

Ms. Michelle Bachelet
High Commissioner for Human Rights
Palais Wilson – United Nations
Geneva, Switzerland

27 November 2018

Joint Open Letter to the High Commissioner for Human Rights

Re: UN Database on Business Enterprises with Activities Related to Israeli Settlements in the Occupied Palestinian Territory

Dear Ms. Bachelet,

The undersigned organisations welcome your appointment as the United Nations (UN) High Commissioner for Human Rights. As organizations whose work focuses on business and human rights issues, we are writing to ask your Office to **publish an online, dynamic, and regularly updated Database of businesses active in Israeli settlements**. We take this opportunity to continue our dialogue with your Office regarding why the ongoing process to establish the Database is significant for our work and the work of OHCHR, particularly as a normative development for Business and Human Rights in the contexts of armed conflict and occupation.

In 2016, Human Rights Council Resolution 31/36 mandated the creation of a mechanism to prevent and remedy certain activity by business in the settlements Israel maintains and regularly expands in the Occupied Palestinian Territory (OPT) contrary to international humanitarian law. While the undersigned organisations acknowledge the efforts and [progress](#) made thus far in establishing the Database in line with Resolution 31/36 of the Human Rights Council, further work is needed to [strengthen](#) the working procedures and normative framework for the Database and enable the regular updating and review of companies included in the Database in line with due process.

As we have noted in our communication to your Office in [November 2017](#) and [February 2018](#) – almost three years following the establishment of the Database mandate – the results of this process are not being transmitted with the necessary transparency. Further delays in the publication of the Database will only serve to undermine its establishment, and the important work done by your Office and others, including members of civil society, to realise this necessary initiative to promote state and business responsibilities to protect and respect human rights.

With a view to continuing our support for the Office's work in establishing the Database, the undersigned organisations would like to reiterate the following:

- The Database is a **preventive measure** that could enable states and corporations to make decisions that pre-empt their involvement in violations of international human rights and humanitarian law. The Database could also facilitate states' compliance with their obligation not to recognise as lawful the illegal situation created and maintained by Israel's settlement activity in the OPT, and not to assist in its maintenance. The Database could serve as a signpost to businesses and shareholders, who may have failed to grasp the

situation and legal implications of their operations and relationships in certain types of activity in the OPT. The Database could thereby have a **deterrent effect** for other businesses considering investments and activities in Israeli settlements or with settlement-based actors in the OPT, and in similar business environments in occupied territory maintained for the benefit of the nationals of the occupying state.

- By making the Database a **living** and **public** online platform, in line with its mandate in Resolution 31/36, the Database could serve as a transparent measure of mutual engagement and dialogue between corporations, on the one hand, and the UN and civil society organisations, on the other. Corporations who review and terminate illicit dealings could have their positive engagement immediately highlighted in public to set an example of responsible business conduct, in particular in conflict affected areas. By releasing the details regarding its findings, and the course of the review process leading to the findings and conclusions, from your Office's communications with companies, your Office could ensure adequate **transparency** of its procedures.
- The Database could become an instance that marks a **crucial normative development of international law on business and human rights, including in situations of conflict and occupation**. The UN Guiding Principles on Business and Human Rights (UNGPs) reiterate states' obligations under international human rights and humanitarian law in situations of conflict, and explicitly provide for companies' responsibility to respect standards of international humanitarian law. Meanwhile, a binding instrument is currently being formulated and discussed at the UN Human Rights Council in relation to business activities of a transnational character and human rights standards, indicating the commitment of the international community to end corporate involvement in human rights abuses and their profiting from grave breaches of international law. The proposed draft treaty in its format from July 2018 is based on the UNGPs, which also underscore business and state respect for international humanitarian law, including the absolute prohibition on the unlawful appropriation of land and the transfer of the nationals of the occupying state into the occupied territory, and the forced displacement of civilians under occupation. The Database **could become a tangible tool to strengthen implementation of international law and the UNGPs in conflict areas**. The Database could also be an effective mechanism to put into practice existing human rights obligations in the area of Business and Human Rights and [assist States](#) in such efforts.

In the OPT, as in other cases of ongoing foreign occupation, the absence of accountability has enabled occupying states to engage in activity in occupied territory with near impunity while leaving many private actors, business and individuals, to contribute to and benefit from, sometimes unwittingly, gross human rights violations. This detrimentally affects the lives of millions of Palestinians, depriving them of their basic human rights, including the right to self-determination and sovereignty over natural resources. The realisation of the mandate set out for the Database could become a model initiative for the promotion of international law in the OPT.

In line with the foregoing, **100 Palestinian, regional and international organisations**, undersigned, urge you to:

1. Create a public online regularly updated platform of business enterprises engaged in business activities related to Israeli settlements that have been screened and contacted, in accordance with the OHCHR's report from 26 January 2018 pursuant to Human Rights Council Resolution 31/36;
2. Ensure that adequate resources are allocated to ensure that the Database is kept up to date, as mandated by the Human Rights Council;
3. Encourage States, particularly those in the process of developing National Action Plans (NAPs) on business and human rights, to reference the significance of the UN Database in their advice to companies, domestic authorities, and diplomatic missions with regards to operations and activities in the OPT and Israel.

We thank you for your consideration of our letter. We remain at your service should you require further information.

Yours sincerely,

1. 11.11.11.
2. Addameer
3. AKULBI
4. Al-Dameer Association for Human Rights
5. Al-Haq, Law in the Service of Man
6. Al Mezan Center for Human Rights
7. Al-Quds Association
8. ALTSEAN Burma
9. American Friends Service Committee (AFSC)
10. Amnesty International
11. Applied Research Institute – Jerusalem (ARIJ)
12. Arab Organisation for Human Rights (AOHR)
13. Article 1 Collective
14. Association Belgo-Palestinienne
15. Association for Women's Rights in Development (AWID)
16. Bisan Centre for Research and Development
17. Both ENDS
18. Broederlijk Belgo-Palestinienne
19. Broederlijk Delen
20. Bytes for All, Pakistan
21. Cairo Institute for Human Rights Studies (CIHRS)
22. Centro de Estudios Legales y Sociales (CELS)
23. CIDSE
24. CNCD-11.11.11.
25. Clean Clothes Campaign
26. Conectas
27. Cultura è Libertà
28. Defense for Children International – Palestine (DCI-Palestine)
29. Diensten en Onderzoek Centrum Palestina (docP)

30. EMCEMO
31. EuroMed Rights
32. Facing Finance
33. FGTB-ABVV
34. FIDH – International Federation for Human Rights
35. Filastiniyat Organisation
36. Finnish-Arab Friendship Society
37. Forum for Human Rights in Israel/Palestine, Switzerland
38. Friends of the Earth International
39. Fundacion Entica Integral (La FEI)
40. Gents ActiePlatform Palestina (GAPP)
41. Gibanje za pravice Palestincev
42. Global Legal Action Network (GLAN)
43. Habaq for Human Rights Training and Development
44. Hurryat
45. Ibriq, per la causa e la cultura Palestinese
46. ICAHD Finland
47. Intal
48. International Accountability Project (IAP)
49. International Trade Union Confederation (ITUC)
50. Ireland-Palestine Solidarity Campaign
51. International Service for Human Rights (ISHR)
52. Jerusalem Legal Aid Centre (JLAC)
53. Jewish Voice for Peace (JVP)
54. Justiça Global – Brasil
55. Kairos Sabeel Nederland
56. La Centrale Générale-FGTB
57. Labour, Health and Human Rights Development Center (Nigeria)
58. Lawyers for Palestinian Human Rights (LPHR)
59. Manchester Palestine Action
60. Mother's School Association
61. MUSAWA
62. Mwatana for Human Rights
63. Nederlands Palestina Komitee (NPK)
64. Norwegian People's Aid (NPA)
65. NOAH Friends of the Earth Denmark
66. Palestina Solidariteit Limburg
67. Palestina Solidariteit vzw
68. Palestinian Human Rights Organisations Council (PHROC)
69. Palestinian Family Planning & Protection Association (PFPPA)
70. Palestinian Non-Governmental Organizations Network (PNGO)
71. Palestinian Youth Union
72. PAX Christi International
73. Pax Christi Vlaanderen
74. Pax for Peace
75. Philippine Alliance of Human Rights Advocates
76. QADER for Community Development
77. Quaker Peace and Social Witness
78. Ramallah Center for Human Rights Studies

79. Salaam Ragazzi dell'Olivo, Comitato di Trieste
80. Scottish Palestine Solidarity Campaign
81. SolSoc
82. SOMO – The Centre for Research on Multinational Corporations
83. Stop the Wall Campaign
84. The Association of Norwegian NGOs for Palestine
85. The Australian Centre for Corporate Responsibility
86. The Palestinian Center for Human Rights
87. The Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH)
88. The Palestinian Working Woman for Development
89. The Project on Organizing, Development, Education, and Research (PODER)
90. The Sahel Foundation for the Defense Human Rights, Support for Education and Social Peace
91. TIYE International
92. Transnational Institute (TNI)
93. Trócaire
94. TuK Indonesia
95. Union of Agricultural Work Committees (UAWC)
96. Viva Salud
97. Vrede vzw
98. War on Want
99. Women in Black (Vienna)
100. Women's Centre for Legal Aid and Counselling (WCLAC)

* Ends *