

The extended reach of the Port of Rotterdam

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- ❑ In the coming months, the **municipality of Rotterdam** will decide on **'Connected Parties'**, a new policy framework. In this framework, the overseas projects of the **Port of Rotterdam (PoR)** must be assessed against the **climate objectives** that PoR has set for itself. The starting point is a global just transition. Furthermore, the **public interest** should be **broadly defined** and should **extend beyond national borders**.
- ❑ According to PoR, international projects are important because they offer opportunities to strengthen Rotterdam's **competitive position** and to **generate new revenue models**.
- ❑ Whereas PoR wants to be CO₂ neutral in 2050, it is involved in **fossil fuel intensive port projects** around the world. As these investments only pay for themselves in the long term, countries remain **dependent on fossil fuel companies**, including the coal industry, for decades.
- ❑ As long as projects, both domestic and overseas, continue to be developed with a central role for the fossil fuel industry, this will only contribute further to climate change. The **costs** are then borne elsewhere, while **the final bill for the climate remains the same**.
- ❑ The new ports are **mega projects**. Although this new infrastructure would bring employment and new sources of income to the involved countries, these projects are **not without risks**. They could lead to the **loss of current sources of income** for the local population, as well as **land expropriation** and **social disruption**. In addition, these projects **cause profound changes to ecosystems**, with a resulting loss of biodiversity.
- ❑ PoR states that the **return on investment** from its **overseas joint-ventures** should be **"significantly higher"** because of the **higher risks** they entail. In this way, PoR transfers the risks to the local context. The questions that must then be asked are where this return is earned, and who pays the price for it? If the choice is between **the exploitation of natural resources** with **maximum profit** or **sustainable solutions** for people and the environment, ensuring returns may be decisive.
- ❑ The Mayor and Municipal Executive (the mayor and aldermen) have a decisive vote in the holdings of the Port of Rotterdam; it can either approve or reject them. The municipal authorities thus bear a **major responsibility** in safeguarding the **public interest**. However, the council refuses to **unequivocally** acknowledge this responsibility.
- ❑ The municipality applies the economic criteria from the policy framework only to PoR's investments in **hard infrastructure**, and not to other forms of cooperation, such as advisory services and port management. This is a missed opportunity as it lays the foundation for potentially **undesirable developments** for local populations and for the climate. ◀

Introduction

The Port of Rotterdam is a prominent node in the worldwide web of shipping and trade routes. As the largest European port and the tenth biggest in the world, the port – with the fossil fuel industry as its most important customer – currently accounts for 20% of total Dutch energy consumption. The Port of Rotterdam (PoR) acknowledges that this must change, and has presented a step-by-step plan to become a “sustainable and CO₂ neutral” port by 2050.¹ At the same time, PoR is involved in other countries in the development of fossil fuel intensive port and industrial clusters. These port complexes promise economic opportunities, but involve far-reaching ecological and social risks.

The municipality of Rotterdam and the Dutch government, as the only shareholders, can influence the course of the Port of Rotterdam. The Rotterdam city council will soon be deciding on an update of the 2014-2018 Related Parties Policy Framework, in which the municipality formulates its policies for the companies in which it has a stake. In its international strategy, PoR states: “The income from joint-ventures in particular could become increasingly important in the context of possibly declining income as a result of the energy transition.”² This would compensate for any lost income associated with making the port in Rotterdam CO₂ neutral. On balance, however, little will change if foreign projects are developed with a central role for the fossil fuel industry. The result is simply that the costs are borne elsewhere, while the final bill for the climate remains the same.

The city council has an important responsibility – as well as the ability – to test its projects abroad against the same criteria as its projects in Rotterdam. A global just transition must be the starting point, and not just in the Netherlands.

The Port of Rotterdam and its international activities

It can be seen from its international strategy that PoR attaches value to income from its international projects.³ According to PoR, foreign projects offer opportunities to strengthen Rotterdam’s competitive position and thereby to generate new revenue models. PoR distinguishes between the various instruments that they use in their international activities, ranging from a more advisory role to closer forms of cooperation (Table 1). According to PoR, ideally there is progression in the collaboration, and knowledge exchanges via advisory services ultimately result in joint-ventures.⁴ In practice however, the trajectory does not appear to be linear and the collaborations are constantly changing from closer to looser forms.

In 2017, the direct and indirect added value of the Rotterdam port to the Dutch economy was calculated at 6.2% (€ 45.6 billion).⁵ The importance of PoR for both the municipality and the government can therefore not only be measured by the dividends they receive through their shareholdings; the port has a direct relationship with the entire Dutch economy. In 2019, PoR announced that it wanted to invest roughly € 210 million in foreign projects up until 2025. Of this total, 74 million will be invested in a 30% stake in the Brazilian port of Pecem. And while PoR has held 30% of the shares in Brazil’s Porto Central since 2014, this involvement was converted into an advisory function for the management of the port in December 2019. In addition, PoR owns half of the port of Sohar in the Gulf state of Oman, and from 2016 to 2018 it cooperated with the Indonesian state-owned company Pelindo I for the development of the new Kuala Tanjung port on the Indonesian island of Sumatra.

The ‘energy transition’ and a ‘just transition’ are not neutral concepts; they have different meanings for different actors. For SOMO, a just transition is about the transformation of the entire system of production and consumption, including underlying unequal social relationships. And instead of a narrow focus on CO₂ emissions, the most important principles of the energy transition are equal access, democratic control and ecological integrity. In addition, SOMO advocates a transition that takes into account past injustices, the prevention of future injustices and compensation for the most affected.

This calls into question any vision of development that is based on infinite growth.⁶ Climate change, the scarcity of raw materials, soil depletion and water pollution through overproduction, and the additional social consequences for communities indicate the limits to growth. This requires a shift of socio-economic priorities towards prosperity that is accessible to all in a healthy environment. The goal is a society in which development is not imposed but is determined, and where value is not extracted but redistributed.⁷

Tabel 1 PoR's international activities

	Instrument	Countries	Explanation
Ascending forms of cooperation	Knowledge exchange	Singapore China (Guangzhou) ⁸	Sharing of expertise in the field of port management
	Advisory services	Argentina (Buenos Aires) Curaçao India (Gujarat) Indonesia (Jorong Borneo) Latvia(Riga) Mozambique (Palma) Turkey (Ceyhan) Brazil (Porto Central)	
	Digital servicesn		
	Harbour management	China (Guangzhou)	Cooperation
	Joint-ventures	Oman (Sohar Port and Freezone) Brazil (Pecem)	Joint venture (50%) Joint venture (30%)

Based on: International Strategy of the Port of Rotterdam and the website of the Port of Rotterdam.⁹

Although the aim of this last collaboration was to set up a joint venture with Pelindo I, this has not yet been achieved.¹⁰ However, PoR is still engaged and interested in the Indonesian port project.¹¹ This involvement happens through the Indonesian subsidiary PT Pelabuhan Rotterdam, in which PoR has a 99% stake.¹² Finally, PoR provides advisory services to various ports in Argentina, Turkey and India, among others (Table 1). Not only are there different forms of collaboration, but the partnerships also constantly change in form.

The diagram below (Figure 1) shows how PoR's joint ventures are embedded in the overall structure of the company. The ownership relationships of all international activities run through Mainport Foreign Investments BV, a subsidiary of Mainport Holding Rotterdam NV, to the parent company Havenbedrijf Rotterdam NV. Port of Rotterdam Participacoes do Brasil LTDA and PT Pelabuhan Rotterdam Indonesia also have 1% direct shareholdings with Mainport Holding Rotterdam NV. This is probably due to the fact that the legislation of both Brazil and Indonesia requires having at least two shareholders in the chosen legal form. Although PoR has a minority share of 30% in the Brazilian port of Pecem, the role of PoR in Porto Central has recently changed from a joint venture to advisory services.

The corporate structure illustrates the size of PoR, and explains the position of the international holdings within the larger structure.

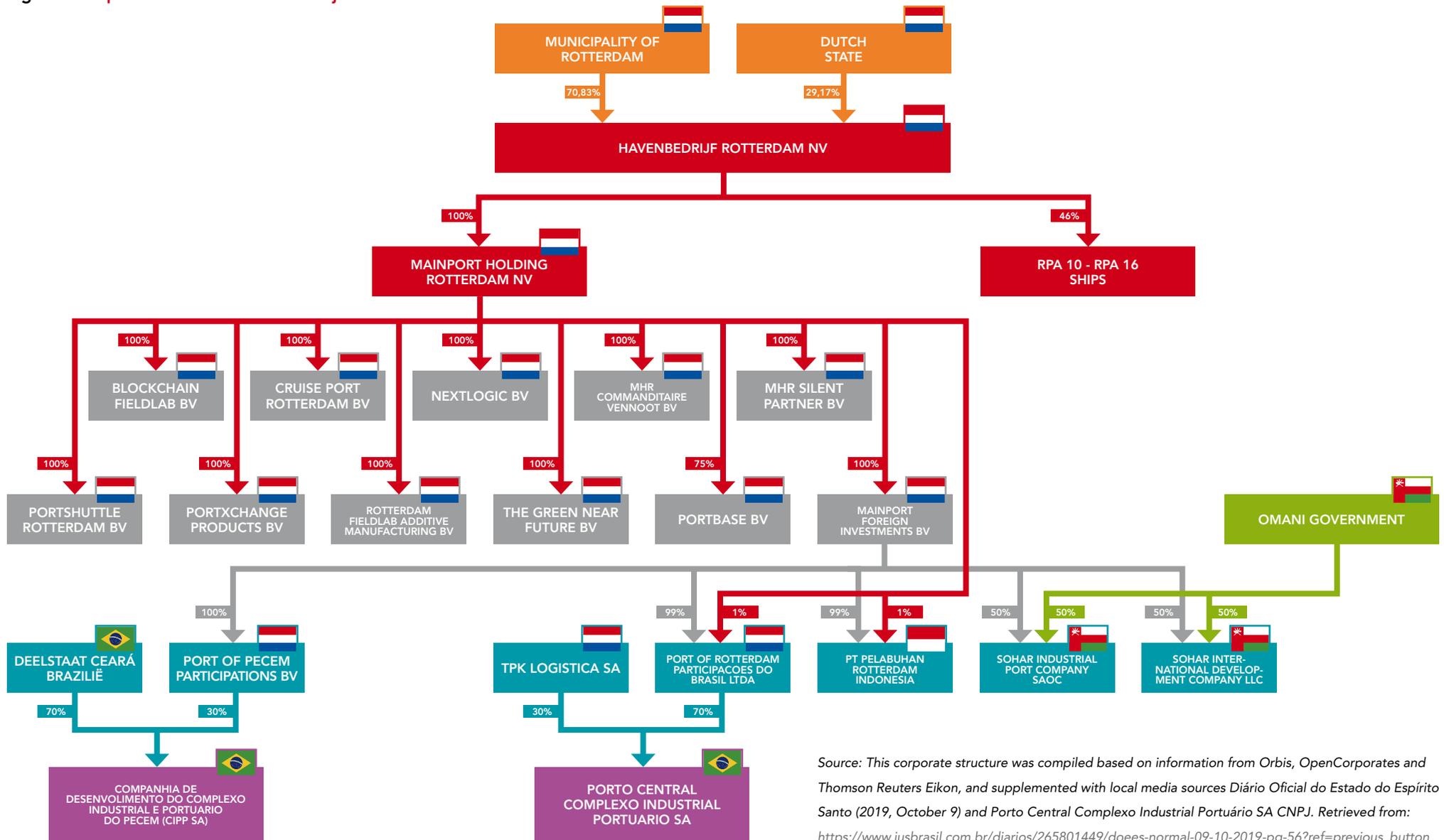
PoR's projects leave countries dependent upon fossil fuels

Ports are often hubs for fossil fuel energy flows, among other reasons because of the storage and transshipment of coal, gas and oil that takes place there. In addition, incoming and outgoing goods also lead to substantial CO₂ emissions, as do the activities associated with a port's petrochemical and energy-guzzling industrial complexes. Whereas PoR aims to become CO₂ neutral by 2050, it is involved in fossil fuel intensive port projects outside of the Netherlands. As these investments only pay for themselves in the long term, it is very likely that countries will not easily be able to change course and will therefore remain dependent on fossil fuel industries for decades.

Coal-fired power stations and coal transshipment

PoR developed plans for a port-industrial complex in **Kuala Tanjung** (Indonesia).¹³ Although the company refuses to grant access to the feasibility studies for this project, various sources show that a coal-fired power plant is planned for the complex, and possibly also the storage and transshipment of coal.¹⁴ This coal-fired power plant would provide the various future industrial clusters (metal and petrochemical) with electricity. A Master's thesis from a PoR intern about Kuala Tanjung reported that PoR experts preferred a coal-fired power station for electricity generation because of its lower costs in comparison with other energy generators.¹⁵ In response to SOMO, PoR disputed that it proposed a coal-fired power plant due to lower costs and emphasised that their consideration mainly concerned feasibility due to expected growth. In its own words, PoR chose for a coal-fired power plant because Indonesia "unfortunately will depend on fossil fuels for a longer period of time".¹⁶

Figure 1 Corporate structure Havenbedrijf Rotterdam N.V.



Source: This corporate structure was compiled based on information from Orbis, OpenCorporates and Thomson Reuters Eikon, and supplemented with local media sources Diário Oficial do Estado do Espírito Santo (2019, October 9) and Porto Central Complexo Industrial Portuário SA CNPJ. Retrieved from: https://www.jusbrasil.com.br/diarios/265801449/does-normal-09-10-2019-pg-56?ref=previous_button

An energy cluster is also planned in the new port of **Porto Central** in Brazil, with space for coal-fired power stations and a coal terminal.¹⁷ In response to SOMO, PoR wrote that the construction of a coal-fired power plant is currently “unlikely” and “uncertain”. Nevertheless, it has not been ruled out that such a plant will be facilitated in the port.¹⁸

Coal also plays a role in the Brazilian port of **Pecem**, in which PoR acquired an interest in 2018. Although the report from a meeting of the shareholders’ committee in 2017 still mentions two coal-fired power stations, PoR has informed SOMO that there is just one.¹⁹ In 2013, a new unit, Pecem II, was added to the existing Pecem I power plant.²⁰ The port of Pecem is also used for the transshipment of coal.²¹

Gas and oil industry

In its response to SOMO, PoR stated that “despite the growth of alternative, sustainable energy sources in the energy mix, oil (and gas) will continue to be part of the energy mix in the world for a long time to come. (...) Brazilian oil production will therefore increase in the coming years.”²² Between 2017 and 2026, oil production is expected to rise from 2.8 million to 5.2 million barrels per day.²³ The new port of Porto Central profiles itself as an important service provider for offshore companies operating off the southern coast of Brazil. According to the **Porto Central** website, a significant part of Brazil’s oil production growth will come from the gas and oil fields in the Campos, Santos and Espírito Santo basins.²⁴

Thanks to its strategic location in relation to the oil and gas fields, Porto Central hopes to be able to recruit the most important players in the Brazilian fossil fuels industry as clients, offering these companies distribution and storage facilities for oil.²⁵ In addition, the port will be made deep enough to accommodate even the largest oil tankers. The report of a meeting of PoR’s shareholders’ committee on 10 January 2019 shows that PoR itself actively sought “oil commitments” for the Porto Central project.²⁶ In response to SOMO, PoR said that these commitments have not yet been made.²⁷ In addition, an LNG import terminal is being built and the energy cluster offers space for a gas plant.²⁸

Moreover, a report from a meeting of PoR’s shareholders’ committee on 28 September 2017 shows that oil refining may also be introduced in the port of **Pecem**. That would be an “important further opportunity for development”, according to the report.²⁹ PoR responded that this is a Brazilian plan, and that there are as of yet no further developments.

The port of **Sohar** is located just off the Strait of Hormuz in Oman, in the heart of the oil-rich Gulf states. Oil and the petrochemical industry therefore play a leading role in the port.³⁰ In 2017, the Omani oil company Orpic expanded the production capacity of its refinery from 120,000 barrels to 204,000 per day.³¹

Petrochemical industry

The petrochemical industry processes petroleum into various chemical products. It uses a lot of energy, has high CO₂ emissions and is very polluting.³² This industry is an important part of the Port of Rotterdam. It is therefore not surprising that PoR also includes this cluster in its foreign projects: not only because of its expertise, but also so that it can offer international opportunities to its clients. For example, the port of Sohar has a cluster for the petrochemical industry, and the feasibility studies that PoR has developed for the port industrial complex in Kuala Tanjung also include a petrochemical cluster.³³ Despite its innovations with other forms of energy, making the petrochemical industry sustainable remains challenging.

Ports are developing into mega projects with major impacts on people and the environment

These new ports are mega projects, and they radically change the environment for people and nature. Although the activities generated by these ports would bring employment and new sources of income to the involved countries, they also have far-reaching local consequences, including a loss in diversity of income sources, land expropriation and social disruption.³⁴ In addition, these projects cause profound changes to ecosystems and result in biodiversity loss.

Furthermore, the adverse effects for people and the environment are not limited to the port area alone. Ports are nodes in global value chains. They open up the hinterland and promote the development of transport infrastructure, and thus the supply of goods. The consequences are thus felt in the wider surroundings of the physical port.

Although PoR emphasises that its involvement in international projects leads to positive results, SOMO wonders for whom these results are positive, and how these positive results relate to the negative consequences. Also, to what extent are these ports a positive result for the climate? What a company defines as a positive result may be in stark contrast to the local population’s assessment..

Social conflicts around ports

Social conflicts also play a role in the Indonesian port project Kuala Tanjung in North Sumatra, where PoR is involved. Fishermen, affiliated with the Indonesian fishermen's association KNTI, indicate that the development of the port has had negative impacts on their fishery.³⁵ Furthermore, the expansion of the port of Kuala Tanjung in 2018 caused conflicts with villagers. They were forced to relocate due to the expansion of the port infrastructure and did not receive a fair price for their land. Apart from the fact that the compensations were very low, they also varied per inhabitant.³⁶

The Indonesian environmental organisation Walhi has shown that sand extraction in the coastal zone of North Sumatra violates government regulations and leads to coastal erosion.³⁷ Furthermore, coastal residents told Walhi during a field study in 2018 that their livelihoods are threatened by the activities.³⁸ Although PoR disputes SOMO's allegation that this controversial extraction of sand from the sea serves for the development of Kuala Tanjung, this does not alter the fact that local fishermen – just like the fishermen around the new port of Porto Central in Brazil³⁹ – fear for their future income due to the disruption of fishing grounds with the expansion of the port.

PoR emphasises that it creates opportunities for other Dutch companies. For example, from 2008 to 2010, PoR was involved in the development of the port at Suape in Brazil, where Van Oord subsequently carried out two dredging projects.⁴⁰ PoR drew up a business plan and contributed to the master plan for the port. In 2011, the organisations BothENDS and Forum Suape reported that fishing grounds had been destroyed during dredging activities for the port. They described how residents were violently forced to move.⁴¹ Although PoR is not directly responsible for this expropriation, its activities open doors for companies and pave the way for potentially undesirable developments. Making master plans for these areas does entail a certain responsibility for the consequences.

Port projects open up the hinterland for the transit of palm oil and soy

The growth in exports of soy from Latin America and palm oil from Indonesia is affecting local communities and small farmers who are losing their land due to the expansion of large agri-businesses.⁴² In 2012, even before PoR entered into an agreement with the Indonesian port company Pelindo I for the development of Kuala Tanjung, the Indonesian government had already announced that it wanted to increase the export of palm oil from the port.⁴³ A port opens up remote areas in the hinterland. Soybean and palm oil plantations are connected by highways and

train lines via ports to logistic corridors leading to different parts of the world. For Kuala Tanjung this scenario applies to palm oil, and for Brazil it applies to soy. The Indonesian palm oil sector is partly responsible for large-scale deforestation in recent decades and is also often held responsible for the annual forest fires in the country. These fires damage the health of the local population and release more CO₂ emissions into the atmosphere.⁴⁴

In the case of Porto Central, the port will have a function in the transshipment of soy products from Brazil.⁴⁵ A new, controversial railway line is also planned to connect Porto Central to Mato Grosso, the Brazilian state in the Amazon⁴⁶ and the centre of soybean cultivation in the country. Recent research has shown that increasing transport options will accelerate the expansion of soy cultivation in Mato Grosso, and with it the associated deforestation.⁴⁷

High efficiency requirements have local consequences

The concerns of SOMO about the international activities of the Port of Rotterdam are fuelled by the high return on investment requirements applied by PoR for its cross-border joint-ventures. PoR has indicated that it expects a "significantly higher" return on investments from these overseas holdings than from its other activities.⁴⁸ In its international strategy, PoR states that it expects a 10% return on its investments abroad, and even anticipates a return of 15% from its participation in the port of Pecem.⁴⁹ Indonesian media reported in early 2018 that PoR, to the annoyance of its Indonesian partner, also demanded a 15% return for further participation in the Kuala Tanjung port project.⁵⁰ PoR justifies its high return requirements by referring to the higher risks associated with foreign holdings,⁵¹ therefore transferring its risks to the local context. The question is: where and how is this return earned, and who pays the price for it? Will it be at the expense of important local activities that are less profitable, such as fishermen who will lose their fishing grounds? Or will the foreign port project opt for a cheap fossil power plant rather than for a more sustainable and costlier form of energy generation? When the choice is between the exploitation of natural resources with maximum profit or sustainable solutions for people and the environment, achieving a return on investment can be decisive.

The municipality is jointly responsible for foreign shareholdings

When PoR became an unlisted public limited company in 2004, it was decided that the municipality and the government, as shareholders, would only be involved in the big picture of developments related to the port in Rotterdam.

From that point on, the shareholders would no longer be involved in specific matters. PoR thus functions as an independent and hybrid entity that thereby escapes public scrutiny, while still being publicly owned.

However, a different arrangement has been made for overseas PoR joint-ventures. Article 25.8(e) of PoR's articles of association stipulates that the company requires the consent of its shareholders for entering into, increasing or decreasing partnerships outside of the Netherlands.⁵² In the 2014-2018 Related Parties Policy Framework, the Mayor and Municipal Executive established that foreign joint-ventures with companies in which the municipality is a shareholder must serve the public interest of Rotterdam.⁵³ The policy framework also contains a package of prudential requirements that investments from PoR and other companies must meet if they want permission from the municipality.

The Municipal Executive of the Port regularly gives the town council the impression that it follows PoR's foreign projects "intensively and critically," and that it also makes its own assessments, as stated in a 2014 letter from the alderman.⁵⁴ In another letter from 9 October 2018 about PoR's international strategy, the alderman wrote that he weighs all of PoR's proposals about investments abroad "individually". In addition, he stated that the municipality insists on the requirement that PoR's foreign shareholdings must lead to additional cargo flows to Rotterdam, even though the company itself has dropped that criterion.⁵⁵

The Mayor and Municipal Executive deny responsibility

In a Freedom of Information request, in which SOMO requested feasibility studies from PoR about Kuala Tanjung among other things, the Mayor and Municipal Executive opted for a completely different approach. They pretended that, as shareholders, they had no influence on PoR's foreign shareholdings. Although the municipal council must explicitly give permission for these projects, it would not have direct control over them and could therefore not be held responsible for them. In the correspondence related to the Freedom of Information request, the municipality claims it is not involved with individual overseas projects of the Port of Rotterdam. To illustrate this, they argued that the municipality does not even have access to the feasibility studies by PoR on Kuala Tanjung.⁵⁶ This position is at odds with the position of the alderman in municipal council policy documents. The question here is how the municipal council intends to follow the foreign shareholdings of PoR "intensively and critically" and make decisions about them if it does not have all of the relevant information?

Since the alderman must approve any PoR foreign shareholding, the municipal council should expect that both the alderman and the officials are thoroughly informed. How else can the alderman assess whether the foreign projects of PoR serve the public interest? The alderman must unambiguously acknowledge this responsibility and actively implement it. Incidentally, documents from the municipality that were released in another Freedom of Information request show that it does in fact assume control over international joint-ventures. As a result of the discussion about the transshipment of coal in the port of Rotterdam, over which the municipality was unable to exert influence, an official wrote that this is different for PoR's foreign shareholdings. "As a shareholder, we have full control over foreign investments. It's not comparable with the motion on coal in that regard," according to a senior advisor of the municipality's administrative department. "All foreign shareholdings require the consent of the shareholders."⁵⁷

A March 2016 decision by the municipality of Rotterdam and the state as shareholders again shows that they assume control over foreign shareholdings. This decision approved the establishment of an Indonesian subsidiary by PoR. In their decision, the municipality and the state speak about the exercise of their "right of control".⁵⁸ This implies that the municipality, as a shareholder, also clearly bears responsibility for the foreign shareholdings of PoR.

The tension between public and commercial interest

In its international strategy, PoR does acknowledge that it has a public task and states that it can make a "substantial contribution" with its international activities by creating opportunities for other Dutch companies through foreign partnerships. The public interest, however, extends beyond the economic domain and also includes sustainability and social justice for example. This is true worldwide and not only in Rotterdam.

PoR is a commercial enterprise that also takes into account the commercial interests of its customers – including those from the fossil fuels industry. Nevertheless, this does not mean that the company has no duty of care, and this responsibility goes beyond economic growth and making markets accessible to Dutch companies. It is up to the municipality as shareholder to monitor this duty of care: for people and for the environment.

Public interest requires a broader meaning, with just transition as a starting point

In the new policy framework to be decided on by the city council in the coming months, the public interest of the Port of Rotterdam must be given a broader definition that goes beyond national borders. Sustainability is rarely mentioned in the 2014-2018 Related Parties Policy Framework. However, an addendum states that companies in which the municipality is a shareholder must report annually on their CSR policies.⁵⁹ The addendum is however not clear about possible sanctions if the company does not comply with this policy. And how this requirement applies to the foreign projects of companies affiliated with the municipality of Rotterdam remains unclear, even following consultation with the municipality.⁶⁰

In the new policy framework, PoR's foreign projects must be tested against the climate objectives that it has set for itself. These objectives are based on a worldwide just transition. The ambition to turn the port of Rotterdam into a CO₂ neutral port could, for example, be extended to its projects worldwide. Potential income that is lost as a result of this may not be financed or compensated through participation in port projects elsewhere in the world that rely on fossil fuel industries or that are at the expense of the local population. The Mayor and Municipal Executive should apply the same climate ambitions for projects at home and abroad. In addition, when determining a required return on investment, the Mayor and Municipal Executive must be aware of who pays the price and how this influences choices.

Not just a test for hard infrastructure

It emerged from the conversation with the municipality of Rotterdam that the municipality only applies the economic criteria from the policy framework to investments in hard infrastructure by the port company. PoR has only drawn up the required worst-case scenario for its participation in the Brazilian port of Pecem, which involves an investment of €74 million.⁶¹ This was however not done for its participation in the Indonesian joint venture for the development of Kuala Tanjung,⁶² nor for its participation in Porto Central in Brazil. According to the municipality, a worst-case scenario was omitted in the latter projects because of the "relatively low" amounts invested in consultancy and feasibility studies. Nevertheless, this type of soft investment by PoR should also be assessed against the requirements set by the municipal authorities. PoR itself indicates that it is aiming for an evolution in its foreign collaborations. This starts with knowledge exchange and advisory services, and the next step is port management or joint venture. Moreover, the plans drawn up by PoR in this context may already have adverse social and ecological effects for foreign partners, even if PoR itself does not invest in them on a large scale. In that case, these investments may possibly be made by others, for example by commercial terminal operators, energy companies, or the foreign port company with which PoR has entered into partnership.⁶³

PoR and its shareholders also have a duty of care in such cases, particularly since one of the objectives of PoR's international activities is to create opportunities for other Dutch companies in the maritime sector. It may happen that PoR withdraws or reduces its role when these Dutch companies join a project, as was the case at the Suape port project and at Porto Central in Brazil. PoR's business model is thus at odds with the duty of care required by a company with public shareholders. Thus, although PoR may reduce its involvement in a project, its responsibility does not end. Particularly in the preliminary phase, this must be monitored in order to avoid undesirable developments for the local population and for the climate.

Eindnoten

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Colophon

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