



21 May 2020

Mr. Jean-Yves Le Drian  
Minister of Europe and Foreign Affairs  
37, Quai d'Orsay - 75007 Paris  
France

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

Dear Minister Le Drian,

I hope you and the people of France are well and safe during this extraordinary time.

I am writing to you in my capacity as General Director of [Al-Haq](#), a Palestinian human rights organisation based in Ramallah, with consultative status at the United Nations Economic and Social Council. In particular, I am writing regarding the release of the United Nations (UN) *Database of Businesses Engaged in Activities Related to Israeli Settlements in the Occupied Palestinian Territory (OPT)* which was published as [a report](#) by the UN High Commissioner for Human Rights on 12 February this year.

Al-Haq commends the publication of the database, as a concrete step towards corporate accountability in the OPT. The database is a key tool for assisting corporations in carrying out enhanced human rights due diligence in conflict affected areas, as well as being an effective accountability mechanism to hold corporations operating in the context of belligerent occupation accountable for aiding and abetting violations of international human rights and humanitarian law.

Critically, the settlements are illegal under international law, and the presence of French corporations in the settlements may “have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the settlements”.<sup>1</sup> As such, UN Security Council resolution [2334](#) (2016), calls on all States to distinguish in their dealings between the territory of the State of Israel and the territories occupied by Israel in 1967.

<sup>1</sup> A/HRC/22/63, UNGA, “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” (7 February 2013) para. 96.

France and the European Union maintain a longstanding position deeming Israeli settlements in the OPT illegal under international law. As stated in the interpretative notice of the European Commission on EU Regulation no. 1169/2011, and enforced by the decision taken by the Court of Justice of the European Union, it is required to label the products originating from Israeli settlements in the OPT as such. Al-Haq commends France for issuing a notice regarding labelling of products from Israeli settlements in the OPT, on November 24, 2016, to apply the aforementioned existing EU regulations.

We note that home states have a primary duty to protect against human rights abuses by third parties, including businesses. In addition, that businesses have a responsibility to respect human rights, to act with enhanced due diligence to avoid infringing on human rights, and to address harms that do occur, in line with the UN Guiding Principles on Business and Human Rights (UNGPs). However, with growing concern, Al-Haq monitors and documents corporate complicity in human rights violations in the OPT and the involvement of Israeli and international companies in the illegal settlement enterprise.

As such, we urge France, as a home country to two parent companies listed in the report, Alstom S. A, Egis S. A., as well French enterprise Egis Rail, to ensure such illegal activities and operations are ceased in line with international law and national legislation. Accordingly, we call on France to take all necessary steps to ensure that Alstom S. A, Egis S. A. and Egis Rail meet their obligations expressed in the French Corporate Duty of Vigilance Law as well in the United Nations Guiding Principles on business and human rights.

It is important for the government of France to hold national businesses operating in illegal settlements in the OPT accountable and facilitate measures and remedies for the compensation of the affected Palestinian communities, whose rights to movement, property, livelihood, and family have been severely violated due to such illegal operations and activities.

Moreover, we raise our concerns regarding fulfilling the purpose of the database as a living mechanism for accountability and the duty of states to protect and ensure respect for human rights by businesses. Accordingly, we ask that France commit its full support for the annual update of the database, which we believe has an important chilling effect on companies in their evaluations on whether to operate in the illegal settlements.

We call on France as the forerunner in recognising the importance of social corporate responsibility, respect for human rights in business operations, and the rule of law, to respond to our invitation to dialogue and to take immediate steps to ensure corporate accountability and divestment of French companies, Alstom S. A, Egis S. A. and Egis Rail who are operating illegally and contributing to the commission of war crimes and crimes against humanity in the occupied Palestinian territory.

Affiliate , International Commission of Jurists - Geneva فرع لجنة الحقوقيين الدولية ، جنيف  
تتمتع الحق بصفة استشارية لدى المجلس الاقتصادي والاجتماعي في الأمم المتحدة  
NGO in Consultative Status with the Economic and Social Council of the United Nations



AL - HAQ

We are happy to discuss this with you further over email or during a virtual meeting.

Yours sincerely,

Shawan Jabarin,

Al-Haq General Director

