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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Joint written statement* submitted by Al-Haq, Law in the Service of Man, Human Rights & Democratic Participation Center "SHAMS", non-governmental organizations 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.

[5 February 2024]

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

The UN Database on Businesses: A Needed Tool to Address Israel's Systematic, Colonial Violence

While simultaneously failing to uphold their legal obligations to prevent and end the ongoing genocide in Gaza,¹ the United States and several European states have announced the imposition of sanctions and visa travel restrictions targeting specific Israeli settlers deemed as 'extremist' or 'violent'. Such measures, which merely put the emphasis on a group of individuals, deflect from, and fail to address, the overarching issue of Israel's colonial settlement enterprise. Colonialism, in essence, represents a pervasive form of violence systematically inflicted upon the colonised people. As such, the mere presence of Israeli settlers on indigenous Palestinian land is violent. To uphold their legal obligations, Third States must focus their efforts on dismantling the structures that enable and sustain Israel's colonial settlement enterprise, which are rooted in its Zionist settler-colonialism and apartheid.

Colonial, Systematic Violence of Israeli Settlers

Since the start of Israel's ongoing genocide against Palestinians in Gaza on 7 October 2023, the United Nations (UN) Office for the Coordination of Humanitarian Affairs (OCHA) recorded almost 500 settler attacks resulting in killings, injuries, and property damages, reflecting an alarming increase compared to the first eight months of the year 2023. This increase is propelled by escalating Israeli mobilisation against Palestinians, decades of impunity for settler violence,² and discriminatory statements and actions by Israeli officials, including the loosening of gun control measures.³ Notably, prior to 7 October 2023, there was already a surge in settler violence, reaching three attacks per day, compared to two in 2022 and one in 2021.⁴

According to Al-Haq's documentation, at least nine Palestinians, including at least one child, were killed by Israeli settlers between 7 October 2023 and 4 February 2024.⁵ Since 7 October 2023, settler violence and access restrictions have forcibly displaced at least 198 Palestinian households, totalling 1,208 individuals, including 586 children, from at least 15 herding/Bedouin communities, according to OCHA. This accounts for 78% of all displacement reported due to settler violence and access restrictions since 1 January 2023.⁶

That being said, the scope of settler violence extends beyond the tangible, dire consequences typically associated with attacks – including killings, injuries, property damages, or forcible transfers. Settler violence encompasses a broader range of abuses that permeate the daily lives of the colonised Palestinians, manifesting in various forms and consequences, including fragmentation, intimidation, harassment, systematic disruption of livelihoods, and economic subordination. It is not confined to isolated instances but rather represents an ongoing pattern of violence that erodes the social fabric of the colonised people, entrenching the existing structural regimes of racial discrimination and colonial domination. As such, this multifaceted violence not only inflicts immediate harm but also fundamentally undermines the right to self-determination for the colonised Palestinian people.

The UN Database: An Accountability Tool to Dismantle Israel's Colonial Settlement Enterprise

Israel's grave human rights violations, including land appropriation and pillage of natural resources, against Palestinians are sustained by corporate entities involved in and profiting from Israel's settler-colonialism, apartheid and illegal occupation. By failing to practice their enhanced due-diligence, businesses may be found complicit in aiding and abetting human rights violations and international crimes by actively supporting the maintenance of Israel's illegal, colonial settlement enterprise, and ultimately, undermining Palestinian self-determination and sovereignty over their natural resources.

In June 2023, the Office of the High Commissioner for Human Rights (OHCHR) released its long-overdue update to the UN database of businesses facilitating Israeli settlements in the Occupied Palestinian Territory (UN Database).⁷ Human Rights Council resolution 31/36, adopted in 2016, clearly mandates an annual update of the UN Database, including regular reporting and both the addition and removal of businesses. Despite this, the first report in 2018 merely outlined the methodology, and the actual database was released in 2020. For almost three years, there were no further updates until the most recent release on 30 June 2023. As such, proper implementation of the mandate would have resulted in the seventh substantive report in 2023, not the second.

Moreover, the recently released update of the UN Database fell short in its identification of new businesses engaged in reportable activity during the reporting period.⁸ This one-sided approach, which starkly contradicts the mandate of delivering a comprehensive update to the Council, poses a risk of exploitation and manipulation by business actors aiming to evade listing, and therefore, jeopardises the effectiveness of the UN Database in its entirety.

Despite international condemnation of Israeli illegal settlements, Member States of the Council have not undertaken adequate measures towards deterrence or accountability. Recognising that the lack of accountability has allowed gross human rights violations, the proper implementation of the Database, as a vital transparency and accountability tool, can guide companies in conducting enhanced human rights due diligence, and ensuring that corporations do not continue to benefit from a situation of prolonged occupation and injustice without risking being listed. It further serves as a reference for other situations under occupation, promotes accountability, and strengthens the implementation of international law and legal standards, including the UN Guiding Principles on Business and Human Rights to situations of occupation.

Conclusion and Recommendations

Given businesses and corporations' role in maintaining Israel's illegal settlement enterprise, which violates an array of fundamental human rights of Palestinians, it is imperative for this Council to undertake decisive and meaningful measures in this regard. Failing to support the UN Database, actions of the sort of imposing sanctions and visa travel restrictions against Israeli settlers seriously bring to question states' intent behind such decisions.

Specifically, we call on Member States of the Human Rights Council to:

- i. Uphold your legal obligations to end and prevent the ongoing genocide against Palestinians in Gaza, and urgently urge Israel to immediately and unconditionally allow the unimpeded access of fuel, water, food and humanitarian aid, including medical supplies, into the Gaza Strip, as mandated by the International Court of Justice;
- ii. Take effective measures, including by adequate funding, to ensure the annual and comprehensive update of the UN database by the OHCHR, thereby ensuring transparency of business enterprises that are involved in and profit from Israel's illegal colonial-settlement enterprise;
- iii. Uphold your obligations to cease corporate complicity in the violations of human rights through effective actions aimed at severing of all business relations with actors operating in Israeli illegal settlements;
- iv. Recognise and acknowledge Israel's settler-colonialism and apartheid, as the root cause enabling corporate actors to profit off the subjugation of the Palestinian people, and the continuation of settler violence with impunity; and
- v. Reconstitute the UN Special Committee against Apartheid and the UN Centre against Apartheid as critical steps towards ending Israel's institutionalised impunity, settler-colonialism and apartheid.

Law for Palestine, NGO(s) without consultative status, also share the views expressed in this statement.

1 Al-Haq, “Palestinian Organisations Welcome Landmark ICJ Provisional Measures Order Finding That Israel’s Actions in Gaza Are Plausibly Genocidal”, 26 January 2024.

2 Valentina Azarov, “Institutionalised Impunity: Israel’s Failure to Combat Settler Violence in the Occupied Palestinian Territory”, Al-Haq, 2013.

3 Adalah, “Adalah: Israel Loosening Gun Controls Puts Palestinian Lives in Peril”, 17 October 2023.

4 OCHA, “Displacement of Palestinian herders amid increasing settler violence”, 21 September 2023.

5 Al-Haq is currently documenting the killing of three Palestinians, including one child and one woman, and is yet to confirm if they were killed by Israeli settlers or by the Israeli Occupying Forces.

6 OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #109”, 2 February 2024.

7 OHCHR, “OHCHR update of 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”, 30 June 2023.

8 Al-Haq, “Joint Statement: Human Rights Organisations Welcome the Release of OHCHR’s Update of the UN Database of Businesses Facilitating Israeli Settlements in the Occupied Palestinian Territory, and Call for Full and Annual Implementation of the Mandate”, 4 July 2023.