

His Excellency Mr. Frans Timmermans
Minister of Foreign Affairs
Kingdom of the Netherlands

Date: 5 December 2013

Her Excellency Mrs. Lilianne Ploumen
Minister for Foreign Trade and Development Cooperation
Kingdom of the Netherlands

**Joint Open letter to Dutch Ministers regarding the involvement of Israeli companies
with settlement-ties in the Dutch-Israeli Cooperation Forum**

Your Excellencies,

As the Palestinian Human Rights Organisations Council (PHROC), we are writing to you ahead of your upcoming visit to Israel and Palestine in the context of the Dutch-Israeli Cooperation Forum (Forum).

It has come to our attention that a list of Dutch and Israeli corporations, including Israeli companies involved in the settlement enterprise, are listed on the official website of the Forum for so called 'match-making' purposes. For example, the main manufacturer that supplies the listed Israeli company *Top Greenhouses* is located in the Israeli settlement '*Ariel*'. Furthermore, the Forum's website lists the Israeli national water company *Mekorot* as a potential 'match-making' partner. *Mekorot* is the single largest supplier of water in the West Bank and currently extracts from Palestinian water resources in order to ensure that copious amounts of water reach the settlements and Israel. As such, *Mekorot* has played an instrumental part in furthering the settlement enterprise, ensuring discriminatory allocation of water, and in denying Palestinian control over natural resources in the Occupied Palestinian Territory (OPT).

The list posted on the Forum's website essentially facilitates and encourages cooperation between Dutch companies and Israeli companies involved in settlements. This list may in turn result in Dutch corporations being involved in violations of international law and is thus of great concern to Palestinian human rights organisations. Of particular concern is that cooperation within the framework of the Forum is organised by the Kingdom of the Netherlands and as such is government-sponsored.

As Palestinian human rights organisations, we reiterate that the Netherlands has undertaken to respect and to ensure respect for the Fourth Geneva Convention in all circumstances, and as such must ensure that Israel complies with its obligation not to transfer its civilian population into occupied territory. In addition, we emphasise that settlements amount to serious breaches of international law, including the Palestinian right to self-determination. As such, and especially in light of the Dutch Government's involvement in the Forum, it is imperative that the Netherlands does not recognise as lawful any situation arising from illegal conduct, nor renders aid or assistance in maintaining the illegal situation. Furthermore, the Netherlands is obliged to actively cooperate in order to bring violations of international law to an end.

In order to ensure compliance with its legal obligations, the Netherlands should insert an appropriate safeguard clause or mechanism in cooperation instruments with Israel guaranteeing that the Netherlands and companies domiciled within its jurisdiction only

carry out activities with Israeli entities whose headquarters, branches and subsidiaries are registered and established in Israel, and who conduct their activities in Israel proper. Such a safeguard clause would be in line with the commitment undertaken by the European Union on 10 December 2012, which provides that the union will “ensure that – in line with international law – all agreements between the State of Israel and the European Union must unequivocally and explicitly indicate their inapplicability to the territories occupied by Israel in 1967”.

Although we welcome the Government’s current policy of discouraging Dutch businesses from becoming involved in settlements, it is necessary that Israeli companies involved in the settlement enterprise are explicitly excluded from cooperation with Dutch companies or the Dutch Government in the context of the Forum. We also note that media reported advice by the Government on the AgentschapNL.nl website is not publicly accessible.

On the basis of the above, we reiterate our calls on the Dutch Government to:

- Ensure that any cooperation with Israel and Israeli corporations, including on water initiatives, be contingent on Israel’s compliance with international law, including the Palestinian right to water and self-determination;
- Ensure that Dutch corporations involved in, or suspected of being involved in, violations of international law in the OPT, especially as a result of bilateral relations between Israel and the Netherlands, withdraw their activities. In the same vein, we also request that the Dutch government prevents, discourages and raises awareness about corporate responsibility and complicity in international law violations in the OPT;
- Ensure that appropriate safeguard clauses or mechanisms are included in Dutch-Israeli cooperation instruments in order to guarantee that the Netherlands only carries out activities with Israeli entities whose headquarters, branches and subsidiaries are registered and established in Israel, and who conduct their activities in Israel proper;
- Ensure that any State cooperation on innovation of water does not negatively impact, maintain, or otherwise contribute to the current Israeli policy of depriving Palestinians of their natural resources and rights.

In addition, we call on the Dutch Government to adhere to the United Nations Guiding Principles on Business and Human Rights which provides that “[b]ecause the risk of gross human rights abuses is heightened in conflict-affected areas, States should help ensure that business enterprises operating in those contexts are not involved with such abuses”.

We also respectfully submit the following questions to the Dutch Government:

- How does the Government reconcile its advice to the business community regarding involvement in settlements with the list posted on the Forum’s website, which includes Israeli corporations involved in the settlement enterprise?

- Why has the advice posted on the AgentschapNL.nl website not been made publically accessible?
- Does an agreement exist that regulates Israel's and the Netherlands' conduct and scope of cooperation within the framework of the Forum? If not, will such an agreement be entered into and will such an agreement be made public?
- Why does the Dutch Government refuse to include a safety clause setting out the territorial scope of cooperation into an agreement regulating the Dutch-Israeli Forum?
- How does the Government's refusal to explicitly exclude Israeli companies involved in the settlement enterprise correspond with the 10 December 2012 commitment of the European Union?

On a related note, PHROC would also like to take this opportunity to express its disappointment with the Dutch Government's failure to include meetings with Palestinian civil society organisations, in particular human rights organisations, during the upcoming visit. We look forward to future fruitful exchanges with the Dutch Government and prospective Dutch companies that may be interested in becoming involved in Israel and Palestine.

Your Sincerely,

	<p>Addameer Prisoners' Support and Human Rights Association Sahar Francis General Director</p>		<p>Aldameer Association for Human Rights Khalil Abu Shammala General Director</p>
	<p>Al-Haq Shawan Jabarin General Director</p>		<p>Al Mezan Center for Human Rights Issam Younis General Director</p>
	<p>Badil Resource Center for Palestinian Residency and Refugee Rights Najwa Darwish General Director</p>		<p>Defence for Children International Palestine Section Rifat Kassis General Director</p>
	<p>Ensan Center for Human Rights and Democracy Shawqi Issa General Director</p>		<p>Hurryyat - Centre for Defense of Liberties and Civil Rights Helmi Al-araj General Director</p>



**Jerusalem Center for
Legal Aid and Human
Rights**

Issam Aruri
General Director



**Ramallah Center for
Human Rights Studies**

Iyad Barghouti
General Director



**Women's Centre for
Legal Aid and
Counselling**

Maha Abu Dayyeh
General Director



**The Palestinian Center
for Human Rights**

Raja Sourani
General Director