

**Al-Haq calls attention to business and human rights issues in the OPT at the
5th annual United Nations
Business and Human Rights Forum and related events**

Al-Haq advocated on issues regarding business involvement in Israel's settlement enterprise during events in Geneva, Switzerland, including the fifth annual United Nations Business and Human Rights Forum (November 14-16, 2016).

On November 16, Al-Haq participated in a formal side event, "*Practicing responsible business in occupied territories: the role of companies & investors*," at the UN Forum. Al-Haq highlighted the recent report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, which noted:

*"No other society in the world faces such an array of cumulative challenges that includes belligerent occupation, territorial discontinuity, political and administrative divergence, geographic confinement and economic disconnectedness."*¹

Al-Haq recognized that some businesses do not understand these "challenges," and misperceive the nature of occupation² and issues regarding liability. Al-Haq therefore underscored that the occupation creates strict legal obligations on Israel as the Occupying Power, including limitations on the use of Palestinian natural resources. However, instead of adhering to this legal framework, Israeli and foreign companies continue to benefit and profit from the exploitation of Palestinian natural resources.

Al-Haq further intervened on the topic of discrimination in situations of occupation and how business presence may perpetuate and profit from Israel's discriminatory policies and practices. Here, the plight of Gaza fishermen was highlighted. Al-Haq regularly documents attacks against fishermen by the Israeli Occupying Forces (IOF) ranging from killings and injuries, to detention (where individuals are often taken and held in Israel in violation of international law), to the confiscation of fishing boats and equipment. These attacks occur under the backdrop of Israel's continuing illegal 9-year long closure of Gaza, which is partly implemented in order to insulate Israel's gas industry, which US company Noble Energy holds a monopoly. One IOF commander has stated:

"Immediately following Operation Protective Edge, the Palestinians went back to commercial fishing. We enforce fishing bans in order to prevent irregularities. At this time the fishing zone range is six miles. The Palestinians requested that it be extended to 12 miles. Such extension will produce an

¹ Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, 19 October 2016, A/71/554, para. 41

² See for example CEMEX response on "legal settlements", CEMEX response (unofficial translation by Business & Human Rights Resource Centre), published 9 September 2015, available at <https://business-humanrights.org/en/cemex-response-unofficial-translation-by-business-human-rights-resource-centre>

operational problem, as it would place them substantially closer to the Tethys and Tamar offshore rigs, while we maintain a very intensive defensive effort around those rigs.”³

As Israel ensures the continuance of its gas industry through the maintenance of lethal practices and its policy of closure, the lives and livelihoods of Palestinian fishermen are continually threatened. As noted by the Special Rapporteur, “*the right to development requires...the substantive realization of equality of opportunity for everyone in their access to basic resources and their socioeconomic rights.*”⁴

Alongside the UN Forum, Al-Haq participated in other events on business and human rights, including “Business and Human Rights in Palestine: The Many Facets of the Occupation Industry” on November 15, with the Who Profits Research Center, Article 1 Collective, and Badil. There, Al-Haq highlighted its new campaign “[Facts on the Ground](#)” on Israel’s exploitation of Palestinian natural resources.

Al-Haq also attended and spoke at the 5th Conference on Business, Conflict and Human Rights organized by the Network on Business Conflict and Human Rights. Al-Haq drew attention to various cases of businesses operating in Israeli settlements, and their responsibilities under the UN Guiding Principles on Business and Human Rights. Al-Haq noted that human rights due diligence undertaken by businesses would require them to abstain from business connected to Israeli settlements, because of their inherent illegality and adverse impact on Palestinian human rights. The role of business enterprises in human rights violations was previously noted by the UN fact-finding mission on Israeli settlements,⁵ and has recently lead to a UN Human Rights Council resolution to establish a database of companies “involved in the activities detailed” in the report.⁶

³ <http://www.israeldefense.co.il/en/content/we-must-be-alert-and-well-prepared>, Also: "If we were not in the sector, the Palestinian fishermen would sail directly to the platforms to fish beneath them. With motorized vessels, they could reach the platforms within minutes." Quote by IOF Lieutenant. On the high seas with Tamar’s defenders, Globes- Israel’s Business Arena, 17/4/2014, available at <http://www.globes.co.il/en/article-on-the-high-seas-with-tamars-defenders-1000932479>

⁴ Id. Report of the Special Rapporteur, para. 40

⁵ 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, 7 February 2013, para. 96,

⁶ Human Rights Council Resolution, Resolution on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan, A/HRC/31/L.39, 22 March 2016, para. 17