

21 May 2020

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

For the attention of:

- Mr. Stef Blok, Minister of Foreign Affairs, The Netherlands.
- Ms. Sigrid Kaag, Minister for Foreign Trade and Development Cooperation, Ministry of Foreign Affairs, The Netherlands.
- Mr. Eric Wiebes, Minister of Economic Affairs and Climate Policy, The Netherlands.
- Mr. Kees van Baar, Consul, the Netherlands Representative Office in Ramallah, Palestine.

Dear Ministers Mr. Stef Blok, Ms. Sigrid Kaag, Mr. Eric Wiebes, Mr. Kees van Baar,

I hope you and the people of the Netherlands 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 Dutch corporations in the settlements may “have, directly and indirectly, enabled, facilitated and profited from the



construction and growth of the settlements”.¹ 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.

In this vein, the Netherlands 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. Furthermore, States have a primary duty to protect against human rights abuses by third parties, including businesses, in line with the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises.

With growing concern, Al-Haq monitors and documents corporate complicity in human rights violations in the OPT and involvement of Israeli and international companies in the illegal settlement enterprise. We believe that it is a high time for home States as the primary duty bearers to ensure that businesses in their jurisdiction conduct enhanced corporate due diligence assessments to prevent human rights violations and to take all necessary steps to meet their obligations expressed in the national law as well in the UNGPs and the OECD guidelines on business and human rights.

We urge the Netherlands, as a home country to two parent companies listed in the [report](#), Altice Europe N.V., Kardan N. V. as well two enterprises directly involved Booking.com B.V. and Tahal Group International B.V., to ensure such illegal activities and operations are ceased in line with international law and national legislation. It is also important for the government of the Netherlands to hold national businesses operating in illegal settlements in the OPT to account, and to 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.

We urge the Netherlands, as a home state to the listed companies, to support the fulfilment of the mandate of the UN High Commissioner and her office and take action to ensure divestment of Dutch companies listed who are operating illegally in the settlements, in violation of the Palestinian right to self-determination and permanent sovereignty, and who are depleting the economic subsistence of the Palestinian people.

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 the Netherlands commit its full support for the annual update

¹ 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.

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 the Netherlands as the forerunner in recognising the importance of social corporate responsibility, respect for human rights in business operations, and the rule of law, and the host State of the International Criminal Court, to respond to our invitation to dialog and to take immediate steps to ensure corporate accountability and divestment of Dutch companies, Altice Europe N.V., Kardan N. V. as well as Booking.com B.V. and Tahal Group International B.V., who are operating illegally and contributing to the commission of war crimes and crimes against humanity in the occupied Palestinian territory. We are happy to discuss this with you further over email or during a virtual meeting.

Yours sincerely,

Shawan Jabarin,

Al-Haq General Director

