



Rt Hon Boris Johnson MP
Foreign Secretary
Foreign and Commonwealth Office
King Charles Street
London
SW1A 2AH

21 February 2017

Dear Secretary of State,

Re: Requesting the UK government reconsiders its position on the implementation of a business and human rights database listing companies involved in settlement activities

We write to request that prior to the next UN Human Rights Council session vote on its resolution pertaining to Israeli settlements, the UK government appropriately reconsiders and changes its current position of not supporting the development of a business and human rights database by the Office of the High Commissioner for Human Rights which will list companies involved in settlement activities that adversely impact Palestinian human rights.

As you are aware, the 2013 report of the UN commissioned independent fact-finding mission to investigate the implications of the Israeli settlements on the human rights of the Palestinian people, found that “business enterprises have, directly and indirectly, enabled, facilitated and profited from the construction and growth of the settlements”. The report went on to recommend that “all Member States take appropriate measures to ensure that business enterprises domiciled in their territory and/or under their jurisdiction, including those owned or controlled by them, that conduct activities in or related to the settlements respect human rights throughout their operations.” In March 2016, at the 31st session of the UN Human Rights Council, a request in the resolution on Israeli settlements was made to the High Commissioner for Human Rights to implement this specific recommendation. Operative paragraph 17 of the resolution requests the High Commissioner to “produce a database of all business enterprises involved in the activities detailed in paragraph 96 of the aforementioned report, to be updated annually, and to report it to the Council at its thirty-fourth session.”

We note the UK government abstained on the vote of this resolution, and in its explanation of its position was the only state to declare that the database was “inappropriate” and that “it would not cooperate in the process” of its implementation. We are concerned that the UK government's position is glaringly inconsistent with its principled position of support for the UN Guiding Principles on Business and Human Rights, as demonstrated when being the first state to implement a National Action Plan for business and human rights in September 2013, and is in stark contrast to the government's long-standing approach to the illegality of settlements in the occupied Palestinian territory.

Since the Human Rights Council vote in March 2016, the UK government has voted affirmatively on Security Council resolution 2334 which reaffirmed the illegality of



settlements and demanded that Israel immediately cease all settlement activities in the occupied Palestinian territory.

Additionally, and of direct relevance to the issue of the production of a business and human rights database, operative paragraph 5 of resolution 2334 calls upon all states to distinguish in their relevant dealings between the territory of Israel and the territories occupied by Israel since 1967. This call, which reinforces the existing legal duty on all states not to recognise, nor aid or assist illegal settlements or their associated infrastructure, underscores the legitimacy of producing a business and human rights database on companies involvement in settlements activities in the occupied Palestinian territory that adversely impact Palestinian human rights.

The UK government assumed an important role in promoting companies respect for human rights when it significantly committed to implementing the UN Guiding Principles on Business and Human Rights, including in the context of companies involved in settlement activities in the occupied Palestinian territory. Recognition of this responsibility is implicit in the UK government's current Overseas Business Risk guidance issued to UK businesses which “does not encourage or offer support” to business activities with settlements.

Given the context above, we respectfully urge the UK government to properly reconsider its abstention from the vote and critical position on the establishment of a business and human rights database that will list companies involved in settlement activities which adversely impact Palestinian human rights. We request that this issue be properly viewed by the UK government as entirely a business and human rights concern. Accordingly we respectfully recommend the UK government should appropriately adapt its position prior to the next UN Human Rights Council session so as to support the production of a business and human rights database in line with its position of unequivocal support for the UN Guiding Principles on Business and Human Rights, UN Security Council resolution 2334, and its existing advice to UK businesses on activities with illegal settlements.

We would be grateful for your careful consideration of the above and for your written reply.

Yours sincerely,

Tareq Shrourou (Director) and Claire Jeffery
Lawyers for Palestinian Human Rights