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Agenda item 7

Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[8 March 2019]

* Issued as received, in the language(s) of submission only.

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Statement in Support of the Database Regarding Certain Business Activities in the Israeli Settlements

8 March 2019

Statement in Support of the Database Regarding Certain Business Activities in the Israeli Settlements

Amnesty International had intended to submit this written statement to the 40th Session of the Human Rights Council following the long-delayed publishing of the database of all business enterprises involved in certain activities in the Israeli Settlements as mandated by the Human Rights Council in 2016 via resolution 31/36. On March 4th, the High Commissioner sent a letter to the President of the Human Rights Council, providing that her office would not be submitting the expected report (A/HRC/40/40) during this session of the Council but would work “with a view to finalizing this mandated activity within the coming months.” In light of these recent developments, we view it as critical to lend our voice in support of the fulfilment of the mandate and the swift publishing of the database.

The elaboration, publication and regular update of the database as mandated by Human Rights Council Resolution 31/36 would:

- Bring an important degree of transparency on corporate activities in and with Israeli settlements;
- Promote mutual engagement and dialogue between all relevant actors, including states, corporations, the UN and civil society organisations;
- Facilitate states’ compliance with their obligations not to recognize as lawful the unlawful situation created by Israel’s settlement activity in the OPT, and not to assist in its maintenance;
- Assist corporations in making decisions to cease or pre-empt their involvement in violations of international humanitarian and human rights law; and
- Assist both states and companies in complying with their obligations and responsibilities, in line with the UN Guiding Principles on Business and Human Rights, to ensure protection and respect of human rights in the OPT.

By way of concrete example of the importance of this work, Amnesty International’s research recently revealed how digital tourism companies are contributing to, and profiting from, the maintenance, development and expansion of illegal settlements, which amount to war crimes under international criminal law. They are also contributing to violations of human rights law and acting in direct contradiction with their own corporate standards. Their promotion of Israeli settlements in the OPT as a tourist destination also has the effect of “normalizing” and legitimizing to the public what is recognized under international law as an illegal situation. *See Destination: Occupation Digital Tourism and Israel’s Illegal Settlements in the Occupied Palestinian Territories*. A fully functioning database could help bring greater clarity and scrutiny to this and other situations where business activities fuel illegal settlements.

The value of the database as a transparency and accountability tool goes beyond business activities related to settlements in the OPT. The database could become a useful precedent and model to give effect to state and corporate obligations and responsibilities under international humanitarian and human rights law and standards, including the UN Guiding Principles on Business and Human Rights, in other conflict-affected areas and territories under occupation. More generally, it provides an example and puts businesses on notice of the perils of engaging in certain types of activity which carry heightened risks of contributing to violations of international and human rights law.

The interim report to the Human Rights Council’s thirty-seventh session in early 2018 (A/HRC/37/39) outlined the methodology and normative framework that the Office of the

High Commissioner for Human Rights is using to benchmark companies conducting business activities in or with the settlements. It rightly includes a process by which businesses would have a fair opportunity to engage with the Office in the context of their reporting on the database. While we welcome the High Commissioner's recent commitment to discharging the mandate, we have been concerned by delays in publishing the database that appear to be separate from efforts to ensure that companies have such due process. We would urge the High Commissioner to publish her final report as soon as possible, in line with the mandate set forth in resolution 31/36. We would urge all states and businesses to engage on this issue in good faith, and in respect of the integrity of the Council and its mandates. Moreover, we would urge all parties, including UN officials, states, and businesses to work together to fully support and build upon this important initiative – and at a minimum to ensure that the database is regularly updated, publicly available, and adequately financed.
