

ICL Iberia Limited SCS (holding society)

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Observatory of Human
Rights and Business – North
Africa and Middle East

Company Profile

Name of the Company	ICL Iberia Limited SCS (holding)
Mother Company	<p>Israel Chemicals Ltd. (ICL). ICL was created in 1968 as a Israeli State company. It was privatized in 1992. Since 1995 the main stock holders are Israel Corporation (46%) and PotashCorp Agricultural Society (with a 13,82%), the rest of the shares are owned by different institutions. The State of Israel owns the so-called 'golden share' through Israel Corporation. Israel Corporation is the biggest holding in Israel, controlled by the Ofer brothers (Sammy and Yuli Ofer), also controlling shareholders of Oil Refineries Ltd. (Bazan Group) and Zim Israel Navigation Co.</p>
Legal status of the company and its subsidiaries	<p>ICL Iberia owns the following companies in Spain:</p> <ul style="list-style-type: none"> - Auxquimia, S.A. - Fuentes Fertilizantes, S.L. - Agrocallejas Mediterránea, S.L. - Fomento y Desarrollo Agrícola, S.L. - Logística de Fertilizantes Fuentes, S.A. - ICL Iberia Súra&Sallent (formerly Iberpotash) - Absia, S.L. - Tramer, S.A., Tráfico de Mercancias, S.A., ICL Barcelona Port - Everris Ibérica Fertilizers, S.L.
Foundation Year	In 1998, ICL bought the State companies Potasas de Llobregat i Súra K through its subsidiary Dead Sea Works. The Spanish companies were merged into the new Iberpotash S.A. ¹ within the company branch of ICL Fertilizers.
Headquarters	Tel Aviv, Israel
Contact details in Catalonia	<p>Tel: 93 8200802 Email: potash@iberpotash.com Iberpotash: www.iberpotash.com ICL Iberia: http://www.icliberia.com/</p>

¹ EP (1998). "El Consejo de Privatizaciones aprueba la venta de Potasas. Sociedad Estatal de Participaciones Industriales", in *EL PAÍS* (Print Edition), 10th December.

Economic sector	Agrochemical Industries
Activities in Spain	In the case of Iberpotash, ICL Iberia Sùria & Sallent, the main activities are extraction, treatment and commercializing of sodium and potassium salt. The mother company ICL owns múltiple subsidiàries in Spain with an enhanced presente in Catalonia.
Activities developed in Israel and Palestine	ICL's headquarters are in Tel Aviv. The company is listed on the Tel Aviv Stock Exchange (ICL:IT) and owns phoshphates and uranium mines. It extracts magnesium from the Dead Sea. ICL is the main provider of Ahava through the subsidiary Dead Sea Works.
Other information about the company:	ICL has a framework agreement with the catalan government for the project ICL Phoenix . The project involves the development of infrastructures and activities by the Corporation in Catalonia, such as the construction and management of a cargo terminal in the Port of Barlceona ² . ICL Iberia is a membre of the Fundació Empreses IQS Ramon Llull (20/02/2015) ³ . Iberpotash funds since 2007 the University Chair of Sustainable Mining of the UPC in Manresa, and offers internships for the students of the same University ⁴ . ICL has a very important presence in the territory, especially around the Bages region in central Catalonia. ICL provides financial suport to civil organizations like Ampans , Associació del Voluntariat de Sùria or Sellent Asprodis . ICL also participates in the funding of Kursaal Theatre in Manresa, is one of the oficial sponsor of the Manres Basketball team, the Geologic Park, and is an active collaborator of the Organization for the Promotion of Toursim, Bages Impuls , and the Fundació Cardona Històrica . According to the Iberpotash, the company "is involved with traditional activities and events like the town's local festivities, the Transèquia, or the popular Mediterranean Fair of Manresa" ⁵ .

² Joint Press Release - ICL Iberia and Port of Barcelona. "La multinacional ICL, matriu d'Iberpotash, té previst invertir més de 100 milions d'euros en una nova terminal de càrrega al Port de Barcelona" www.icliberia.com/upload/files/131212_ICL_Port_de_Barcelona.pdf More info: www.icliberia.com/upload/files/IBERPOTASH%20COM%208%20FEBRER%202012.pdf [Access: 29/06/ 2016]

³ Universitat Ramón Llull. "ICL IBERIA, nuevo miembro de la Fundación Empresas IQS". 26th February 2015. Online: www.url.edu/es/sala-de-prensa/ICL-IBERIA-nuevo-miembro-de-la-fundacion-empresas-IQS [Access: 16/05/2016]

⁴ Presentation of the University Chair of Sustainable Mining : www.upc.edu/unitat/fitxa_unitat.php?id_unitat=965&lang=ca [Access: 20/05/2016]

⁵ More information about ICL's social activities: ICL. "Iberpotash aporta al territorio en acción social 1'5M de euros en los últimos cuatro años". Sùria, 13th July 2015. www.icliberia.com/upload/files/Iberpotash%20aporta%20en%20el%20territorio%20en%20acci%C3%B3n%20social%201%20E2%80%995M%20de%20euros%20en%20los%20C3%BAltimos%20cuatro%20a%C3%B1os%201%207%2015.pdf [Access: 20/05/2016]

Abstract

ICL is an Israeli conglomerate with a big footprint in Catalonia, especially through its subsidiary ICL-Iberia (known in the territory as Iberpotash). In the area of Bages (province of Barcelona), ICL Iberia operates the mines in Suria and Sallent since 1998. The company has a wide array of investments and is very active in creating links with the local civil society and investing in cultural and educational institutions in Catalonia. This web of involvement grants the company support and lobby capacities towards public institutions in the region. The company's mining activity has had a serious environmental impact in Catalonia and has generated high levels of debt with the community and for Catalan institutions. Moreover, ICL-Iberia's mother company in Tel-Aviv is directly complicit with serious Human Rights violations and has shown a clear militaristic stance.

As this report shows, ICL has been the sole provider of white phosphorous for the United States Army and for their production of projectiles filled with this hazardous substance. In its turn, the US Army is the provider of these projectiles to the Israeli Army and thus complicit with its use in highly-populated areas such as Gaza. The use of these projectiles has caused dozens of dead and injured. ICL also openly supports the militarization of the conflict in the Middle East, profiteering not only from the business of incendiary weapons, but also providing direct funds to military units and other endeavors of the Israeli Army.

This report shows that ICL is complicit with the militarization of the conflict in the Middle East. The company benefits directly from the conflict and has a negative impact in the quest for a peaceful and just solution. Public and private institutions in Catalonia should therefore avoid collaborating with the company. They should break off their relations with the company given the implications of accepting, maintaining and even facilitating the actions of this company in Catalonia.

The Company

Israel Chemicals Ltd. (ICL) was created as a State-owned company in 1968 and privatized in 1992. The main shareholders since 1995 are Israel Corporation (46%) and Potash Corporation of Saskatchewan (13.82%). The rest of the shares are owned by different institutions. The State of Israel owns the so-called 'golden share' through Israel Corporation. Israel Corporation is the biggest holding in Israel, controlled by the Ofer brothers (Sammy and Yuli Ofer), also controlling shareholders of Oil Refineries Ltd. (Bazan Group) and Zim Israel Navigation Co. Zim Israel Navigation provides ships at the disposal of Israel as part of the security plan of the country.

ICL is the 6th major potash company in the world. The company extracts potash from the United Kingdom, Spain and the Dead Sea within the 1948 Israeli borders. The company also operates mines of bromine, magnesium, polysulfates and phosphates. Its mines are mainly located in Israel, Spain, the United Kingdom, China and Brazil, but also the U.S.A., Namibia and Ethiopia (phosphates). The company specializes in fertilizers, flame retardants, industrial solutions and other products with military applications, as shown in this report.

In 1998, ICL bought the State companies Potasas de Llobregat i Súrria K through its subsidiary Dead Sea Works. The Spanish companies were merged into the new Iberpotash S.A.⁶ within the corporate branch of ICL Fertilizers. Iberpotash is currently operating under the name of ICL Iberia Súrria & Sallent⁷. The main activities of ICL Iberia Súrria & Sallent are extraction, treatment and commercializing of sodium and potassium salt. The mother company ICL owns a myriad of subsidiaries in Spain and enjoys a strong presence in Catalonia. According to a report produced by the Chamber of Commerce of Barcelona, "one of the most ambitious private industrial and logistic investment plans for Catalonia in the recent years has been presented by the Israeli company Israel Chemical Ltd, through its Catalan subsidiary"⁸.

⁶ EP. (1998): "El Consejo de Privatizaciones aprueba la venta de Potasas. Sociedad Estatal de Participaciones Industriales", in *EL PAÍS* (Print Edition), 10th December.

⁷ Although the company is known in Bages and in Catalonia as Iberpotash, it does no longer have this name, since the ICL headquarters are carrying out a strategy of unifying the brand and the business structure itself under the ICL logo followed by localization or specialization unit. ICL adopted in 2013 a new plan called 'The New Step Forward' or the 'ONE ICL strategy' with the aim of unifying the company's structure and its branding. The strategy includes a tighter identification of the subsidiaries with its parent company at the public level as well as internally through a restructuring of decision mechanisms and other measures like an intranet for its more than 14.000 employees around the world.

⁸ Translated by ODHE from the Catalan original: "[É]s d'Israel l'empresa que planteja, a través de la seva filial catalana, un dels plans inversors industrials i logístics privats més ambiciosos dels darrers anys a Catalunya, l'Israel Chemical Ltd.". Albarracín, Javier (2016): "Relacions empresarials amb la Mediterrània: situació i perspectives" in *Memòria Econòmica de Catalunya*. Cambra Oficial de Comerç, Indústria, Serveis i Navegació de Barcelona. June.

White Phosphorous

From 2008 to 2013, ICL was the sole provider of white phosphorous for projectiles of the United States Army. The US white phosphorous projectiles are used in Gaza by Israel and have caused dozens of dead and injured.

On the 27th December 2008 until the 18th January 2009, Israel conducted an armed operation in the Gaza Strip. The official aim of the Israeli operation, called Cast Lead, was to stop the firing of projectiles from the Strip, but the attack soon showed the nature of a new collective punishment against the Palestinian population trapped under fire. Three weeks of military operations resulted in more than 1500 dead and thousands of injured, as well as the destruction of vital infrastructure already under dire conditions due to the Israeli blockade and to older clashes⁹. The researchers at Amnesty International found clear evidence in at least three occasions that during January 2009 the Israeli Army had used projectiles with white phosphorous in Gaza, killing 9 people and injuring dozens with severe burns. At least 6 of the victims in this specific attack were minors, one of them a 15 month-old baby from the village of Sayafa (North West of Gaza)¹⁰.

During the Gaza war, thus, the Israeli Army used incendiary weapons, US white phosphorous projectiles (155mm) on the Gaza Strip, assembled at the Pine Bluff Arsenal in 1991.

A document by the Department of the Army of the United States of America states that ICL sold white phosphorous to the US Army from 2008 to 2013¹¹[1]. Since 2008, ICL was the sole provider of white phosphorous to the Army. The provided white phosphorous was destined to programs FY12 US Army M110 and the same projectiles 155mm (produced in Pine Bluff Arsenal). In the 2013 contract, the last one that we have evidence of, explicitly specifies that the white phosphorus will be used for the artillery projectiles 155mm M110A2.

The procurement of white phosphorous was made to the Army Contracting Command – Rock Island (ACC-RI), Rock Island, IL 61299-8000. The provider company was ICL Performance Products, one of the sectorial branches of ICL.

Dates of contract grant:

19/08/2008 (Sole Source Urgent Buy);
19/04/2010 (Sole Source Urgent Buy);
07/06/2011 (Full and Open subject to NTIB – National Technology and Industrial Base); 13/09/2011 (Sole Source Urgent Buy). 13/01/2013 (\$712,800.00)

⁹ See reports: Amnesty International. (2009): *Israel/Gaza: Operation 'cats lead': 22 days of Death and Destruction*. Amnesty International Publications. London: July; Amnesty International (2009): "Fuelling conflict: Foreign arms supplies to Israel/Gaza", document MDE 15/012/2009, 23rd February; United Nations Fact Finding Mission on the Gaza Conflict (2009): "Human rights in Palestine and other occupied Arab territories", Human Rights Council, 12th session, reference A/HRC/12/48, 15th September. Online: www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf [Access: 16/05/ 2016].

¹⁰ Amnesty International (2009): *Israel/Gaza: Operation 'cats lead': 22 days of Death and Destruction*. Amnesty International Publications. London: July. (Pg.41): Photo "Fragments of a US-made M155 white phosphorus carrier artillery shell fired by Israeli forces into Gaza".

¹¹ Department of the Army. 2012. *Justification and Approval for Other Than Full and Open Competition*. Control No.: 12-118.

Program/Item: White Phosphorous for M110, 115MM Projectile. 16th November. Online: www.fbo.gov/index?s=opportunity&mode=form&tab=core&id=b521c13567ed9f314ed170doag9d3a04f&_cview=0 [Access: 08/01/2017].

Despite the amount of evidence provided by various research missions during and after the 2008-2009 Israeli attack on Gaza, nor US or Israeli officials have acknowledged the existence of a US sale of 155mm projectiles to Israel.

During the 2008-2009 military intervention in Gaza, the deadliest operation against the Strip, the Israeli army carried out indiscriminate attacks on civilians, killing of civilians (violation of the right to life) and disproportionate use of force¹². International Humanitarian Law (IHL) contains the obligation on the part of the combatants to take the necessary precautions to protect civilians as well as the prohibition of indiscriminate attacks.

Incendiary weapons (and the use of white phosphorus) are not prohibited by IHL, but its use in densely populated areas is restricted by customary law¹³. In addition, some organizations consider that incendiary weapons, including those using white phosphorus, should be banned and enter the regulatory framework of the Chemical Weapons Convention. Incendiary weapons are currently regulated by Protocol III of the Convention on Certain Conventional Weapons¹⁴ (1980). The Protocol prohibits the use of incendiary weapons against non-combatants, as well as their use by air against military targets in civilian population areas or in wooded areas. Protocol III "*Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons*" does not consider incendiary weapons ammunition with incidental fire effects.

It should be noted that Israel has not signed Protocol III of the Convention on Certain Conventional Weapons or the Chemical Weapons Convention. Spain, on the other hand, has signed both of them and has the obligation to respect them and to ensure that they are respected.

Customary law also prohibits the use of incendiary weapons against civilians and, in the case of combatants, except when it is not feasible to use another less harmful weapon (Rule 85¹⁵). In practice, this reservation allows the United States, Israel or any other country to cover their backs against any accusation of war crimes for the use of incendiary weapons.

The use of white phosphorus on densely populated areas such as the Gaza Strip nevertheless violates the requirement to take the necessary measures to protect civilians. In its repeated use over Gaza, the Israeli Army has violated the three main pillars of IHL: effects of these weapons are not limited, their impact is indiscriminate and disproportionate, and they cause unnecessary damage and extreme brutality.

Complicities

ICL has sold white phosphorus for military use to the U.S.A. ICL extracts the phosphates from its Neguev mines in Israel (3.5 m tons of phosphate rock annually) and from the Chinese South east province of Yunnan (2,5 million tons). According to the company, its phosphates are used for the production of fertilizers, food products and other unspecified 'specialized products'. According to a 2015 ICL Report, "[t]hese operations are also at the center of our integrated value chain, and most of our phosphate is used

¹² Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into certain incidents in the Gaza Strip between 27 December 2008 and 19 January 2009.

¹³ Camps-Febrer, Blanca (2015): "Armas Incendiarias" in *Diccionario de la Guerra, la Paz y el Desarme*. Barcelona: Icaria.

¹⁴ La Convención para la Prohibición o Restricción del Uso de Ciertas Armas Convencionales que puedan considerarse excesivamente dañinas o con efectos indiscriminados

¹⁵ ICRC. "Rule 85. The Use of Incendiary Weapons against Combatants" Customary Law. Online: www.icrc.org/customary-ihl/eng/docs/v1_rul_rule85 [Access: 09/01/2017].

as an input by our value-added Specialty businesses, which benefit from the cost and supply advantages of the backward-integration.”¹⁶

The supply of white phosphorous for military use is consistent with the existing International law. However, ICL is responsible for assuring that its economic activity and thus its white phosphorous sales for incendiary weapons, does not have a negative impact on human rights. ICL has continued to provide white phosphorous to the USA at least until 2013, irrespective of the available information in 2009 that linked the US projectiles to the death by inhalation and burns of civilians, most of them children, in the Gaza Strip. The use of these incendiary weapons was known before as well, and the Israeli army had announced that it would stop using them after the death of 18 members of a family in Gaza in 2006. It is thus difficult to accept that ICL was ignorant about the final use of the product that the company was providing to the US Army.

Regarding Spain, the state has the obligation of promoting the compliance of International Humanitarian Law, not only inside Spain but beyond. Norm 144 of the international customary law states: “States may not encourage violations of international humanitarian law by parties to an armed conflict. *They must exert their influence*, to the degree possible, to stop violations of international humanitarian law.”¹⁷ We understand the term ‘encourage’ as in allowing for impunity and zero-cost for the agents that benefit from the business of incendiary weapons and their use against highly-populated areas such as the Gaza Strip. The norm of IHL is significantly called “Ensuring Respect for International Humanitarian Law *Erga Omnes* [italics by ODHE]”, which explicitly involves all subjects and “involves obligations beyond those of the parties to the conflict”.

¹⁶ ICL (2015). *ICL Overview 2015*. Online:

[http://repo.icl-group.com/Lists/MediaServer_Documents/ICL_Overview_200316%20\(1\).pdf](http://repo.icl-group.com/Lists/MediaServer_Documents/ICL_Overview_200316%20(1).pdf) [Access: 09/01/2017]

¹⁷ ICRC. *Rule 144. Ensuring Respect for International Humanitarian Law Erga Omnes*. Online: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule144

Adopt a Soldier

ICL finances and directly supports brigades and various activities of the Israeli Army, promoting militarization and hindering the peaceful transformation of the conflict.

The sale of white phosphorus is just one of the elements of the involvement of ICL in the militarization of the conflict in the Middle East. Israel Chemicals Ltd, is also a defender and open promoter of the Army of Israel. For example, through its 'Adopt a Soldier' ICL program, it adopts an IDF unit and provides financial support for specific projects and activities. Since 2014, it has donated annual donations of 100,000 NIS (€ 23,133.1518). ICL also promotes joint activities with the army, encouraging from internal programs the incorporation of officers and soldiers into the company by providing special education and work opportunities. ICL also funds the Lone Soldier Center of Beersheva, a center dedicated to supporting soldiers without a direct family in Israel. Solitary soldiers or *Hayal Boded* are young people of other nationalities who expressly come to Israel to receive military training and serve the army, 80% of them choose to participate in combat units¹⁹. These soldiers, because of their solitary status, receive special support from the IDF (Israeli Defense Forces) and centers such as Beersheva, as well as salaries higher than the other military in its category. It is estimated that there are more than 5000, of which nationalities of origin are Russia and the USA.

Although the *Hayal Boded* cannot be considered mercenary by international law, since they are integrated into regular forces of the Israeli Defence Forces, the recruitment of foreigners does not contribute to the demilitarization of the conflict and, in fact, it would be inconsistent with the spirit of

¹⁸ Official converter of the European Central Bank (16 de june 2016).

¹⁹ <http://mondoweiss.net/2014/07/soldiers-ideologues-contribute/> [Access: 18 de june 2016]

international humanitarian law²⁰. Thus, the support of ICL to this specific branch of the Israeli army has a negative impact on the promotion of peace in the region. In addition to specific support for foreigners from the army and the centre that finances ICL in Beersheva, the various branches of the company have developed specific support programs. ICL Fertilizers supports Bedouin Desert Reconnaissance Battalion and ICL-Industrial Products supports the Rimon Battalion and the headquarters of the Givati Brigade. The Givati Brigade was founded in 1947 and has participated in the majority of war conflicts in Palestine, including the destruction of several Palestinian peoples during the Nakba or the invasion and subsequent massacre of the Jenin camp in 2002²¹.

Environmental disaster in Sallent

In 1998, ICL (through its subsidiary Dead Sea Works) acquired state-owned companies Potasas de Llobregat and Sùria K and created Iberpotash S.A. ²² within the business branch of ICL Fertilizers. The activity of Iberpotash in the Bages has never been free of problems, even before the company Potasas del Llobregat and Suria K passed into Israeli hands. But the environmental disaster caused by poor management was recognized for the first time in a criminal court in Manresa in 2014 and 2015, thanks to the pressure and initiative of ecological neighbors and groups. According to the ruling of 2015, which condemned executives and the company itself, the management of the mines of Sallent and the salt mills by the Israeli company had caused the salinization of rivers, wells, fountains, torrents and aquifers throughout the region. This environmental degradation has had a very negative impact on a region with a large livestock activity and irrigated agriculture. In addition, however, the risk that this situation has for people has also been acknowledged since high-toxicity chlorides and heavy metals have also been found. In fact, the salinization of the Llobregat river, which supplies a large part of the city of Barcelona and the surrounding area, has caused a debt of more than 300 million euros to the Catalan public administration.

Also in 2015, the Supreme Court declared null the environmental authorization given by the Government of the Generalitat to ICL for its mining activity in Sallent. This sentence supposes the closing of the mining to Sallent, declared illegal. Iberpotash has begun in the last months the process of transferring Sallent to the facilities of Sùria. The July ruling of the Supreme Court dismissed the appeal filed by the company and the Generalitat against previous rulings and void the possibility of continuing to operate in Sallent

²⁰ From civil society, progress is being made in the attempt to deepen into the figure of foreign mercenaries and combatants, and for example in the case of the Syrian war, many countries have expressed their concern. At the moment, the IHL has the International Convention against the Recruitment, Use, Financing and Training of Mercenaries: "Article 5. 1. States Parties shall not recruit, use, finance or train mercenaries and prohibit such activities. in accordance with the provisions of the current Convention. 2. States Parties shall not recruit, use, finance or train mercenaries for the purpose of opposing the legitimate exercise of the inalienable right of peoples to self-determination, as recognized by international law, and shall be carried out in accordance With international law, appropriate measures to prevent the recruitment, use, financing or training of mercenaries for that purpose. 3. They shall make the offenses established in this Convention punishable by appropriate penalties that take into account the serious nature of these offenses. "Neither Spain nor Israel have ratified this Convention, but Spain recognizes the Rome Statute of the International Criminal Court, which considers a crime of aggression: "Article 8bis, section g) The sending by a State, or on its behalf, of armed bands, irregular groups or mercenaries carrying out acts of armed force against another State of such gravity that they are comparable to the acts listed above, or their substantial participation in said acts. "

²¹ "Among the other regional commanders was Shimon Avidan, who cleared the south of the country and from whom his colleague, Rehavam Zeevi, I would say many years later that as the commander of the Givati Brigade 'cleaned his forehead of dozens of villages and cities' "to Pappé, Ilan (2009): Ethnic cleansing of Palestine. Barcelona: Ed. Criticism, p.25. Some of the atrocities made by the Givati Brigade are cited in the book by Marc H. Ellis, Beyond Innocence & Redemption: Confronting the Holocaust and Israeli Power: Creating a Moral Future for the Jewish People (Wipf and Stock Publishers, 2016). The book cites information extracted from the article by Israel Shahak "The Givati Brigade: Its Misdeeds and the Politics Behind Them."

²² EP (1998): "The Privatization Council approves the sale of Potasas. Sociedad Estatal de Participaciones Industriales ", in EL PAÍS (Edición Impresa), 10th December.

and Balsareny. The Supreme Court further ruled Iberpotash and the Generalitat de Catalunya to pay 5,000 euros for judicial costs to the Neighborhood Association²³ . .

The closure, however, has been presented by the company as the first step in the Phoenix industrial project, which represents an investment of more than 100 million euros in Catalonia and the development of infrastructures and activities, among which the construction and management of a cargo terminal at the port of Barcelona²⁴. The various judgments, in which the company has gone hand in hand with the Catalan administration, have not had an impact on the close collaboration of the ICL company with the Generalitat.

Four months after the ruling of the Supreme Court, an official press release announced the signing of a new ICL Iberia-Generalitat agreement, which would guarantee the "future of mining" and the "end of historical environmental liabilities" ²⁵. For "historical environmental liabilities", ambiguity was raised in an ambiguous manner on the environmental costs of salinization caused by the company's mining activity. The agreement established that ICL Iberia would move the activities to Súria, but it would continue until June 2017 by spreading saline waste to Cogulló, with a deadline until 2065 to transfer to the sea the non-marketed residual salt of the Cogulló de Sallent run.

In a business activity report published in 2016, ICL talks about 'strategic cooperation with the Catalan government' defined by the November 2015 agreement in a commitment by the Generalitat of "support for the Provision of extensive regulation, infrastructure and transport" ²⁶. According to the company itself, this shows the 'strong appreciation' that the Catalan government has for the contribution of ICL to the territory. According to the same report, a new mining concession is being negotiated for 30 years. The agreement signed with the Generalitat affirms the public and strategic interest that ICL's activity represents not only for the Bages but for the country²⁷.

The public interest also arises from an established strategy of the company around the world and that Catalonia has known to weave a very important network of involvement and participation in the territory, especially in the Bages. ICL Iberia is a member of the IQS Ramon Llull Business Foundation (02/220/2015)²⁸.

Iberpotash has been funding the Sustainable Mining Chair at UPC in Manresa since 2007, as well as providing placements for University students²⁹. In addition, ICL financially supports Bages social entities such as Ampans, Súria Volunteer Association or Sellent Asprodis. ICL also participates in the Kursaal theater program in Manresa, sponsors the basketball team in Manresa, the Geoparc Geological Park, has collaborated in the creation of the tourist promotion entity Bages Impuls, the Cardona Historic Foundation. As the company itself indicates, Iberpotash "collaborates in traditional activities such as major festivals in the municipalities, TransEquy, or the Fira Mediterrània de Manresa"³⁰.

Both ICL and the Generalitat, however, are also pending of Luxembourg. At the beginning of 2016, the European Commission³¹ announced the opening of an in-depth investigation into the aids received by the Iberpotash company. The object of the investigation is to know if the company received a favourable deal against its competitors, thereby violating EU regulations and regulations. In April 2016, the Commission informed that a judicial process was initiated in reference to the reduction of financial guarantees and the cover of the rubbish of Vilafruns, two of the accusations that weigh in fact, not on the company ICL, but on the Generalitat de Catalunya for the treatment of favour granted to ICL.³²

²³ Sentence of the Supreme Court, 29/07/2015. Online:

www.regio7.cat/elementosWeb/gestionCajas/RG7/File/Sentencia%20omina%20Sallent.pdf [Access: 09/07/2017]

²⁴ Joint ICL Iberia and Port of Barcelona press release. "The multinational ICL, the parent of Iberpotash, plans to invest more than 100 million euros in a new cargo terminal in the Port of Barcelona"

www.icliberia.com/upload/files/131212_ICL_Port_de_Barcelona.pdf and more information

www.icliberia.com/upload/files/IBERPOTASH%20COM%20o8%20FEBRER%202012.pdf [Access: 29/06/2016]

Conclusions and recommendations from ODHE

The financial and political collaboration of the Catalan institutions and entities with Iberpotash-ICL has been and continues to be the object of judicial investigation. The ICL company has caused great damage not only in the Bages region but also in the whole of Catalan citizenship. In addition, however, the ICL company represents a business model far from positive and respectful entrepreneurship with peoples, human rights and international humanitarian law.

ICL maintains a clear and public link with the Israeli army and dedicates a part of its business to the production and sale of white phosphorus for incendiary weapons. Taking into account the actions in Catalonia and the rest of the world of this multinational, allowing investment, profit and implementation in Catalan territory is a contradiction with the transversality and universality of the promotion of peace by the Catalan institutions.

"Peace is, however, a good that only acquires fullness when it is universal." The Catalan law for the promotion of peace recognizes that "[h] and various factors that violate peace", among others, "the production and sale of weapons "and promotes work on disarmament and the peaceful resolution of conflicts. (Catalan Law for the Promotion of Peace).

Obviously, companies that are engaged in the sale of weapons or any type of material for weapons do not contribute to the mitigation of armed conflicts but rather benefit from their existence. The subsidiary ICL Iberia is developing its business in Catalonia and contributing to:

- The private benefit of a company, ICL, which sells material for military use in controversial weapons and causes of deaths and injuries in civilians, in particular in Palestine, Iraq or Lebanon.
- The private benefit of a company that directly promotes the militarization of the conflict in Palestine and Israel as it directly supports the Israeli army, financially and through the normalization of its activity in the conflict.
- The normalization of the policies and actions that the State of Israel carries out on the Palestinian population and in particular in its wars against the Gaza Strip, where the violations of the IHL, the disproportionality and the collective punishment have been repeatedly denounced by independent organisms.

Thus, from ODHE we make the following recommendations:

- That the Catalan institutions establish effective control mechanisms for companies that want to carry out their activity in Catalan territory, including their positive or negative impact on the promotion of peace and human rights
- That public or private Catalan institutions (social entities, sports clubs, foundations, etc.) that collaborate with ICL and all companies that are part of their business group consider whether the practices, philosophy and actions of this company are They adhere to the standards of respect for human rights and the IHL to which Spain subscribes; and that they act accordingly.
- That the public or private institutions that collaborate with ICL and all the companies decide whether these collaborations contribute to perpetuating the explicit support of the ICL company in the Israeli army, and therefore have a negative impact and perpetuate the conflict not resolved in the Middle East that must be solved by political and non-military means.
- That the Catalan institutions establish mechanisms of blocking, disincentives or sanctions for companies and business agents that carry out activities that are complicit with the occupation of the

Palestinian territory and human rights violations, including any type of benefit and business with incendiary weapons or its components.

- That the Catalan institutions promote binding regulation for the actions of transnational corporations.

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