



Re: Addressing the Continued Presence of Illegal Settlements on Airbnb Listings

Date: 13 November 2019

Brian Chesky,
CEO Airbnb,
888 Brannan Street,
San Francisco,
CA 94103,
United States.

Dear Mr. Brian Chesky,

We are writing to call your attention to the upcoming anniversary of Airbnb's decision on 19 November 2018, to remove all listings in illegal Israeli settlements in the Occupied Palestinian Territory (OPT), from your website.

As you are doubtlessly aware from your internal 2018 evaluation of listings in occupied territories¹, the tourism industry in the OPT plays a troubling role in Israel's unlawful settlement enterprise. The online Airbnb platform "whitewashes" the experience of Palestinians living under occupation, presenting unlawfully appropriated public and privately owned Palestinian lands in the OPT, as Israeli land for commercial profit.

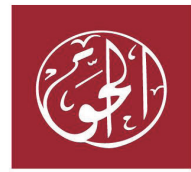
The State of Israel routinely uses the tourism industry to project a narrative of denialism of Palestinian sovereignty and self-determination by ensuring that tourists do not observe the ongoing subjugation of Palestinians, in which your company is unfortunately implicated.

As such, Palestinian land and natural resources have been plundered, important archaeological sites have been unlawfully excavated, the Palestinian economy crippled, and countless Palestinians have been displaced and transferred.² As noted previously by

¹ Airbnb Newsroom, Listings in Disputed Regions (19 November 2018), available at:

<https://news.airbnb.com/listings-in-disputed-regions/>

² Al-Haq, Al-Haq Welcomes Airbnb's Decision to Remove Listings in Israeli Settlements (21 November 2018), available at: <http://www.alhaq.org/advocacy/6135.html>



Al-Haq, the result is that tourists who visit the OPT serve to create profit for the occupation's regime, and ultimately leave without any understanding of the reality faced by the Palestinian people, who are militarily denied freedom of movement throughout their own lands.³

Israeli settlements in the occupied West Bank are categorically and unambiguously illegal under international law. The transfer of civilians, by an Occupying Power, into occupied territory is prohibited under Article 49(6) of the Fourth Geneva Convention of 1949, and constitutes a war crime under the definition found in Article 8(2)(b)(viii) of the Rome Statute of the International Criminal Court. The United Nations Security Council has recognised that “the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law.”⁴ The Security Council also recognised that the settlements represent a major obstacle to attaining peace through a two state solution, a sentiment shared by the European Union.⁵

As a company which has noted its desire to “consider the impact [it] has and act responsibly”⁶, Airbnb must abide by the UN Guiding Principles on Business and Human Rights, which calls on business enterprises to abide by the provisions of international humanitarian and human rights law while active in conflict-affected areas:

“The responsibility of business enterprises to respect human rights refers to internally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work.”⁷

Al-Haq has previously addressed the issue of your company’s involvement in Israeli settlements. Following your initial decision to remove all listings from settlements in the West Bank, our organisation welcomed this measure as an important first step towards respecting the human rights of the occupied Palestinian population, and Airbnb fulfilling

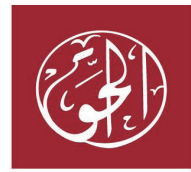
³ *Ibid*; Amnesty International, Israel/OPT: Tourism companies driving settlement expansion, profiting from war crimes (30 January 2018), available at: <https://www.amnesty.org/en/latest/news/2019/01/israel-opt-tourism-companies-driving-settlement-expansion-profiting-from-war-crimes/>

⁴ UNSC Res 2334 (2016) UN Doc S/RES/2334 at para 1.

⁵ *Ibid*; European External Actions Service, Statement on Recent Israeli Decisions to Promote Thousands of Settlement Units (18 October 2017), available at: https://eeas.europa.eu/headquarters/headquarters-homepage/34139/statement-recent-israeli-decisions-promote-thousands-settlement-units_en

⁶ Airbnb Newsroom (n 1).

⁷ Principle 3, UN Guiding principles on business and human rights: implementing the United Nations “Protect, Respect and Remedy” framework (2011).



its obligations under international law. However the decision failed to include the presence of similarly unlawful settlements in both annexed East Jerusalem, and the Occupied Syrian Golan.⁸ Despite this glaring shortcoming, Airbnb was nonetheless applauded as having “taken a stand against discrimination, displacement, and land theft.”⁹

Al-Haq has previously expressed disappointment, at your company’s reversal of the November 2018 decision, betraying the fact that Airbnb’s decision-making processes is not, in fact, based on rigorous due diligence, but is instead susceptible to political pressure.¹⁰ Indeed, Airbnb’s announcement that it would donate all profits generated in the occupied West Bank to “non-profit organizations dedicated to humanitarian aid that serve people in different parts of the world”¹¹ clearly underscores that your company is aware that its activities are morally and legally objectionable.

As you may be aware, Al-Haq has previously called upon all such non-profit organisations to reject such donations, noting that they effectively constitute proceeds of crime and criminal activity.¹² We therefore strongly urge Airbnb to return to the position outlined in your November 2018 decision, and extend this policy to annexed East Jerusalem and the occupied Syrian Golan.

Please note that Al-Haq intends to publish this letter on 19 November 2019, to coincide with the one-year anniversary of your initial November 2018 decision.

Yours Sincerely,

⁸ Al-Haq, Airbnb’s Reversal on Property Listings of Israeli Settlements Highlights Politicisation of Human Rights (10 April 2019), available at: <http://www.alhaq.org/advocacy/6069.html>

⁹ Human Rights Watch, Israel: Airbnb to End Settlement Rentals (20 November 2018), available at: <https://www.hrw.org/news/2018/11/20/israel-airbnb-end-settlement-rentals>

¹⁰ Al-Haq (n 8).

¹¹ Airbnb, Update on Listings in Disputed Regions (9 April 2019), available at: https://news.airbnb.com/update-listings-disputed-regions/?irgwc=1&ircid=yjlyIHS4jxyJWKYwUx0Mo3ERUknwBR3pjShc3U0&ircid=4560&c=Viglink%20Primary_392845_5025488&sharedid=5025488&af=126295512

¹² Al-Haq, Palestinian Non-Governmental Organizations Network call on International and Local NGOs to Reject Donations from Airbnb (13 May 2019), available at: <http://www.alhaq.org/advocacy/6055.html>

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