

Riwal and the Israeli separation wall

Profundo, September 12, 2006

- **Introduction**

On July 3, 2006, Dutch television-program *Netwerk* broadcasted a report on the wall which is being built by Israel in the occupied West Bank. In this broadcast, a mobile crane was shown, which was engaged in the construction of the wall. This crane carried the logo of the Dutch company Riwal from Dordrecht, which rents aerial working platforms and mobile cranes in various countries to building contractors, installation and maintenance companies and government agencies.



The broadcast of *Netwerk* prompted Bert Koenders, Member of Parliament for the Dutch Labour Party (PvdA), to submit questions to minister of Foreign Affairs Bot (see Annex 1). In his answers dated September 4, 2006, minister Bot stated - among others - the following to the parliament: *“The crane with the name Riwal, which was shown in the Netwerk broadcast is, as far as I know, owned by the Israeli company Lima Holding from Tel Aviv. With approval from Riwal in the Netherlands - which is the brand name of Schalekamp Beheer from Dordrecht - Lima Holding is active in Israel under the same brand name Riwal. According to Schalekamp Beheer, the Dutch company is not supplying any machines or personnel for the construction of the barrier. On the basis of these facts, I do not have any indication that the Dutch company is involved in the construction of the barrier.”*

United Civilians for Peace has asked research consultancy Profundo to verify this information.¹ The research of Profundo shows that the brand name Riwal is indeed used in Israel by the company Lima Holding B.V. But contrary to Bot's statement, Lima Holding is a Dutch company, located in Spijkenisse. Furthermore, Lima Holding and Schalekamp Beheer share the same owners. For this reason Riwal Israel operates in daily practice as the Dutch branch of the Riwal Group. As such, Riwal Israel is also indicated on the website of Riwal and in various interviews with the management of Riwal.

The statement of minister Bot that the Dutch company Schalekamp Beheer B.V. is “not involved in the construction of the barrier” gives an incorrect answer to the question of MP Koenders about “the involvement of the Dutch company Riwal”. Contrary to Bot's statement, the brand name Riwal is used by two Dutch companies: apart from Schalekamp Beheer B.V. also by Lima Holding B.V. And Lima Holding is indeed providing - via its Israeli subsidiary - machines which are used for the construction of the wall. Shortly after the broadcast of *Netwerk*, this involvement was also acknowledged by Riwal in front of various media.

In July 2004, the International Court of Justice in The Hague ruled that the building of the wall is in breach of international law. Israel was called on to cease all construction of the wall and dismantle the parts already built in occupied Palestinian territory. The obligations of the international community in this respect were mentioned clearly in the ruling: *“All States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction; all States parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 have in addition the obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention.”*

This dossier demonstrates that the Riwal Group in Dordrecht is directly involved in the construction of the wall via the Israeli subsidiary of Lima Holding B.V. The following facts will be preceded by a profile of the Riwal Group. The parliamentary questions mentioned (including the answers of minister Bot) are added as Annex 1.

- **Profile Riwal Group**

The Riwal Group is the largest private rental company in Europe in the field of *vertical transport*. The company rents aerial working platforms and mobile cranes to building contractors, installation and maintenance companies and government agencies. According to its website, Riwal is the market leader in the Netherlands, Denmark, Slovenia and Israel in the rental market for aerial working platforms. In the rental market for mobile cranes, Riwal is among the top-10 players in the Netherlands and Israel, according to its own website. Apart from the countries mentioned, Riwal also has a rental operation in France. The group is looking for expansion in the Middle East and the Balkan.²

Inside and outside the Netherlands, the Riwal Group operates a total fleet of more than 5.000 aerial working platforms and mobile cranes. The group has about 300 employees, of which 170 in the Netherlands.³

Schalekamp Beheer, the holding company for the activities of the Riwal Group in the Netherlands, Denmark and France, realised annual sales of € 69 million in 2005, resulting in a net profit of € 8.9 million.⁴

The activities of the Riwal Group in Israel are part of Lima Holding B.V., which has not published sales figures.⁵

- **Owners Riwal**

Riwal was established in 1968 as the Dutch subsidiary of what then was the largest crane rental company in the world, Richards & Wallington from the United Kingdom. In 1980, this company was taken over by Dick Schalekamp sr. by means of a *management buy-out*. The company was then renamed into Schalekamp Beheer B.V. In 1989, Dick Schalekamp sr. turned over the company to his sons Dick and Jaap Schalekamp.⁶ In 2000, the Schalekamp brothers sold one third of the shares of Schalekamp Beheer B.V. to MDN Holding B.V.⁷ This company from Spijkenisse describes itself as an “Active Venture Capitalist in the Cranes and Lifting Industry”. The company sells and rents aerial working platforms and mobile cranes and participates in various joint-ventures with companies operating large, specialised cranes, such as Mammoet and Van Oord. The CEO of MDN Holding is the Israeli business man Doron Livnat, who owns the majority of the shares.⁸

Although one third of the shares of Schalekamp Beheer is formally owned by MDN Holding, Doron Livnat is described by Riwal on its own website as the third owner of Riwal, besides Dick and Jaap Schalekamp.⁹

- **Background Doron Livnat**

Doron Livnat - one of the three owners of Schalekamp Beheer / Riwal - descends from an Israeli family of entrepreneurs. His father Yitzhak Livnat and his uncle Avraham Livnat established the construction company Taavura in the 1950s.¹⁰ Since a few years, Avraham Livnat and his sons also control, together with the Dankner family, the largest company holding in Israel: IDB Holding. This is the holding for - among others - Discount Investment (67%), Clal Industries (62%), Azorim Investment (64%) and Clal Insurance (51%).¹¹

Between 1980 and 1986 Doron Livnat worked for Taavura, but in 1986 he emigrated to the Netherlands. In the Netherlands, he established Hovago, a company that is selling and renting mobile cranes.¹²

Hovago is now a subsidiary of MDN Holding B.V., a Dutch holding company which is majority owned by Doron Livnat. MDN Holding also has interests in Schalekamp Beheer (33,3%), Lima Holding (50%) and in various joint-ventures with well-known companies operating in the field of *vertical transport*, such as JLG, Mammoet and Van Oord. In 2005, MDN Holding B.V. realised annual sales of € 37.2 million, resulting in a net profit of € 6.6 million.¹³

Doron Livnat is also active in various Dutch organisations which support Israel. He is a board member of the *CIDI* (the Centre for Information and Documentation on Israel), a Dutch organisation which “makes a stand for the right to security for Jewish people, wherever in the world”.¹⁴

Besides this, Livnat is chairman of the advisory board of *Collectieve Israël Actie*, a Dutch organisation which collects money for *Keren Hayesod-United Israel Appeal* in Jerusalem, as well as other humanitarian, social and educational causes within the recognized borders of Israel.¹⁵

- **Riwal in Israel**

According to the Israeli daily *Ha'aretz*, Riwal already established a joint-venture in 1997 in Israel for renting aerial working platforms. Its partner in this joint-venture was the company Avi Cranes, monopolist in the Israeli rental market for mobile cranes. The company was managed by Adi Livnat, the brother of Doron Livnat. The first important assignment of the joint-venture was related to the construction of the new plant of the American electronics producer Intel in Kiryat Gat. But the joint-venture partners ended up in a dispute (see Annex 2).¹⁶

According to the website of the Riwal Group, the group first established a rental operation in Israel in 2003. This establishment is, according to the website, now the market leader in the rental market for aerial working platforms in Israel.¹⁷ According to an interview in the trade magazine *Cranes & Access* (January 2006), this establishment has 55 employees.¹⁸

Owner of the Israeli establishment of the Riwal Group is Lima Holding B.V. in Spijkenisse. According to data supplied by the official Dutch company register, the shares of Lima Holding are owned for 50% by MDN Holding B.V. and for 50% by D. Schalekamp Holding B.V.¹⁹

As mentioned above, MDN Holding B.V. is - partly or completely - owned by Doron Livnat. MDN Holding also owns 33.3% of the shares of Schalekamp Beheer B.V.

D.Schalekamp Holding B.V. also owns 33.3% of the shares of Schalekamp Beheer B.V. D.Schalekamp Holding B.V. is the personal holding company of Dick Schalekamp, one of the two Schalekamp brothers.²⁰ The ownership structure of the Riwal Group is shown in Figure 1.

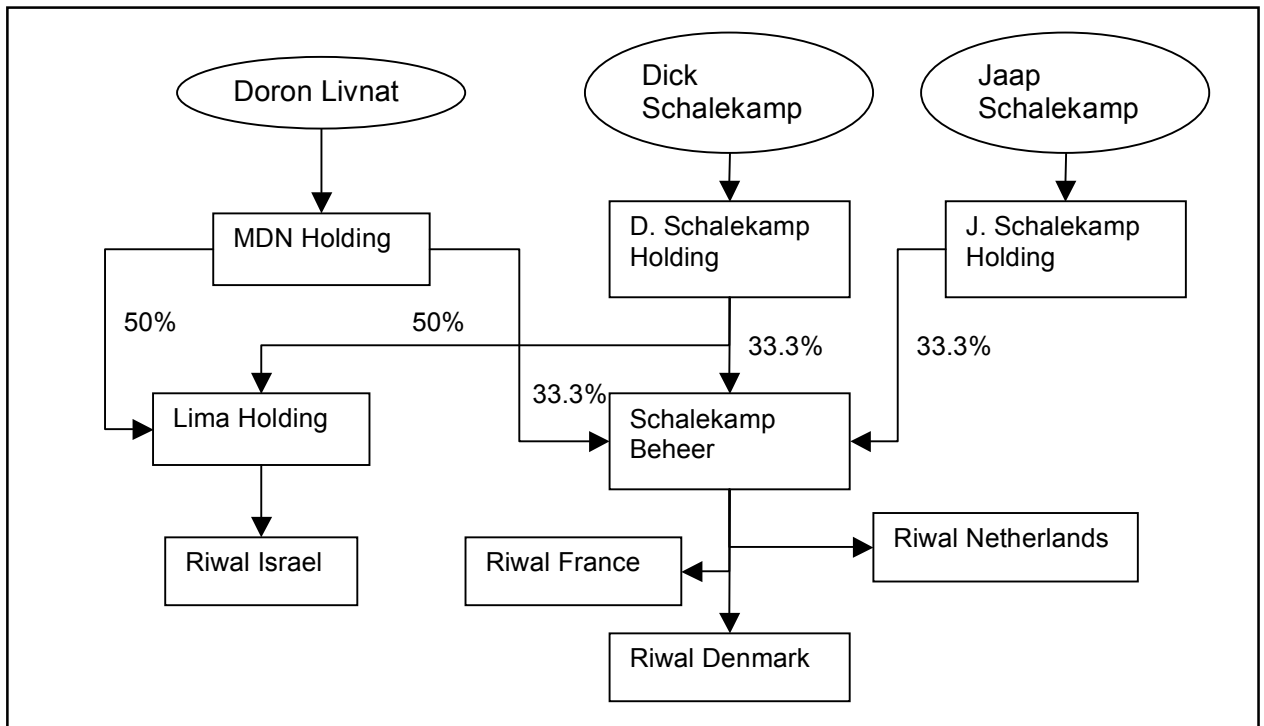


Figure 1. Ownership structure of the Riwal Group

In other words: the Israeli branch of Lima Holding B.V., which operates under the brand name Riwal on the Israeli market, is owned by two of the three owners of Schalekamp Beheer B.V., the company which operates on the Dutch market under the brand name Riwal. This means that the legal relationship between Riwal Netherlands and Riwal Israel is very close. In practice, Riwal Israel operates as a subsidiary of Riwal Netherlands. As such, Riwal Israel is also indicated on the website of Riwal and in various interviews with the management of Riwal.²¹

The answers given early September 2006 by minister of Foreign Affairs Bot to the questions raised by MP Koenders therefore include incorrect information (see Annex 1). Contrary to Bot's statement, Lima Holding is a Dutch company located in Spijkenisse. Furthermore, Lima Holding and Schalekamp Beheer share the same owners.

- **Riwal and the separation wall**

In addition to the rental of aerial working platforms, Riwal started with the rental of mobile cranes in Israel in 2006. According to its own website, Riwal now belongs to the top-10 in this market in Israel.²² The 2005 annual report of MDN Holding B.V., one of the owners of Riwal, writes about this Israeli branch: "We expect to become the second company in size and the best in service and performance in the lifting crane market in 2006".²³

However, the arrival of Riwal on the Israeli rental market for mobile cranes provoked a fierce response from its former partner Avi Cranes, which saw its monopoly threatened. Both companies competed fiercely to obtain a large contract related to the expansion of the Intel-plant in Kiryat Gat. At the end of July 2006, Avraham Yochanan, the owner of Avi Cranes, and Arthur Pinhasov, who worked in the company as a courier, have been charged before the District Court of Tel Aviv with arson, threats and conspiracy to commit a crime against Riwal Israel. These actions were allegedly directed at establishments and equipment of Riwal in Israel and the Netherlands, but also against the brothers Livnat and their families. The Tel Aviv District Court was asked to remand the two in custody until the beginning of their trials.²⁴

On July 3, 2006, Dutch television-program *Netwerk* broadcasted a report on the separation wall which is being built by Israel in the occupied West Bank. In this broadcast, a mobile crane was shown which was engaged in the construction of the wall. This crane carried the logo of the Dutch company Riwal from Dordrecht. The broadcast of *Netwerk* prompted Bert Koenders, Member of Parliament for the Dutch Labour Party (PvdA), to submit questions to minister of Foreign Affairs Bot (see Annex 1).²⁵

Various media reported on these parliamentary questions, asking Riwal for comment. In a broadcast of *RTV Rijnmond* on July 7, 2006, a statement of Riwal was shown in which the company stated: *“Riwal is an internationally operating and successfully operating company that rents mobile cranes and aerial working platforms to building contractors, installation and maintenance companies and government agencies. This is also the case in Israel, where we have been active with local management and employees since 2003. Riwal Israel is at this moment renting cranes to a large client, which are used for the Israeli separation wall along the West Bank. For Riwal, this is a commercial order which is contracted and executed purely as such.”*²⁶ The Dutch news agency ANP also cited this statement on July 7, 2006 (see Annex 3).²⁷

This statement seems to contradict the information the company supplied to minister of Foreign Affairs Bot. In his answers dated September 4, 2006, minister Bot stated - among others - the following to the parliament: *“The crane with the name Riwal which was shown in the Netwerk broadcast is, as far as I know, owned by the Israeli company Lima Holding from Tel Aviv. With approval from Riwal in the Netherlands - which is the brand name of Schalekamp Beheer from Dordrecht - Lima Holding is active in Israel under the same brand name Riwal. According to Schalekamp Beheer, the Dutch company is not supplying any machines or personnel for the construction of the barrier. On the basis of these facts, I do not have any indication that the Dutch company is involved in the construction of the barrier.”* (see Annex 1).

With this statement, minister Bot gave an incorrect answer to the question of MP Koenders about “the involvement of the Dutch company Riwal”. Contrary to Bot’s statement, the brand name Riwal is used by two Dutch companies: apart from Schalekamp Beheer B.V. also by Lima Holding B.V. And Lima Holding is indeed providing - via its Israeli subsidiary - machines which are used for the construction of the separation wall.

As part of this research, Riwal was asked for further information regarding the involvement of the company in the construction of the wall (the name of its client, the size of the order, et cetera). The company, however, did not answer these questions.

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Annex 1 Parliamentary questions

September 4, 2006 - Dutch Ministry of Foreign Affairs

Answers by mr. Bot, Minister of Foreign Affairs, also on behalf of mrs. Van Gennip, State Secretary of Economic Affairs, to questions of MP Koenders regarding the involvement of Riwal in the construction of the Israeli barrier. These questions were submitted on 10 July 2006, with reference 2050616260.

Question 1

Are you aware of the fact that the Dutch company Riwal is involved in the construction of the Israeli wall in the West Bank? *

Answer

The crane with the name Riwal which was shown in the Netwerk broadcast is, as far as I know, owned by the Israeli company Lima Holding from Tel Aviv. With approval from Riwal in the Netherlands - which is the brand name of Schalekamp Beheer from Dordrecht - Lima Holding is active in Israel under the same brand name Riwal. According to Schalekamp Beheer, the Dutch company is not supplying any machines or personnel for the construction of the barrier. On the basis of these facts, I do not have any indication that the Dutch company is involved in the construction of the barrier.

Question 2

Can you indicate how the involvement of Riwal relates to the ruling of the International Court of Justice that the wall contravenes international law and the Dutch responsibility to ensure respect for international law?

Answer

In its advice on the barrier, the International Court of Justice ruled that states are obliged to abstain from any recognition of the illegal situation caused by the barrier. It is also forbidden for states to contribute to its continued existence. This advice is an authoritative legal judgement, which however does not include any statement regarding the responsibility of states regarding the observance of international law by private parties, such as the company in question. Furthermore, the government notes that Riwal/Lima Holding is a corporate body according to Israeli law. As such, it does not find itself directly within the Dutch jurisdiction.

Question 3

How does the involvement of Riwal relate to the observance of the OECD Guidelines, which Dutch companies have to observe? Are there legal possibilities to act against this company?

Answer

As mentioned in the answer to question 1, the Dutch company Riwal is, as far as I know, not involved in the construction of the barrier by supplying material or employees. How the agreements regarding the use of the name "Riwal" and the application of these by both parties relate to the OECD Guidelines, cannot be judged sufficiently without further research addressing the issue, submitted to a National Contact Point for the OECD Guidelines (NCP). Based upon the agreements made within the framework of the OECD, such a question should be submitted to the Israeli NCP, as the activities concerned take place in Israel. In view of their nature, the OECD Guidelines do not form a basis for legal steps against companies.

Question 4

Given your answers to earlier questions regarding the position of the Dutch government on the construction of the wall, can you contact the company concerned to ask the company not to contribute to the construction of the wall?

Answer

The government is also of the opinion that the construction of the barrier on Palestinian territory contravenes international law. According to the government, it is undesirable that a Dutch company, in whatever form, would contribute to the construction of this barrier. Therefore I will, in consultation with the State Secretary of Economic Affairs, inform Riwal/Schalekamp Beheer on the Dutch view regarding this case.

* Broadcast Netwerk, July 3, 2006

Annex 2 Article Ha'aretz

Rivals of Riwal suspected of threats, theft, burning company's cranes

Ha'aretz, July 24, 2006

By Guy Leshem

The police are investigating a series of threats and acts of sabotage against members of the Livnat family in Israel and abroad, who are senior executives of the family-owned Riwal crane company. The police has information connecting a series of break-ins at the company's offices in Israel and Holland, incidents of stalking, threats and the sabotage of equipment estimated at millions of shekels, with rival crane operator Avi Cranes, which is suspected of using the services of a major crime family. The investigation is probing financial links between the crime family and Avi Cranes.

The heavy mobile crane sector in Israel is controlled by Avi Cranes, which has been in business since the 1970s and operates nearly 100 cranes. A small number of competitors have left the sector, which is worth tens of millions of dollars a year, because of the company's monopoly. Most of the customers are large infrastructure companies, the military industries, the Israel Electric Corporation, the oil refineries and the defense establishment. Most of the mobile cranes which operate in Israel today are defined as strategic equipment because they operate in sensitive installations, and because they need to be readily available in an emergency.

In recent years, the Livnat family decided to enter the field and formed Riwal, which created stiff competition in the sector.

Suspicious fire

Three weeks ago, two caterpillar-track cranes belonging to the company, worth \$5 million, were set on fire at Kibbutz Einat. The cranes were considered the most advanced in the country, and among the most modern in the world. A security guard at the kibbutz said that a group of masked men tied him and another guard up and set the cranes alight. However, police suspect that he may have cooperated with the arsonists.

Fire investigators who examined the cranes came to the conclusion that it was a professional arson intended to put the two cranes out of commission for a long time. The electronic control units of both cranes were targeted, which indicates to the investigators that the arson was carefully planned, and that the arsonists had received technical information.

According to a transcript of conversations on the security guard's mobile phone, which included incoming calls from Arthur Pinhasov, an employee of Avi Cranes, the police suspect that he was the one to order the arson. The guard was arrested on Wednesday, and a day later so was Pinhasov and Avi Yochanan, the CEO and owner of Avi Cranes. The court ordered them to be held in custody until tomorrow, on the suspicion that they were behind the arson and the campaign of threats. At their custody hearing, the police representative said that the arson was intended to prevent Riwal from participating in huge tenders, which are currently taking place in Israel.

Doron and Adi Livnat are the sons of Yitzhak Livnat, who founded Taavura Holdings together with his brother Avraham in the 1950s. Taavura is considered today to be one of the largest corporations in Israel. The two were active from a young age in the running of the company, together with Avraham's sons, Zvika and Shai.

Between 1980 and 1986, Doron Livnat was a manager in the Taavura Group, and in 1986 he founded Hovago, a Dutch firm which operates, rents and sells cranes, and which is considered to be among the 10 largest companies in the world in the field. In 1987 he founded a subsidiary called Riwal, which rents and sells platforms used for lifting people to great heights. Over the years, the company became one of the leaders in the field.

In 1997, Riwal Israel and Avi Cranes began to cooperate in the lifting platform field, in the construction of the Intel plant in Kiryat Gat. In 1999 the two companies formed a partnership, which was run by Avi Yochanan's daughter, supervised by Adi Livnat.

Independent operations

A dispute developed between the two partners over the purchase of a heavy crane from the IEC, and revenue reports which the Livnat brothers say were not given to them. In 2003 the partnership broke up acrimoniously.

In 2003 Riwal Israel began to operate independently with lifting platforms, and set up a operation at Kibbutz Einat. At the same time, Avi Livnat's office in Ramat Gan was broken into, and his computer, which contained business information, was stolen. No one was ever arrested for the theft. Meanwhile, Riwal Israel was awarded a franchise to represent the world's largest manufacturer of lifting platforms. The company imported more than 100 lifting platforms, and began to push Avi Cranes out of the market. A year later, Riwal began importing heavy cranes, creating a second front in the competition with its rival.

In November 2005, Adi Livnat's office was once again broken into. Again, only his personal computer was stolen, and again no one was caught. Shortly afterwards, his brother Doron's home in Holland was broken into twice in one month, in a manner termed by Dutch police as extraordinarily professional.

Two months ago, Riwal's flagship crane, which can lift 500 tons, arrived in Israel at a cost of \$3 million. It joined an older crane which could lift 300 tons. Until these cranes arrived, only Avi Cranes had equipment that could lift this kind of weight.

A few days later, the Riwal CEO's wife received an anonymous telephone call at home, in which she was told that there was a "contract out" on her husband, and that "they know where their children are and that one day one of them will now come home." The next day, a man was seen photographing Doron Livnat's home in Holland, and his brother Adi noticed he was being followed in Israel. A few days later, another anonymous telephone call to the Riwal CEO's mobile phone threatened that he would be hurt if he did not leave the company.

At that time, a huge tender was taking place for the supply of lifting platforms and cranes for the construction of a second Intel plant in Kiryat Gat. The construction work is estimated at \$2 billion. The two main competitors in the tender were Riwal and Avi Cranes. According to sources close to the police investigation, Riwal's two huge cranes endangered Avi Cranes' chances of winning the tender.

The arson of the two cranes set on fire at Kibbutz Einat took place the day before the deadline for presenting bids for the Intel tender. This made Avi Cranes the only contender. The police investigation is now concentrating on information which connects the threats and the arson to a crime family, and Avi Cranes' connection the family.

The Livnat family claims it has no enemies who would want to cause it harm, and denies claims that that it refused to pay protection money to criminals. Some of the family members have been accompanied by armed guards in recent days.

Avi Cranes said in response that "Avi Cranes is a veteran company that has been operating for more than 30 years. We believe in Avi's innocence, welcome the police investigation and are sure that justice will be done. We cannot comment further so as not to harm the ongoing police investigation."

Annex 3 ANP article

PvdA submits questions about crane rental company from Dordrecht

July 7, 2006 - The Hague (ANP) - Member of Parliament Bert Koenders of the PvdA submitted written questions to Minister Ben Bot (Foreign Affairs) about a crane rental company from Dordrecht. This company, Riwal, is said to be involved in the construction of the controversial separation wall, which Israel builds to protect itself from Palestinian attacks.

Koenders wants to know from Bot how the involvement of a Dutch company in the construction of the wall relates to the ruling of the International Court of Justice. In 2004, this court in The Hague ruled that the construction of the Israeli security barrier in the West Bank contravenes international law. The MP hopes to hear if there are juridical possibilities to act against the company. Also, the politician further has asked the Minister to request the company not to contribute to the construction of the wall.

Friday, Riwal confirmed in a written statement that the Israeli branch of the company is renting cranes to a large client which is involved in the construction of the Israeli separation wall. "For Riwal, this is a commercial order which is contracted and executed purely as such", according to the statement.

Annex 4 References

- 1 For more information on *United Civilians for Peace*, see www.unitedcivilians.nl and/or contact ucp@icco.nl.
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- 4 Annual report 2005, MDN Holding B.V., Spijkenisse, August 2006.
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- 6 Website Riwal (www.riwal.nl), viewed in September 2006.
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- 15 Jaarverslag 2005, *Collectieve Israël Actie*, Amsterdam, April 2006.
- 16 Rivals of Riwal suspected of threats, theft, burning company's cranes, Guy Leshem, Ha'aretz, Jerusalem, 24 July 2006.
- 17 Website Riwal (www.riwal.nl), viewed in September 2006.
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- 23 Annual report 2005, MDN Holding B.V., Spijkenisse, August 2006.
- 24 Rivals of Riwal suspected of threats, theft, burning company's cranes, Guy Leshem, Ha'aretz, Jerusalem, 24 July 2006; Avi Cranes owner, courier charged with arson, threats, Oded Arbel, Ha'aretz, Jerusalem, 27 July 2006.
- 25 Questions of MP Koenders (PvdA) to the Minister of Foreign Affairs and the State Secretary of Economic Affairs regarding the involvement of Riwal in the construction of the Israeli barrier, House of Representatives, The Hague, 10 July 2006.
- 26 RTV Rijnmond, Rotterdam, 7 July 2006.
- 27 PvdA submits questions about crane rental company from Dordrecht, ANP, The Hague, 7 July 2006.