

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. Don Pramudwinai, Minister of Foreign Affairs of the Kingdom of Thailand.

Mr. Somsak Thepsuthin, Minister of Justice, Rights and Liberties Protection Department, The Ministry of Justice of the Kingdom of Thailand.

Dear Ministers Mr. Don Pramudwinai, Mr. Somsak Thepsuthin,

I hope you and the people of the Kingdom of Thailand 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. 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 the occupied Palestinian territory, 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 the Kingdom of Thailand's 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

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.



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.

We note that the Kingdom of Thailand maintains a longstanding position of support for Palestine and the Palestinian people. The international community has stated on several occasions, that it is necessary to stop the expansion of the Israeli settlement enterprise in the OPT. Critically, home states have a primary duty to protect against human rights abuses by third parties, including businesses. In this respect, we note that businesses have a responsibility to respect human rights, to act with enhanced due diligence to avoid infringing on human rights, and to address human rights harms that occur, in line with the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises. Al-Haq commends the Kingdom of Thailand for formulating and publishing the National Action Plan on Business and Human Rights on 16 December 2019, as the first country in Asia to do so.

However, 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 urge the Kingdom of Thailand, as a home country to a company listed in the [report](#), Indorama Ventures P. C. L, 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 Kingdom of Thailand 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 home States to protect and ensure respect for human rights by businesses. Accordingly, we ask that the Kingdom of Thailand 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 urge 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 therefore call on the Kingdom of Thailand 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 Indorama Ventures P. C. L, who are operating illegally and contributing to the commission of war crimes and crimes against humanity in the occupied

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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

