

BADIL Resource Center for Palestinian Residency and Refugee Rights on behalf of the Palestinian Human Rights Organisations Council (PHROC)

Wednesday 11th June 2014

Mr. President, Distinguished Members of the Council,

BADIL, on behalf of the Palestinian Human Rights Organizations Council (PHROC), welcomes the recent statement by the Working Group on Human Rights and Business on implications of the Guiding Principles to the occupied Palestinian territory (oPt). The Working Group's statement reaffirms that Israeli settlements in the oPt entail serious breaches of international law, and thus that "States that are 'home State' of business enterprises operating in or connected with settlements in the oPt should engage with such enterprises at the earliest possible stage to provide advice and guidance, and should make clear the State's policy in regard to the settlements."

Such engagement is vital, taking into account that access to legal remedy for human rights abuses linked to settlement activity, is denied to the Palestinian population. A report by the UN Fact-Finding Mission on Israeli settlements states that the Israeli High Court of Justice has rendered the issue of settlements non-justiciable. Furthermore, the Israeli judiciary consistently disregards international legal standards in its decisions, thus precluding access to effective legal remedy through the Israeli system. Accordingly, recourse to legal mechanisms in third States is essential to ensure that corporate entities cease their engagement in violations of human rights in the oPt.

Domestic legal systems have so far failed to adopt and implement strong legislation to ensure that corporations headquartered in their territory are held accountable to violations of human rights committed extraterritorially. Weak national legislation undermines the possibility of recourse outside of conflict-affected areas, and even where the necessary laws exist, justice remains elusive without the political will to implement such legislation. This is evidenced by the recent dismissal, following only preliminary investigations, of the criminal case brought against Dutch company Riwal for corporate complicity in international crimes in the oPt.

Mr. President,

Our organization calls on the Working Group to: Firstly, support States in the adoption and implementation of domestic legislation aimed to prevent and hold accountable corporate entities involved in violations of international law; Secondly, to take an active and integral role in 'explor[ing] [...] avenues to address the gap in situations of conflict'; and Thirdly to 'encourage[ing] greater coherence and alignment among relevant standards relating to situations of conflict and the Guiding Principles', including by reporting on the State's duty to protect the Palestinian people from the detrimental impact of business activities in settlements, particularly on the Palestinian right to self-determination.

I thank you.

