

Mr Richard Falk  
Special Rapporteur on the situation  
of human rights in the Palestinian  
Territories occupied since 1967

October, 09<sup>th</sup> 2012

Dear Mr Falk,

In response to your letter dated September 11, 2012, regarding the Dexia group's activities connected to Israeli settlements in the occupied Palestinian Territory, I wanted to thank you for sharing your report before its presentation to the General Assembly and thus provide the Dexia Group with the opportunity to send you in advance additional information regarding the allegations this report contains.

I hope that you will find these elements, which are gathered in the attached memo, to your satisfaction, and helpful in providing the clarifications you required.

In addition, you mention in your report that, since May 2012, the Dexia Group has been lagging behind in fulfilling its Communication On Progress (COP) obligations as a member of the UN Global Compact.

As you may be aware, following the significant worsening of the European sovereign debt crisis in late 2011 and the resulting major disruptions to the euro zone financial markets, the Dexia Group is since then part of an orderly resolution plan supported by the French and Belgian states.

This plan has already resulted in a major downsizing, and the related significant changes in organization and staffing are to be blamed for the disruption in our COP process.

Please be aware that we are currently reviewing our membership in the UN global compact in light of the new organization and objectives of the Dexia Group, and will soon revert to the Global Compact Office with a roadmap in solving the current breach in our COP obligations.

I remain at your disposal for further discussion on these topics, should you wish so.

Sincerely yours,



Robert de Metz  
Chairman of the Board of Directors  
Dexia S.A

Dexia SA  
Place Rogier 11  
B-1210 Bruxelles

Tel: +32 2 213 57 03  
Fax: +32 2 213 57 01  
www.dexia.com

Compte N° 056-21 13620-17  
RPM Bruxelles TVA BE 0438.546.296

1, Passerelle des Réflots  
Tour Dexia La Défense 2  
TSA 17203 - F - 92919 La Défense Cedex

Tel: +33 (0)1 58 58 77 77  
Fax: +33 (0)1 58 58 86 00

19 September 2012

OHCHR REGISTRY

21 SEP 2012

Recipients: ..... HENNA .....  
..... K. THOMPSON (C) .....  
.....  
.....

Dear Mr Falk,

With reference to your letter dated 17 September 2012 regarding Mul-T-Locks presence on Barkan.

Please note that the factory was moved from Barkan in 2011 and has been merged with Mul-T-Locks factory in Yavne, Israel, see page 39 in ASSA ABLOYs Sustainability Report 2011.

Best regards,



Ann Holmberg  
Manager Corporate Communications, ASSA ABLOY

Mr. Richard Falk

"Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967"

Office of the United Nations High Commissioner for Human Rights

Palais des Nations

CH-1211 Geneva 10

Switzerland

Email: [sropt@ohchr.org](mailto:sropt@ohchr.org)

CC: Mr. Robert Vaughan

Email: [RVaughan@ohchr.org](mailto:RVaughan@ohchr.org)

October 3, 2012

Dear Mr. Falk,

***Re.: Response to the "Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967" (hereinafter the "Report")***

In answering your kind communication dated September 11, 2012 and before going into detail on our clarifications to the allegations contained in the Report included therein, we would like to start underlining that CEMEX is a global building solutions company extremely concerned about sustainability, environmental protection and human rights respect.

CEMEX has a rich history of improving the well-being of employees and those serving through their efforts to pursue innovative industry solutions and efficiency advancements, building value for all our stakeholders across a wide spectrum of nationalities, Religions and cultures.



CEMEX works in building a better future for all and we invest resources in improving the quality of the environment and developing a good relationship with our neighbours in the communities where we have our operations.

Since 2004 CEMEX joined the "UN Global Compact Group", as a signatory member we have embraced, supported and complied with its 10 principles and values, and continuously worked towards aligning our business practices with responsible corporate citizenship. In November 2011 CEMEX renewed its commitment with the "UN Global Compact Group" through the letter which copy is herewith attached as Annex.

CEMEX strictly applies a policy of awareness of, and compliance with, international and local laws, regulations, standards, and other legal provisions in every country in which we operate.

Particularly, CEMEX Israel strictly complies with and respects all relevant international and local laws including those on human rights as well as all regulations and other legal provisions including the contents of the existing agreements between Israel and the Palestinian Liberation Organization (PLO) regarding the so called "Occupied Territories".

According to the common interpretation of Public International Law, the West Bank areas are under Israeli control by power of military occupation. Since the end of World War 2 and acceptance of the U.N. Treaty, the adopted principle has been that a country is not entitled to apply its sovereignty to an area conquered by force.

According to the above mentioned principle, an area can come under the sovereignty of a country only by agreement between the countries that are claiming entitlement to it, or by agreement of the international community.

Since Israel gained control over the Judea and Samaria area by force in the course of a Seven Days War (1967), they fall under the definition of "Occupied Territories" which Israel is entitled to occupy, according to the terms of the Fourth Geneva Convention, until the termination of the conflict and not longer.

The same concept is reflected in Resolution 242 of the U.N. Security Council.

In 1993 the Oslo Agreements were signed between Israel and the PLO. According to the Oslo Agreements, the territories in which CEMEX ready-mix concrete plants and quarry are located were defined as being under Israeli administrative and legal control (Area "C"), and it was then agreed that their future would be decided by negotiation between the parties regarding a final settlement.

Regrettably, to date the negotiations have not yet been finalized, hopefully one day the parties will reach a peaceful agreement.

Apart from strictly complying with all relevant legal requirements, the operations of CEMEX Israel are focused on its core business of producing and selling building materials and as a commercial enterprise is not involved in any political process and does not express a political stance on any subject whatsoever.

Having said the above the clarifications to the allegations raised in the Report are as follows:

1. CEMEX ready-mix concrete plants located in Mishor Adumim, Mevoh Horon and Atarot exclusively produce concrete and not other construction materials as mentioned in the Report.

The above mentioned CEMEX plants did never supply concrete for the erection of the defense wall in Jerusalem neither to any military checkpoints in the West Bank.

The referred three ready-mix plants are located in the area "C" as defined under the "Oslo Agreements" signed in 1993 between the State of Israel and the PLO (Palestine Liberation Organization), as being under Israeli administration. Those plants operate in well-organized industrial zones with all permits and licenses necessary according to the applicable law, and they supply concrete to the West Bank as they had done in the past.

Those plants also engage Palestinian workers, contractors, haulage drivers, and receive maintenance services.

Much of the ready-mix concrete supplied from CEMEX ready-mix concrete plants located in Mishor Adumim, Mevoh Horon and Atarot is delivered to the city of Jerusalem and is used for residential and infrastructure projects meeting the demands of all the local community - Jews, Christians, Moslems, Palestinians and Israelis - . Not too long ago projects supplied include ready-mix concrete to two schools for the Arab residents of East Jerusalem and to residential and water infrastructure projects in the same area. In addition, CEMEX Mishor Adumim plant supplied materials in the city of Jericho to a UNRWA (The United Nations Relief and Works Agency) for Palestinian Refugees in the Near East.

2. Throughout an Israeli subsidiary, CEMEX holds 50% of a partnership with Kfar Giladi Quarries which exclusively operates the Yatir quarry, which, we would like to clarify, it is only a quarry and not "an Israeli



settlement..."; as mentioned in the Report. As CEMEX ready-mix concrete plants, the Yatir quarry is located in area "C".

CEMEX subsidiary is not involved in the operation or management of the quarry where production, operations, logistics, sales etc. are managed exclusively by the local partner. In addition, it should be noted, that most of the quarried materials are sold to the Palestinians who reside in the Occupied Territories.

According to Article 55 of the Hague Convention (1907) (the Hague Convention – the right to utilize resource in the Occupied Territories) "the occupying State shall be regarded only as administrator and usufructuary for public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer in accordance with the rules of usufruct."

According to international law, the occupying country's right to exploit public quarries is subject to the restriction that such exploitation must not lead to the exhaustion of natural resources or to a wasteful exploitation of natural resources. It should be mentioned that according to a ruling of the Israeli Supreme Court, the restriction according to Article 55 of the Hague Convention regarding exploitation of natural resources in occupied territories does not apply in the event that such action is taken for the benefit of the local community or for a local necessity such as road building when these are also used by local residents.

As mentioned in the Report "Yesh Din" Human Rights Organization submitted a petition of termination of the quarry activities before the Israeli High Court of Justice which was rejected on December 12, 2011. The main argument from the High Court of Justice was that the subject matter was a political issue which had been settled under the Interim-Settlement between Israel and the PLO in 1993 in a way that enables the continuation of the quarries' activity, and that the matter would become a part of any future negotiation between Israel and the Palestinians. The Yesh Din's claim to the Court therefore constituted, for the high judicial instance, an unjustified intervention in matters of State which had to be rejected.

Furthermore in case the political situation would eventually change according to an international agreement between Israel and PLO and CEMEX would still hold 50% in the partnership, CEMEX will do its utmost to force the company to apply for the relevant concession and permits under the new applicable legislation and to the new competent authority.

As mentioned before, CEMEX is not involved in the operation or management of Yatir quarry which is exclusively managed by the local partner. As far as we are informed most of the workers are Palestinian

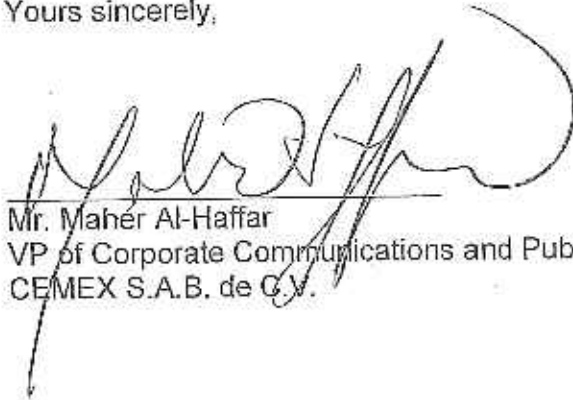
and their rights are totally respected in addition there is no plan for scaling down or suspending the sales to any of the quarry clients regardless their nationality, culture and/or religion.

For your information CEMEX is presently considering selling its holding in the partnership.

In addition to the above clarifications to the allegations included in the Report, we take the opportunity to share with you that we have founded the whole content of the referred Report very interesting and we are considering the possibility of executing a new internal audit on the CEMEX Israel concrete plants in order to check the present compliance with the "UN Global Compact Group" principles.

Should you need any further information please do not hesitate to contact us, we will be pleased to further clarify your doubts.

Yours sincerely,



Mr. Maher Al-Haffar  
VP of Corporate Communications and Public Affairs  
CEMEX S.A.B. de C.V.





Motorola Solutions  
Mc Whinney Tama-atm022

to:  
sropt@ohchr.org  
08/10/2012 22:49  
Hide Details

From: Mc Whinney Tama-atm022 <Tama.Mcwhinney@motorolasolutions.com>  
To: "sropt@ohchr.org" <sropt@ohchr.org>

MOTOROLA

October 8, 2012

Richard Falk  
Office of the United Nations High Commissioner for Human Rights  
Palais des Nations  
CH-1211  
Geneva 10  
Switzerland

Dear Mr. Falk:

Thank you for your September 11, 2012 letter to Motorola Solutions Chairman and CEO Greg Brown. I am responding on his behalf.

Motorola Solutions provides communication systems to customers in more than 100 countries around the world, and the company has a long history of working with customers in countries throughout the Middle East. Our customers include governments, enterprises and non-governmental organizations.

As a well-respected and responsible corporate citizen, our global activities are conducted in accordance with U.S., local, country and other applicable laws, as well as our own code of business conduct. Our company has a comprehensive set of policies and procedures that address human rights that are designed to ensure that our operations worldwide are conducted with the highest standards of integrity.

Please note that our global practice prohibits discussing specific customer sales without the expressed written permission of the customer.

We look forward to receiving a final copy of your report when it is published.

Best regards,

Tama McWhinney  
Director, Corporate Communications  
Motorola Solutions



# VOLVO

AB Volvo

Group Executive Committee

Office of the United Nations High Commissioner for Human Rights  
Palais des Nations  
CH-1211 Geneva 10  
SWITZERLAND

OHCHR REGISTRY

12 OCT 2012

Recipients: ..... MENA .....

October 10, 2012

Dear Mr Faik,

**Re: Report of the Special Rapporteur on the situation of human rights in the  
Palestinian territories occupied since 1967**

Reference is made to your letter dated September 11, 2012 to Mr Olof Persson, the report we received on September 24, 2012 and telephone contacts with the Secretariat of the High Commissioner for Human Rights.

In response for your request for clarifications we wish to point out the following:

Volvo Construction Equipment ("VCE") sells construction equipment, e.g. excavators and wheel loaders, in Israel through an independent importer, Mayer's Cars & trucks Co Ltd ("Mayer's"), with operations in both Israel and Palestine.

The equipment is sold according to standard specifications and is not in any way modified for the Israeli market or for any specific military use or user. The products are not in themselves deemed military equipment or Dual Use goods and may thus be freely sold. Mayer's does not have any contracts with the Israeli army. The equipment is hence sold to private contractors and construction companies. There is also a considerable second-hand market for construction equipment in the region.

Volvo is a minority owner of the Merkavim Company. A few years back, Merkavim produced two or three buses for prison transport purpose. Merkavim, however, does not manufacture any such buses today. We respectfully request that the statement in the report to the General Assembly is corrected in this regard.

It is regrettable and sad if our products are used for destructive purposes. Volvo complies with all rules and regulations applicable to our sales. Just like every other manufacturer of civilian products that can be freely transferred, we have no means to ultimately control how and where our products are used. We firmly believe, however, that overwhelmingly the use of our products has a positive impact on society in order to satisfy needs for public transport and construction.

2012-VOLVO-GSS-618353-1

AB Volvo (publ)  
SE-405 08 Göteborg  
Sweden

Telephone  
+46 31 65 00 90

Registration No.  
566012-6780

Registered Office  
Göteborg, Sweden

# VOLVO

If your conclusions and recommendations should be understood such as Volvo Group policies and practices are not in line with international law and standards, we disagree completely. We believe our activities are well in line with international law and standards and that your critique in this regard is incorrect and unfair.

From our contacts with the Secretariat we have understood that the report has not yet been submitted to the General Assembly. It is, however, in its final form and will not be altered prior to being submitted. With regard to the facts outlined above we find it highly surprising and disappointing that you would submit a report to the General Assembly containing allegations of wrongdoing without proper basis and a call for boycott of Volvo Group products, without having asked our comments at such stage that the contents of the report could be shaped.

We trust that the above clarifications will lead you to the conclusion that the section on the Volvo Group should be removed from the report in its entirety and we respectfully request that the section is indeed removed.

I remain at your disposal should you require anything further.

Yours sincerely,

AB VOLVO (PUBL)



Mårten Wikforss  
Executive Vice president, Corporate Communications





G4S plc  
Manor Royal,  
West Sussex,  
RH10 3UN, UK.  
Telephone: +44 (0)1293 554 400  
Fax: +44 (0)1293 554 500  
Email: enquiries@g4s.com  
www.g4s.com

Richard Falk  
UN Office of the High Commissioner for Human Rights  
Palais Des Nations  
1211 Geneva 10  
Switzerland

8 October 2012

Dear Mr Falk,

#### G4S Israel

Thank you for your letter to Mr John Connolly of 11 September which has been passed to me for reply. Thank you also for providing a copy of the report to the General Assembly and for the opportunity to respond to you on the report contents.

As I am unsure as to how much detail you have on G4S operations and history in the region, I will take the opportunity to provide some background before addressing your questions. Hopefully this will give you the context you require to feed into your report.

Firstly, I should point out that the company name is G4S, rather than Group4Security which is quoted in your report. G4S was created in 2004 through the merger of the Danish company - Group 4 Falck - and the British company - Securicor.

#### G4S in Israel and the West Bank

Prior to the merger, Group 4 Falck's subsidiary in Israel (then called Hashmira) carried out a number of "protective services" to Israeli settlements in the West Bank region. As you point out in your report in point 49, the CEO of Group 4 Falck made a statement in 2002, stating that the group felt the contracts were not in line with the company's policies and that Hashmira would be exiting the contracts which protected the perimeter of the settlements. This was completed in 2002. There was substantial press coverage at the time, particularly in Denmark, Group 4 Falck's home market.

In 2010, press interest gained momentum with accusations that Group 4 Falck (now G4S) had not delivered on its promise to exit the contracts. This was not the case as Group 4 Falck had exited the contracts as promised. The services being provided in 2010 could not be compared to those provided prior to 2002 - they were much reduced by that time and can be summarised as follows:

Directors:  
John Connolly (Chairman)  
Mark Edgemo (Deputy Chairman)  
Nick Bouska (CFO/Finance)  
Tessa Lighton  
Graeme Oliver  
Lord Condon CPM  
Mark Flett  
Wahid Gu Wai Tok  
In Lerenus  
Chris Spittlewood  
Secretary: Peter Davis

G4S plc  
Registered Office:  
The Manor, Manor Royal, Crawley,  
West Sussex, RH10 3UN,  
Registered in England No. 4052042



- provision of a small number of security officers within retail and banking outlets
- monitoring of home security systems
- Security systems installation and maintenance at a prison, a police station and at a small number of checkpoints along the barrier

Our statement in response to the press coverage at the time summarised our position:

*"We believe the press coverage today regarding G4S operations in Israel is misleading.*

*As we have previously stated, our policy regarding operations in the region has not changed since the announcement by the then CEO in 2002. We do not carry out the tasks of the police or military and do not have "armed security patrols in the West Bank" or provide "armed guards to settlements".*

*We do have some business with the Israeli government for the maintenance of scanning equipment. The scanners are the property of the Israeli Ministry of Defence and are situated in locations identified and specified by them. We are not responsible for the placement or the use of the equipment, our contract is to service the equipment at whichever location the Ministry decides it should be located.*

*We have some contracts with national customers in Israel (such as a retailer or bank) which may have branches in the region – those customers are providing traditional services to the general public in the area.*

*Recent press coverage gives the impression that G4S provides military and police services which contravene international laws – this is not the case.*

*G4S seeks to enhance security worldwide by offering high quality services to commercial organisations, individuals and governments. Our policy is always to comply with national law in any jurisdiction in which we operate. We take our ethical responsibilities very seriously and operate to high standards around the world."*

In March 2011 we took a number of steps to more clearly understand the impact of our business in the West Bank and the ethical implications of doing business there. This included the following:

Legal Review - G4S engaged Professor Hjalte Rasmussen, from the University of Copenhagen, a well-known and leading authority in international law, to review our business on the West Bank and provide a legal opinion. After visiting the region, Professor Rasmussen concluded that G4S did not violate any national or international law.





External Advice - we sought advice from a number of independent external sources including socially responsible investment groups such as GES Investment Services and Ethix SRI.

Senior Management Review - a senior delegation from G4S plc management, including the Group CEO, CFO and HR Director visited the region to fully understand the extent of our operations and to consult with the Head of Mission from the UK in order to gain further insight into issues faced by our business and the impact of current and proposed legislation on companies in the region.

Conclusions - the review concluded that a number of our contracts with private enterprises in the area for traditional security and alarm monitoring services were not discriminatory or controversial and in fact helped to provide safety and security for the general public no matter what their background.

However, as you state in your report in section 50, it also concluded that to ensure that our business practices remain in line with our own Business Ethics Policy, we would aim to exit a number of contracts which involved the servicing of security equipment at a small number of barrier checkpoints, a prison and a police station in the West Bank area.

We stated that we would aim to complete this exit as soon as possible, but also had to recognise that we had contractual obligations to our customers which we must take into consideration.

In August 2011, having had multiple discussions with the customers to which we were contracted to provide these services, it became clear that any exit from these services would not be possible in the short term.

Whilst the details of our negotiations remain confidential, our customers insisted that we fulfil our contractual obligations under the various contracts covering these services. The contracts in question are due to end between 2012 and 2015 and, under the terms of the contracts which are in place, G4S is obliged to continue to provide these services in accordance with the contract term.

As we have previously outlined, we intend to exit the contracts outlined above when the contract terms expire and will continue to discuss this with the customers in question.



## **Continuing Focus on G4S in Israel and the West Bank**

We continue to keep our business in Israel and the West Bank under review and later this month I will be visiting the region. During that visit, I am hoping to meet with Human Rights groups on both the Israeli and Palestinian sides to discuss G4S operations in the region and to get first hand feedback on how we can ensure we are operating ethically and in accordance with the appropriate human rights practices. Feedback from this visit will form part of our ongoing review of the business there.

## **Human Rights Policies and Practices**

### UN Global Compact

As you rightly point out, we are a signatory to the UN Global Compact and published our first Communication on Progress earlier this year.

### International Code of Conduct

We are a founder signatory to a new International Code of Conduct for Private Security Providers which sets out principles of security operations in so-called "complex environments" – areas experiencing or recovering from disaster or unrest and where governments or the rule of law are weak. This code covers recruitment, vetting and training of staff, use of firearms, health and safety reporting and complaints handling. A steering committee launched a draft charter for the oversight mechanism for the code earlier this year and is currently consulting with industry, Governments and NGO's on its content.

### G4S Human Rights Review

We are currently undertaking a human rights review to ensure that we have a clear human rights policy and guidelines in place to ensure that our businesses are clear on the group's expectations on human rights and ethics and that we make a positive contribution to the countries and societies in which we work.

Our review consists of three key phases:

Phase I – mapping the human rights landscape and clarifying which areas should be a focus for G4S

Phase II – analysing G4S operations to determine the human rights risks and challenges, current good practice and areas for improvement

Phase III – developing a human rights policy and guidelines for implementation across the group

We worked with an external independent human rights specialist to conduct the review, which also incorporated feedback from independent third parties on G4S and human rights best practice.





The overall theme from the review findings was that the group has good policies and practices in place regarding human rights issues, but that we need a more systematic approach to human rights and a robust means of sharing best practice across the group.

G4S has always supported the principles of the UN Declaration of Human Rights, but a review of the current human rights landscape concluded that in order to strengthen the group's commitment to human rights and to ensure that policies and processes are in line with the very latest thinking, we should focus our policy and guidelines on the UK Guiding Principles on Business and Human Rights and the International Code of Conduct for Private Security Providers which were considered to be the most relevant for business and in particular those in the security industry.

We are now in the process of drafting a new Human Rights Policy and Guidelines based on these principles and we are seeking feedback from internal and external stakeholders on its content. Once the policy is agreed, we will implement it across the group and will develop operational guidelines on human rights due diligence, reporting and effective remedy where standards are not being met.

#### Summary

I do hope that this response provides you with a more detailed overview of our operations in the West Bank and our plans to exit certain contracts which we do not consider to be in line with our business ethics standards. Whilst we had hoped that this exit could take place sooner, we are bound by the contracts which are in place with our customers and will need to respect those contracts. We expect to have fully exited the contracts in question by 2015.

I have also provided an overview of how our approach to human rights is developing and the standards and practices we expect to have in place in 2013. There is still work to do in this area, but we are committed to addressing human rights and ethics issues and ensuring that we have systems in place for monitoring compliance and ensuring we take action where this is not considered to be the case.

If you have any further questions or queries regarding G4S operations in the region, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink that reads "Debbie McGrath".

Debbie McGrath  
Group Communications Director