, whilst on expatriate assignment, your career advancement will continue to be monitored in the same way as other Veolia Environnement division employees.

Further, Veolia Environnement’s 2008 document “Ethics, Commitment and Responsibility” [http://www.veolia.com/veolia/ressources/files/1/2288,ethics-programme\\_en.pdf](http://www.veolia.com/veolia/ressources/files/1/2288,ethics-programme_en.pdf), provides more clear evidence of one commercial entity. The Forward “Our Corporate Commitment” describes the document as a guide for all our 336,013 employees worldwide, but it is one they must follow and so amounts to instructions. “4.1 Safety and Morale in the Workplace” states “Employees must comply with instructions and procedures issued in these areas by- - - -Veolia Environnement – - -.” This is an unambiguous indication of the parent company’s control of its subsidiaries’ employees. The “Organisation” section states boldly that “All employees must comply with the Veolia Environnement “Ethics, Commitment and responsibility” programme. The section “Organisation: 1. Programme Scope of Application” states that “The Programme applies to all companies controlled by Veolia Environnement, that is to say all companies in which Veolia Environnement directly or indirectly owns or controls over 50% of the voting rights.” This is a clear statement of the parent company’s control over VES (UK) and Veolia Environmental Services (Israel). “Guiding principles” states “Our Divisions- - - all represent Veolia Environnement”, while “Social Responsibility”, section 3 of “Guiding Principles, includes “offering its employees – - - -long-term local employment”, which indicates that it is Veolia Environnement, the parent company, that is the real employer, even if the employee signs a contract with the local subsidiary.

It is clear too that the parent company, Veolia Environnement, retains control of its subsidiaries’ investment. On page 59 of <http://www.finance.veolia.com/docs/Presentation-Investor-Day-2011-en.pdf>, the presentation on Veolia Environnement’s Investor Day 2011 (6 December 2011), referring to Veolia as a whole, it states: “All investments above 10 million Euros to be approved by Veolia’s investment committee, depending on strict return criteria.”



**Confirmation that Veolia is one commercial entity has recently been provided by Veolia Environmental Services UK itself.** On Thursday 24th May 2012, a group of campaigners and Mr Julian Brazier MP, who is concerned about Veolia's bid for a contract with Canterbury City Council, met Mr Robert Hunt (Veolia Environmental Services UK's Executive Director Business Development, Projects and External Corporate Affairs) in Mr Brazier's office in Portcullis House, Westminster. At this meeting Mr Hunt confirmed that Veolia is a single entity. Mr Hunt was absolutely unequivocal in acknowledging that Veolia is a single integrated multi-national company. It should also be noted that the Veolia Environmental Services UK website <http://www.veoliaenvironmentalservices.co.uk/Main/About-us/History/> describes the company unequivocally as "Part of Veolia Environnement".

*(Map of the tramway to be retained.*

*Add: "see also <http://www.dumpveolia.org.uk/pics-and-maps/>"*