



GESHURI INDUSTRIES

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Company's file

Company name	GESHURI INDUSTRIES
Parent company	Geshuri Industries
Legal situation	Branches: Geshuri Laboratories In 2009 its shareholder structures were composed by (7.2%) Keshet Prima Israel , (60.3%) Geshuri and Sons Industries , (7.5%) Discount Investments and (25%) Fooja Investments (Venezuela) (1)
Year of creation	1979
CEO and high positions	Ben Zion Geshuri, CEO
Headquarters	POB 98, Tel Mond 40650, Tel Mond Industrial Zone 40600. Israel
Contact information	Phone number: +972-9-7961566 / +972-9-7963304 Electronic address: Geshuri@netvision.net.il
Number of employees	Unknown
Economical sector	Construction and agrochemical (production of fertilizers and pesticides for agriculture) Pharmaceutical products and other treatments for health such as compositions for psoriasis.
Activity in Spain	Patents of chemical products
Activity in Israel	Elaboration of health products and other specific chemical substances such as phosphate, hormones, calcium phosphate, mono calcium phosphate.
Activity in Palestine	Production of fertilizers, pesticides and products for construction (cement). Ceramic glue and animal feeds.
Other relevant information	(1) For more information see: www.whoprofits.org/company/geshuri-advanced-technologies

Abstract

The agrochemical company Geshuri Industries was founded in 1979 in Israel for the production of fertilisers and pesticides in the agriculture sector. But in 1982 their factories in Kfar Saba were closed due to their environmental pollution in the territory which had generated an important opposition by the society and investigations by the Israeli Ministry of Environment. Despite the negative impact of the company's activity, in 1987 the Government of Israel encourage the CEO of the company, Ben Zion Geshuri, to build their new chemical factories in the industrial zone of Nitzanei Shalom, located in the Palestinian district of Tulkarem in the Occupied Territories of West Bank.

Since then, agricultural production in Tulkarem have reduced due to the air, land and water pollution. Meanwhile the cases of cancer, reproductive, respiratory and ocular diseases have increased, according to scientific and officials reports. This contamination has specially affected the reproductive health of Palestinian women in Tulkarem who have suffered from abortions, premature birth and babies' weight problems.

The Palestinian population have denounced and demonstrated against the harmful activity of Geshuri Industries which is affecting their agriculture and the health of their people¹. The Israeli public institutions instead of offering information, assistance and/or support to the people's problems, have violently repressed the demonstrations. Furthermore, the National Labour Court of Israel, contradicting the 2007 sentences of the High Court, denied equal rights between Israeli and Palestinian workers who are working in Geshuri Industries in the industrial zone of Nitzanei Shalom.

Geshuri is one of the 200 Israeli companies located in the occupied territories. The practices of these companies show a common pattern of human rights violations. From the air pollution to the poor waste management, which remind us of the environmental contamination of Israel Chemical Industries (ICL) in Sallent, Catalonia².

Geshuri Industries produce pesticides, cement and other chemical substances which are certified by their use according EU security standards and thus, imported to the communitarian economical area.

Environmental injustice in the Occupied Palestinian Territories.

In 1982 Geshuri Industries closed their chemical factories in Kfar Saba in Israel³ after the investigations conducted by the Ministry of Environment and social opposition to their grave environmental impact in the territory.

In 1999 the Geshuri Industries CEO, Ben Zion Geshuri, admitted before a Knesset's parliamentarian commission that the Government of Israel suggested and, even encouraged him to open a new factory in the industrial zone of Nitzanei Shalom in the district of Tulkarem, part of the Occupied Palestinian Territories. According to the Human Rights Watch's report, *Occupation Inc.*, no company in Nitzanei Shalom has the

¹IWPS. 2015. "Israeli Occupation forces tear gas, stun grenade and fire projectiles on demonstrators in Tulkarem". Available :www.iwps.info/2015/04/israeli-occupation-forces-teargas-stun-grenade-and-fire-projectiles-on-demonstrators-in-tulkarem/(Access date: 31/05/2017)

²For more information please see ODHE report on ICL: www.odhe.cat/icl-iberia/

³ Le Monde Diplomatique. 1998. "The socioeconomic impact of settlement on land, water and the Palestinian economy". Available at: www.mondediplo.com/focus/mideast/question-3-2-2 Access date: 31/05/2017)

authorization to operate in this industrial zone, which cover 25.000 square meters of the Palestinian territory⁴.

Geshuri Industries built its new chemical company, "Keshet Prima Feed Additives Ltd.", in 1987 in Nitzanei Shalom. According to different reports, one of the conditions established by the Israeli public authorities before the construction was that the company could not operate the days that wind blew in the direction of Israeli territory⁵.

The Palestinian farmer, Nour Aldin Shehadeb, interviewed by ODHE researchers on March 13th 2017, explained that when the company is in full performance, the smoke is very visible and the smell insufferable.

The district of Tulkarem is registering high levels of cancer, asthma and other diseases related to the eye and respiratory system, higher in comparison to other Palestinian districts⁶. According to the Palestinian university of Birzeit and the Palestinian Ministry of Health, the air in Tulkarem contains important quantities of Carbon monoxide and other toxic substances (noxious SOx and NOx 2015) that provoke respiratory, skin, liver, reproductive, immunologic, hypertension and other cardiovascular diseases, amongst other. These substances directly affect the reproductive health of women, provoking abortions, premature birth and baby weight problems⁷.

A 2012 report of the Palestinian Ministry of Health shows how Tulkarem is the fourth district of West Bank with more cases of cancer. The University of Nablus also concludes that there is a direct relation between the high ratio of cancer and the chemical substances produced by the factories of Nitzanei Shalom⁸.

The Palestinian human rights organization Al-Haq, has denounced in a special note to the UN Special Rapporteur on Human Rights and Hazardous Substance and Wastes the high number of leukaemia cases in children in the Palestinian communities neighbouring with the industrial zone. More than 11,000 children study in schools close to Nitzanei Shalom. This impact on child health is a direct violation of children's rights⁹.

Al-Haq has undertaken different environmental tests and direct observation which verified this information and the serious environmental impact on vegetation of the area¹⁰. The *Palestinian Society for the Protection of Human Rights and Environment* (LAWE) affirms that the contamination of Geshuri Industries have provoked the death of

⁴Human rights Watch. 2016. *Occupation Inc. How Settlement Businesses Contribute to Israel's Violation of Palestinian Rights*, pp.105. Available at: www.hrw.org/sites/default/files/report_pdf/israel0116_web.pdf (Access date: 31/05/2017)

⁵Qato D.M., Nagra, R., 'Environmental and public health effects of polluting industries in Tulkarm, West Bank, occupied Palestinian territory: an ethnographic study' (2013) *Lancet*, vol 382, 5 December 2013, S29. Available at: <http://icph.birzeit.edu/sites/default/files/2013%20Lancet%20Palestinian%20abstracts%20oPt.pdf> (Access date 27/06/2017)

⁶ Ídem.

⁷ For more information see: https://medium.com/@AlHaq_EN/al-haq-participates-in-expert-roundtable-consultations-at-the-un-office-of-the-high-commission-of-d3c5e7f15b5e

⁸IWPS. 2015. Op. Cit.

⁹For more information see: www.alhaq.org/advocacy/targets/united-nations/1080-al-haq-joins-un-special-rapporteurs-on-human-rights-and-hazardous-substances-and-wastes-and-the-right-to-food-expert-consultations-in-geneva

¹⁰Al-Haq, 2015. *Environmental Injustice in the Occupied Palestinian Territory*. Pp.24-25. Available at: www.business-humanrights.org/sites/default/files/documents/Environmental.Injustice.Report.En_.pdf (Access date: 31/05/2017)

trees and other vegetation; the chemical wastes produced a calcium cloak over the land and flora, reducing the agricultural production; and other wastes such as sodium and salt have contaminated water¹¹. LAWE refers in their investigations how the benefits obtained by agriculture have been reduced 21,5% between the period of 1992 and 1997. The Palestinian Ministry of Agriculture deems that the 17% of agricultural land have been affected by the pollution of the industrial zone of Nitzanei Shalom¹².

The negative impact on the occupied Palestinian people's health and sanitation is a serious violation of International Humanitarian Law, concretely the Hague Regulation of 1907, the IV Geneva Convention of 1949 and the Additional Protocols of 1977.

In this line, the "Basel Convention on the Control of Transboundary. Movements of Hazardous Wastes and their Disposal Elimination" declared the responsibility of Israel on the hazardous substances produced by Geshuri Industries and other companies in the industrial zone of Nitzanei Shalom after the identification of lorries full of waste which were transported from this zone to the Palestinian district of Jenin. The Palestinian Environment Quality Authority reported this information to the Basel Convention Secretariat in 2016. The Secretariat ordered that the waste produced by these companies are under Israeli jurisdiction and therefore, should be brought to Israeli territory for their elimination¹³.

Al-Haq identified in the production process of pesticides *methylbromide* and *methylisocyanate*. This last substance was the responsible of the poisoning of half a million people and the death of 25.000 in Bhopal (India) in 1984 after a huge chemical leak of one of the factories of Union Carbide¹⁴.

Legal limbo and violation of labour rights in Nitzanei Shalom

The path of Geshuri Industries has been followed by other companies like Dixon Industrial, Atzei Shitim, Tal El, Lotar, Solor Group, Yamit E.L.I. Filtration and Water Treatment, Shai Key Metal Trade or Tagwir Plastic. These companies have established facilities in the industrial area of Nitzanei Shalom, occupying Palestinian land and polluting the land and the air in the region¹⁵.

All the companies located in the area are under the control of Israeli citizens, since only Israeli citizens are allowed open companies in this area.¹⁶ Nevertheless, most of the staff is Palestinian and has to go through different checkpoints to get to work, where they have terrible labour conditions. Adding to the negative impact of the direct contact with

¹¹Le Monde Diplomatique. 1998. Op. Cit.

¹²*Idem*

¹³For more information see: www.ejatlans.org/print/israeli-industries-polluting-palestinian-city-of-tulkarm

¹⁴For more information see: www.alhaq.org/advocacy/targets/united-nations/1080-al-haq-joins-un-special-rapporteurs-on-human-rights-and-hazardous-substances-and-wastes-and-the-right-to-food-expert-consultations-in-geneva

¹⁵Anderson, T., Clough, G., Cooper, T., Curry, J., Jones, P., 2011. *Targeting Israeli Apartheid*. Corporated Watch. See also: https://whoprofits.org/s?vid_7=1903

¹⁶Landau, Idan. 2014. "About Nitzaney Shalom". Available at: www.ha-makom.co.il/article/idan-landau-nitzaney-shalom (Access date: 18/05/2017)

chemicals that pollute the region of Tulkarem, Palestinian workers have reported labour rights violations such as 12-hour shifts for 8-hour pay¹⁷.

This situation is considered a violation of the Israeli Labour Law too. In 2007 the High Supreme Court of Israel ordered the application of the National Labour Law to the Palestinian people working in the settlements in the Occupied territories.

The companies in Nitzanei Shalom not only do not apply the law, but implement a Jordanian Labour Law of 1960. The Jordanian Labour Law has been since reformed in Jordan¹⁸. This legal situation entails serious violations of labour rights and discrimination at various levels. On the one hand, Israeli workers working in Nitzanei Shalom do so under Israeli Law. Palestinian women, for example, do not have the same rights than Israeli women in terms of maternity leave, sexual harassment prevention, or against gender discrimination. On the other hand, they are discriminated in relation to other Palestinians working in the OPTs under Palestinian labour regulations, more progressive than the 1960 Jordan Law.

The 1960 Jordanian Law does not require companies to pay pensions, nor sick-leave after the third day of absence, and vacation is minimal for workers. In fact, 3 Palestinian workers, Abdel Hamid Yahiyeh, Ahmed Shayib and Mujhad Harsha sued their companies after being fired when they demanded payment for sick leave according to the Israeli labour law. The Israeli National Labour Court which considered that this industrial zone is located in "no man's land" and therefore is not settlement where the Israeli labour law is applicable. Instead the judge affirmed that the workers were under the 1960 Jordanian Law and that they therefore had no right to compensation from their former employers¹⁹.

According to the workers' lawyers, the decision leaves the Palestinian workers at Nitzanei Shalom in a legal limbo, since no tribunal is competent or has jurisdiction over the 1960 Law.

In an interview with Washington Post, Geshuri Industries' CEO Ben Zion Geshuri, said "You'd like to see peace between Israelis and Arabs?". "Peace is here. Forty Arab families get their bread and butter right here"²⁰.

¹⁷Aidy, H., Lee, T., Watts, M., 2016. *Human Rights and Toxic Chemicals in the Occupied West Bank (Palestine)*. Available at: <http://library.ipamglobal.org/ispui/bitstream/ipamlibrary/889/1/OccupiedWB-Palestine-Human-Rights-Toxic-Chemicals.pdf> (Access date: 18/05/2017)

¹⁸ For more information please see: http://www.ilo.org/ifpdial/information-resources/national-labour-law-profiles/WCMS_158905/lang--en/index.htm (Access date: 17/07/2017)

¹⁹Haggai Matar, 2015 "Court denies equal rights to Palestinian workers in Israeli industrial zone". Available at: www.972mag.com/court-denies-equal-rights-to-palestinian-workers-in-israeli-industrial-zone/109225/ (Access date: 18/05/2017).

²⁰Hockstader, L., 2000, "Volatile chemistry in the West Bank", The Washington Post. Available at: https://www.washingtonpost.com/archive/politics/2000/12/30/volatile-chemistry-in-the-west-bank/426579f5-3c39-4c84-9095-4d016126fccf/?utm_term=.f0bce2103274 (Access date: 01/06/2017)

Geshuri Industries Products and Patents in the Spanish State

In the Spanish state, where agriculture is still a key sector in the country's economy, some patents for fertilizers and pesticides of Geshuri Industries have been identified dating since the 1980s²¹. Currently, Geshuri Laboratories are more active in the production of patents in the agrochemical sector.

Registering Geshuri patents for the EU and its member states is a commercial strategy to be able to sell products within the Eurozone and the rest of countries in the world. The EU is the main actor when it comes to setting standards for patents. The EU institutions and their strict controls guarantee that a EU registered patent will be accepted anywhere else in the world. The so-called 'Brussels effect' is, according to the expert Anu Bradford, a kind of soft power capable of influencing trade and international economic relations. As a result, Israel and companies such as Geshuri, considers the EU a strategic partner, not only for the access to the common market, but also for the 'quality' label it provides for products that comply with the strictest international environmental standards or labour rights, among others²².

Geshuri Industries patent innovations and their registrations in the EU are key in the production of European products with Geshuri components.

The Palestinian organization Al-Haq identified different products with EU quality certification and patent accreditations within the Geshuri chemical plants in the Nitzanei Shalom industrial zone. Two of the identified products were Spir Bond 240²³ and Spir Bond 245 cement. Both products were hazardous substances (Xi irritant) labelled in the EU and thus their import towards the EU approved in accordance with security standards in the EU market²⁴. The organization reported the issue to the UN Special Rapporteurs on Human Rights and hazardous substances and waste at the end of 2016²⁵.

ODHE Recommendations

The confiscation and/or destruction of private property, environmental impact and damage on the population's health, pillage of natural resources, by occupying forces in the occupied territories are forbidden by the Regulations of The Hague of 1907, the IV Geneva Convention of 1949 and the Additional Protocols of 1977.

²¹ For more information see: www.espatentes.com/pdf/8801294_A1.pdf

²² Bradford, A. "The EU as regulatory power" a Mark, L *Connectivity Wars. Why migration, finance and trade are the Geo-economic battlegrounds of the future*, 2016. pp.133-139 Available at: www.ecfr.eu/page/-/Connectivity_Wars.pdf (Access date: 31/05/2017)

²³ Promotional Information of the products:
<http://www.azmarketing.co.il/Product/18/%D7%A1%D7%A4%D7%99%D7%A8-240>

²⁴ See Annex A: Security data sheet according EC of the product Spir Bond 245.

²⁵ For more information see: www.alhaq.org/advocacy/targets/united-nations/1080-al-haq-joins-un-special-rapporteurs-on-human-rights-and-hazardous-substances-and-wastes-and-the-right-to-food-expert-consultations-in-geneva

The construction of the industrial zone Nitzanei Shalom constitutes an unlawful confiscation of Palestinian land and the pillage of natural resources without the consent of the Palestinians. The companies like Geshuri Industries that operate in this industrial area, as well as the Israeli government for giving authorization for economic activity, are responsible of international law violations.

Moreover, these human rights violations are typified and considered international crimes and thus prosecutable by the International Criminal Court under article 7 and 8 of the Rome Statute. As a signatory to the Statute of Rome, the Spanish State must ensure that non-members of the ICC like Israel, respect this international framework. This must be done by withdrawing institutional and/or economic collaboration with the Israeli government ultimately responsible for international law violations. The Spanish State must also ensure that no Spanish companies establish corporate ties with companies like Geshuri, since they would become complicit with IL violations.

The mere existence of the industrial complex Nitzanei Shalom constitutes a violation of International Labour Conventions, most of them ratified by Israel, especially the convention against discrimination, forced labour, working hours, social benefits, amongst others²⁶.

As a result of these violations of international law and human rights, ODHE recommends the following:

- EU institutions should improve their monitoring processes of chemical substances and the control of their origin in order to rigorously assess the respect of human rights throughout the value chain;
- Catalan institutions should establish stricter mechanisms for companies looking to develop an economic activity in Catalonia, assessing their impact in the promotion of peace and human rights. Improvements should be made in public procurement mechanisms, especially through the inclusion of social criteria as required by EU and Catalan legislation;
- Catalan institutions should establish mechanisms to prevent human rights violations through their commercial transaction with transnational companies, such as the incorporation of public procurement conditions to respect human rights;
- Catalan institutions should establish mechanisms to prevent human rights violations in their activities of economical promotion, such as the exclusion to internationalization missions of the Catalan companies abroad;
- Catalan institutions should promote the international establishment of binding regulations for Transnational corporations.

²⁶For more information see: www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102934