

7 July 2021

**Joint letter by 130 MEPs and MPs to EU States Members of the UN Human Rights Council in support of the UN database of businesses involved in Israel's illegal settlement enterprise**

We, a group of MEPs and European MPs, write to urge you to provide political and financial support for the UN database of businesses involved in Israel's illegal settlement enterprise in the Occupied Palestinian Territory (OPT). The UN database, premised on UN Human Rights Council resolution 31/36 (2016), is in accordance with international law, including the UN Guiding Principles on Business and Human Rights (UNGPs).

In February 2020, the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR) [published](#) the first database listing 112 Israeli and multinational companies engaged in activities facilitating a range of violations, including the appropriation of land, destruction of property, the unlawful exploitation of natural resources, and the construction of settlement units and associated infrastructure, all contributing to the maintenance and growth of Israel's settlement enterprise.

Israeli settlements are illegal under international law, as repeatedly acknowledged by the European Union (EU) and its member states.<sup>1</sup> For decades, Israeli settlements have allowed for the transfer of the occupying power's civilian population into occupied territory and have been a primary instigator of the forcible transfer and displacement of protected persons from occupied territory, grave violations under international humanitarian law constituting war crimes under the Rome Statute of the International Criminal Court (ICC).

In addition, through the settlement enterprise and Separation Wall, in which the contribution of business enterprises is vivid, Israel has established a situation of *de facto* annexation in the occupied West Bank,<sup>2</sup> besides the annexation of occupied East Jerusalem. Annexation of territory, whether *de jure* or *de facto*, is prohibited under international law and amounts to a war crime. According to a recent report by Human Rights Watch, Israeli policies against Palestinians amount to the crimes of persecution and apartheid, both classified as crimes against humanity under the Rome Statute.

The UNHRC resolution 31/36 requires that the database be updated annually, so that companies can be removed from or added to the database. However, since the release of the UN database in February 2020, there have been serious risks to its continuity and the fulfillment of the mandate. In March 2021, during the 46<sup>th</sup> session of the Human Rights Council, High Commissioner Michelle Bachelet stated that the annual updating of the database cannot proceed due to budgetary constraints and resource challenges. Since its inception and establishment, the mandate of the UN database [has faced](#) significant political pressure to undermine it. This threatens the principles of independence and impartiality of the UN Human Rights Council and international legal order.

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<sup>1</sup> See for example: International Court of Justice, <https://www.un.org/unispal/document/auto-insert-178825/>; <https://curia.europa.eu/juris/document/document.jsf?text=&docid=220534&pageIndex=0&doclang=EN&mode=reg&dir=&occ=first&part=1&cid=1477566> para 48; UN Security Council resolution 2334.

<sup>2</sup> On 26 May 2021, Ireland became the first EU Member State to declare the Israeli actions amount to *de facto* annexation. See <https://www.oireachtas.ie/en/debates/debate/dail/2021-05-25/9/>. See also ICJ Advisory Opinion on the Legal Consequences of the Construction of a Wall in the OPT (2004).

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We reiterate the importance of the UN database as a tool to encourage companies to respect human rights and applicable provisions of international law, including international humanitarian law and the UNGPs, as well as UN Security Council resolution 2334 – within the context of prolonged military occupation. The UN database is completely in line with the EU’s longstanding position on the illegality of Israeli settlements and the obligation incumbent upon States and associated actors within their jurisdiction to differentiate between Israel and the OPT, including in areas such as trade and business activities.

In light of this, we call on you as EU States members of the UN Human Rights Council to provide all necessary support for the fulfilment of HRC resolution 31/36 mandate in its entirety and refrain from obstructing it. To this end, we request that you:

1. Deliver a statement in the current 47<sup>th</sup> UN Human Rights Council session confirming support for the database and requesting the OHCHR provide a clear and public timeline for the publication of the updated database list.
2. Offer the OHCHR the necessary financial resources for the fulfilment of the UN database mandate and its annual update.
3. Take necessary measures to ensure that businesses within your jurisdiction, including those listed in the UN database of February 2020, respect international law and other relevant laws, and strengthen the government’s advice for businesses on legal risks and consequences of activities and relationships linked to Israel’s illegal settlement enterprise in the OPT.

Sincerely,

Members of the European Parliament,

- |                         |     |                         |     |
|-------------------------|-----|-------------------------|-----|
| 1. Margrete Auken       | MEP | 20. Sirpa Pietikainen   | MEP |
| 2. Heidi Hautula        | MEP | 21. Idoia Villaneuva    | MEP |
| 3. Philippe Lamberts    | MEP | 22. Benoit Biteau,      | MEP |
| 4. Evin Incir           | MEP | 23. María Eugenia       | MEP |
| 5. Tineke Strik         | MEP | 24. François Alfonsi    | MEP |
| 6. Grace O’Sullivan     | MEP | 25. Michèle Rivasi      | MEP |
| 7. Mounir Satouri       | MEP | 26. David Cormand       | MEP |
| 8. Jordi Solé           | MEP | 27. Manon Aubry         | MEP |
| 9. Salima Yenbou        | MEP | 28. Mick Wallace        | MEP |
| 10. Giuliano Pisapia    | MEP | 29. Piernicola Pedicini | MEP |
| 11. Clare Daly          | MEP | 30. Ignazio CORRAO      | MEP |
| 12. Miguel Urbán Crespo | MEP | 31. Nikolaj Villumsen,  | MEP |
| 13. Ernest Urtasun      | MEP | 32. Rosa D’Amato,       | MEP |
| 14. Javier Nart         | MEP | 33. Barry Andrews       | MEP |
| 15. Ciaran Cuffe        | MEP | 34. Leila Chaibi        | MEP |
| 16. Malin Björk         | MEP | 35. Chris MacManus      | MEP |
| 17. Jakop Dalunde       | MEP | 36. Kathleen Van Brempt | MEP |
| 18. Sara Matthieu,      | MEP | 37. Manu Pineda         | MEP |
| 19. Billy Kelleher      | MEP |                         |     |

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38. Ville Niinistö	MEP	60. Pádraig MacLochlainn	TD
		61. Louise O'Reilly	TD
		62. Mairead Farrell	TD
		63. Martin Kenny	TD
Members of national parliaments,		64. Eoin O Broin	TD
39. Erkki Tuomioja, Social democratic party of Finland, Minister of foreign affairs 2000-2007, 2011-2015		65. Rose Conway Walsh	TD
40. Jasper van Dijk (Socialist Party in The Netherlands)		66. Donnchadh Ó Laoghaire	TD
41. Tunahan Kuzu (DENK, in The Netherlands)		67. Matt Carthy	TD
42. Senator David Norris (Independent, Ireland)		68. Kathleen Funchion	TD
43. Joe O'Brien TD (Green Party, Ireland)		69. Darren O Rourke	TD
44. Richard Boyd Barrett TD, (People Before Profit)		70. Claire Kerrane	TD
45. Thomas Pringle, Donegal's Independent TD		71. David Cullinane	TD
46. Joan Collins TD Dublin South Central, the Irish Parliament		72. Imelda Munster	TD
47. Karsten Hønge (Socialistisk folkeparti, Denmark)		73. Aengus Ó Snodaigh	TD
48. Søren Søndergaard MP (Enhedslisten, Denmark)		74. Denise Mitchell	TD
49. Simon Moutquin (Ecolo-Green, Belgian Federal Parliament)		75. Pauline Tully	TD
50. Samuel Cogolati, (Ecolo-Green, Belgian Federal Parliament)		76. Mark Ward	TD
51. Wouter De Vriendt, (Ecolo-Green, Belgian Federal Parliament)		77. Pa Daly	TD
52. Steven De Vuyst, MP (Workers' Party of Belgium)		78. Sean Crowe	TD
53. Ben Achour, MP (Socialist party Belgium)		79. Brian Stanley	TD
54. Håkan Svenneling, (Vänsterpartiet, Sweden)		80. Dessie Ellis	TD
55. Elisabeth Falkhaven, Miljöpartiet, Sweden)		81. Pat Buckley	TD
56. Patrick Costello (Oireachtas Ireland)		82. Maurice Quinlivan	TD
57. Mary Lou McDonald	TD	83. Johnny Guirke	TD
58. John Brady	TD	84. Martin Browne	TD
59. Pearse Doherty	TD	85. Patricia Ryan	TD
		86. Paul Donnelly	TD
		87. Réada Cronin	TD
		88. Ruairí Ó Murchú	TD
		89. Sorca Clarke	TD
		90. Thomas Gould	TD
		91. Violet Anne Wynne	TD
		92. Chris Andrews	TD
		93. Johnny Mythen	TD
		94. Niall Ó Donnghaile	Senator
		95. Paul Gavan	Senator
		96. Fintan Warfield	Senator
		97. Lynn Boylan	Senator
		98. Órfhlaith Begley, MP for West Tyrone	
		99. Mickey Brady, MP for Newry & Armagh	
		100. John Finucane, MP for North Belfast	

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- 101. Michelle Gildernew, MP for  
Fermanagh & South Tyrone
- 102. Chris Hazzard, MP for South Down
- 103. Paul Maskey, MP for West Belfast
- 104. Francie Molloy, MP Mid Ulster
- 105. Michelle O'Neill MLA
- 106. Declan Kearney MLA
- 107. Conor Murphy MLA
- 108. Deirdre Hargey MLA
- 109. John O'Dowd MLA
- 110. Sinead Ennis MLA
- 111. Cathal Boylan MLA
- 112. Liz Kimmins MLA
- 113. Colm Gildernew MLA
- 114. Sean Lynch MLA
- 115. Caoimhe Archibald MLA
- 116. Martina Anderson MLA
- 117. Linda Dillon MLA
- 118. Karen Mullan MLA
- 119. Jemma Dolan MLA
- 120. Philip McGuigan MLA
- 121. Maoliosa McHugh MLA
- 122. Declan McAleer MLA
- 123. Caral Ni Chuilin MLA
- 124. Gerry Kelly MLA
- 125. Orlaithi Flynn MLA
- 126. Fra McCann MLA
- 127. Pat Sheehan MLA
- 128. Emma Rogan MLA
- 129. Emma Sheerin MLA
- 130. Nicola Brogan MLA