

AMNESTY INTERNATIONAL

JOINT STATEMENT

AI Index: MDE 15/7521/2017

30 November 2017

Joint NGO Statement in Support of the UN Human Rights Database on Business Activities related to Settlements in the Occupied Palestinian Territory

In December 2017, the Office of the High Commissioner for Human Rights (OHCHR) is expected to launch a Database that lists corporate actors that have directly or indirectly enabled, facilitated and profited from the construction and growth of the settlements in the Occupied Palestinian Territory (OPT). As a group of 51 international, regional and national organizations working in the field of business and human rights, we support the Database and call on OHCHR and States to ensure that its framework and working procedures are transparent, and that the elaboration of such procedures is done in consultation with civil society and human rights defenders. We further call on States to utilize and engage constructively with the Database following its release.

The Database as mandated by Human Rights Council (HRC) resolution [A/HRC/RES/31/36](#) can be a successful implementing mechanism to further compliance by duty-bearers, businesses and states, with their respective obligations and responsibilities under the UN Guiding Principles on Business and Human Rights and international law. As such, it is imperative to ensure that the Database remains a dynamic process and living document that is regularly updated. It is essential that states support this endeavor, and constructively engage in its establishment and review to advance a tool that would assist governments, companies and victims of human rights violations to end abusive and unlawful practices.

Resolution [31/36](#)¹ requests that the OHCHR monitor and report on business enterprises involved in a specific set of business activities related to settlement activity in the OPT. In producing the database, the High Commissioner is to consult closely with the Working Group on the issue of human rights and transnational corporations and other business enterprises. The Database has the potential to create a degree of transparency

¹ The mandate of the Database as detailed in paragraph 17 of resolution [A/HRC/31/36](#) “requests the United Nations High Commissioner for Human Rights, in close consultation with the *Working Group on the issue of human rights and transnational corporations and other business enterprises*... to produce a database of all business enterprises involved in the activities detailed in paragraph 96 of the [report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem - [A/HRC/22/63](#)], to be updated annually...” The Database is meant to identify specifically business enterprises that have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the settlements – to include suppliers and those who use benefits or reinvestments of enterprises owned totally or partially by settlers.

in relation to companies and their products which is ultimately beneficial for transnational investors and consumers. It also has the potential to fortify the role of home-states in regulating the transnational activities of their corporate nationals through concrete domestic regulatory measures.

The Database is a much-needed initiative which could facilitate states' regulation of business conduct in the OPT, where [hundreds](#) of Israeli and foreign businesses participate in, contribute to, or profit from abuses and violations of human rights of Palestinians. The Database would alert such businesses to the consequences of activities in such a business environment, and could provide guidance on the measures they must adopt to comply with their responsibility to respect human rights. This service model of information collection and notification provided to governments and businesses constitutes an important development in more general efforts to ensure increased sensitivity to the human rights responsibilities of businesses in high-risk environments where systemic and widespread human rights violations are being committed.

While the Database is the first to be established by the HRC, it is not the first to identify transnational corporations involved in activities of particular concern. Similar UN initiatives include the UN Centre on Transnational Corporations' monitoring and reporting on companies operating in Apartheid South Africa and the UN panel on plunder of resources in the Democratic Republic of Congo (DRC).² Lessons learned from both illustrate the importance of ensuring that such mechanisms operate under a robust, transparent normative framework and working procedures.

The Database should build on the aforementioned initiatives. It should notify both businesses and their home-states (in the case of foreign businesses) of their potential inclusion in the list, offer businesses a chance to terminate involvement in human rights violations or to challenge information they believe to be inaccurate, and set out clear delisting procedures within a reasonable period. To garner state and businesses' support for the Database, the UN should ensure that any changes in business practices are reflected within the database through regular updates, as provided by HRC resolution 31/36. Similar transparency initiatives have also been adopted by the United States and the European Union.³

The Database should be a mechanism that engages states and businesses as a tool for transparency and compliance control, including allowing states to meet their obligations not to recognize an illegal situation by assisting them in identifying companies that operate in settlements and trade in settlements goods. To that effect, it should ensure that data pertaining to companies involved in human rights violations in the OPT is publicly transmitted to the HRC as required by resolution 31/36. Labeling the database as a 'blacklist,' as has been done by several governments and media

² <http://www.un.org/apps/news/story.asp?NewsID=8706>

³ For example: Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, §1502(a), 124 Stat. 1376 (2010); see also Eur. Parl. Res. Serv. Briefing, Minerals from Conflict Areas (Feb. 11, 2014), [http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/130680/LDM_BRI\(2014\)130680_REV1_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/130680/LDM_BRI(2014)130680_REV1_EN.pdf)

organizations, is a grossly incorrect characterization of an innovative and cooperative tool to increase transparency and assist governments and businesses to strengthen adherence to international legal standards and avoid involvement in human rights abuses.

Signatories:

1. ActionAid International
2. Al-Haq
3. Addameer Prisoners' Support and Human Rights Association
4. Aldameer Association for Human Rights
5. Al Mezan Center for Human Rights
6. Amnesty International
7. American Friends Service Committee (AFSC)
8. Armanshahr (OPEN ASIA)
9. Article 1 Collective
10. Asian Forum for Human Rights and Development (FORUM-ASIA)
11. Association France Palestine Solidarité
12. Association Belgo-Palestinienne WB
13. Association Marocaine des Droits Humains (AMDH)
14. BADIL Resource Center for Palestinian Residency and Refugee Rights
15. Bahrain Centre for Human Rights (BCHR)
16. Bytes for All Pakistan
17. Cairo Institute for Human Rights Studies (CIHRS)
18. Center for Constitutional Rights (CCR)
19. CIVICUS
20. CNCD – 11.11.11
21. Community Action Center, Al-Quds University
22. Conectas Human Rights
23. Defense for Children International – Palestine
24. EuroMed Rights
25. Gulf Center for Human Rights (GCHR)
26. HAK Association
27. HURRYAT - Centre for Defense of Liberties and Civil Rights
28. International Federation for Human Rights (FIDH)
29. International Service for Human Rights (ISHR)
30. The International Trade Union Confederation
31. Jerusalem Legal Aid and Human Rights Center (JLAC)
32. Lao Movement for Human Rights (LMHR)
33. Lawyers for Palestinian Human Rights
34. League for the Defence of Human Rights in Iran (LDDHI)
35. Lebanese Center for Human Rights (Centre Libanais des droits humains /CLDH)
36. Liberty
37. Ligue des droits de l'Homme (LDH)
38. Norwegian People's Aid (NPA)

39. Odhikar
40. Palestina Solidariteit vzw, Belgium
41. The Palestinian Centre for Human Rights (PCHR)
42. The Palestinian Human Rights Organisation (PHRO)
43. People's Watch
44. Plateforme des ONG françaises pour la Palestine
45. PODER - Project on Organizing, Development, Education, and Research
46. Ramallah Center for Human Rights Studies
47. Sisters' Arab Forum for Human Rights (SAF)
48. The Centre for Research on Multinational Corporations (SOMO)
49. Trócaire
50. Union Syndicale Solidaires
51. 11.11.11