

The Palestinian Boycott, Divestment and Sanctions National Committee (BNC) is a wide coalition of the largest Palestinian mass organizations, trade unions, networks and organizations.

BNC member organizations:

Council of National and Islamic Forces in Palestine

Palestinian NGO Network (PNGO)

Palestinian Nat'l Institute for NGOs

Global Palestine Right of Return Coalition

Palestinian Trade Union Coalition for BDS (PTUC-BDS)

Federation of Indep. Trade Unions

Gen. Union of Palestinian Workers

Palestinian General Federation of Trade Unions

Gen. Union of Palestinian Women

Union of Palestinian Farmers

Gen. Union of Palestinian Teachers

Gen. Union of Palestinian Writers

Palestinian Federation of Unions of University Professors and Employees (PFUUPE)

Union of Professional Associations

Gen. Union of Palestinian Peasants

Union of Public Employees in Palestine-Civil Sector

Grassroots Palestinian Anti-Apartheid Wall Campaign (STW)

Nat'l Committee for Grassroots Resistance

Pal. Campaign for the Academic and Cultural Boycott of Israel (PACBI)

Nat'l Committee to Commemorate the Nakba

Civic Coalition for the Defense of Palestinian Rights in Jerusalem

Coalition for Jerusalem

Union of Pal. Charitable Organizations

Palestinian Economic Monitor

Union of Youth Activity Centers-Palestine Refugee Camps

Occupied Palestine and Syrian Golan Heights Initiative



International Fact-Finding Mission on Israeli Settlements in the Occupied Palestinian Territory

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## BNC Oral Testimony to the International Fact Finding Mission,

Amman, 5 November, 11:30 – 12:30

### Advance written summary

### PRIVATE ENTITY INVOLVEMENT IN THE ILLEGAL ISRAELI SETTLEMENTS:

### CONSEQUENCES FOR PALESTINIAN HUMAN RIGHTS AND RESPONSIBILITIES OF

### 3<sup>rd</sup> PARTIES

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Agree to be contacted by the Mission; Agree to make submission public

Date: **31 October 2012**

**PRIVATE ENTITY INVOLVEMENT IN THE ILLEGAL ISRAELI SETTLEMENTS:  
CONSEQUENCES FOR PALESTINIAN HUMAN RIGHTS AND RESPONSIBILITIES OF 3<sup>rd</sup> PARTIES**

**BNC Oral Testimony to the International Fact Finding Mission,  
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**Advance written summary**

The Palestinian Boycott, Divestment and Sanctions National Committee (BNC), a wide coalition of the largest Palestinian civil society organizations, trade unions and NGO networks, is pleased to share with the FFM some of the main findings and recommendations regarding the links between private entities and the illegal Israeli “settlement enterprise”, i.e., the illegal Israeli settlements and the associated infrastructure and regulatory regime, in the OPT.

This testimony is divided into three sections: the first section includes some general comments on private entities and issues of responsibility; the second section includes detailed information about *some* of the private entities which, based on the experience of the BNC, have played an especially significant role in the settlement enterprise and violations of Palestinian human rights. A set of practical recommendations by the BNC to the FFM is provided in the third and final section.

1. General comments on private entities and issues of responsibility

Numerous Israeli and foreign (semi) private entities contribute to the construction and maintenance of the illegal Israeli settlement enterprise in the OPT. These entities can be divided into **two main categories**:

- Israeli, foreign and transnational companies cooperating with and profiting from business with the Israeli settlement enterprise, thereby recognizing and “normalizing” the illegal settlements, contributing to their socio-economic sustainability, and violating international law, including the human rights of the Palestinian people.
- Associations headquartered in Israel or abroad and providing financial or other material support to the settlements, mainly for ideological reasons, i.e., an inherent “right” of every Jewish person, including citizens of foreign countries, to settle in all of “Eretz Israel” (Israel and the OPT) at the expense of the human rights of the Palestinian people, and in violation of international law;

The nature and scope of the violations of Palestinian human rights committed by these private entities is to be assessed on a case-by-case basis. Such assessment must take into consideration that these violations are committed in the context of, and contribute to, the serious violations of international humanitarian and human rights law committed by the Israeli settlement enterprise. In light of the findings of the ICJ Advisory Opinion of 2004 and subsequent studies,<sup>1</sup> for example, **these private entities are likely to be complicit, aiding or abetting forced**

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<sup>1</sup> Reports of the Special Rapporteurs on the Situation of Human Rights in the OPT since 1967, A/HRC/4/17 (29 Jan 2007) and A/HRC/16/72 (10 January 2011); CERD/C/ISR/CO/14-16 (9 March 2012); South African Human Sciences Research Council, *Occupation, Colonialism, Apartheid?*, May 2009, and, Al Haq, *State Responsibility in connection with Israel’s Illegal Settlement Enterprise in the OPT* (2012).

**population transfer, unlawful destruction or confiscation of Palestinian property, systematic racial discrimination and/or apartheid. These are international crimes that entail criminal or civil liability of the responsible private entity.**

The number of private entities participating in the settlement enterprise and the extent of their active engagement in Israeli violations of international law **continue to increase**, mainly because:

- Israeli State organs and para-state entities leading the settlement enterprise since 1967 require the assistance of private actors in order to build, service and sustain its growth and integration into the State. Israeli ministries, local authorities and other State organs, therefore, contract, subsidize or otherwise cooperate with private entities for this purpose, including for essential functions of security, job creation and public services such as communication, transport, health, education, culture and sports;
- Other States and their organizations, such as the UN, EU and the OECD, do not discourage or prevent trade and cooperation between private entities and the illegal Israeli settlement enterprise, but rather pursue policies that send a message of approval and encouragement of such private engagement;<sup>2</sup>
- Private business entities themselves fail to apply existing standards of human rights, ethical business and related UN instruments, such as the Global Compact or the Guiding Principles on Business and Human Rights, to business with the Israeli settlement enterprise.

## 2. Profiles of selected private entities participating in the settlement enterprise

### **Mehadrin and Ahava:**

*These are two Israeli business companies operating in illegal Israeli settlements in the OPT, pillaging and exploiting Palestinian natural resources and labor, and contributing substantially to the economic sustainability of these settlements. By doing so, these companies violate the right of Palestinians to access, use and develop their own natural resources, as well as related economic and social rights, including the right to self-determination.*

**Mehadrin** is one of Israel's largest companies packaging and marketing Israeli agricultural produce. It sources produce, including dates, grapes and citrus fruit, from growers in illegal settlements in the Jordan Valley and has a lead-role in exports from these settlements and operates packing houses and other facilities in illegal Israeli settlements. Palestinians who have been driven from their land are forced to work in exploitative conditions for the same settlements and companies, such as Mehadrin, that have been involved in the theft of their land and water resources. In 2010, Palestinian workers in these settlements earned less than the average Palestinian in the Jordan Valley, with workers mentioning wages as low as 56 NIS (€11) a day. Grapes and dates packaged in the settlements were all falsely labelled "Produce of Israel".<sup>3</sup> Mehadrin, in cooperation with the Israeli national water company Mekorot, also operates water wells that supply farmers in Israel with large amounts of water from the aquifers in the occupied West Bank.<sup>4</sup> Mehadrin exports agricultural products to various countries, mainly in Western Europe, Russia and East Asia.<sup>5</sup>

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<sup>2</sup> The OECD, for example, decided in May 2010 to accept Israel as a member, with its settler population in the OPT, but without the occupied Palestinian population. For one of many examples whereby the EU encourages cooperation with private entities involved in the illegal Israeli settlement enterprise, see the company profile of **Elbit**, below.

<sup>3</sup> Corporate Watch's full article on Mehadrin: <http://corporateoccupation.wordpress.com/2010/05/18/mehadrins-business-in-beqaot-settlement-and-tescos-complicity>

<sup>4</sup> <http://www.blueplanetproject.net/documents/RTW/RTW-Palestine-1.pdf>

<sup>5</sup> <http://whoprofits.org/content/mehadrin-group-update>

**Ahava Dead Sea Laboratories**<sup>6</sup> is a private Israeli cosmetics company that manufactures products using minerals and mud from the Dead Sea in the occupied West Bank. Despite the company's denial, the Israeli Army's Civil Administration has confirmed that Ahava operates a mud excavation site for commercial use in the occupied Palestinian section of the Dead Sea area.<sup>7</sup> The company's main factory and visitors' center are located in the Israeli settlement of Mitzpe Shalem. Ahava products generate nearly \$150 million in annual sales in thirty countries.<sup>8</sup> With 44.5% of the shares owned jointly by the settlements of Kibbutz Mitzpe Shalem (37%) and Kibbutz Kalia (7.5%), the company is likely to be an important source of revenue of these settlements. (Other shareholders are Hamashbir Holdings and Shamrock Holdings, the investment fund of the Roy E. Disney family).<sup>9</sup> Ahava labels its goods as "product of Israel" when in fact they are made in the OPT. Misleading labeling by Ahava has been subject to official investigation in the Netherlands<sup>10</sup> and the U.K.<sup>11</sup>, and activists in France have filed a law suit against the retailer Sephora for carrying these products because of Ahava's illegal practices.<sup>12</sup>

### **Veolia:**

Veolia is a French multinational company providing a range of services to the Israeli Jerusalem Municipality and illegal Israeli settlements and army bases in the OPT. These include operation of the Jerusalem Light Rail that provides services to the illegal Israeli settlements in and around occupied East Jerusalem, connecting them with West Jerusalem and thus integrating them more firmly into the State of Israel. Veolia subsidiaries own 5% of the consortium that operates the Jerusalem Light Rail and 80% of the consortium that operates the train carriages.<sup>13</sup>

*By facilitating the movement of Israeli citizens to and from the illegal settlements in occupied East Jerusalem and the surrounding occupied West Bank, Veolia participates in the implementation of discriminatory Israeli urban and regional plans for infrastructure and transport development, which constitute a component of the illegal Israeli policy of forced population transfer, and have the intent and effect of changing the demographic composition (i.e., "Judaization") of the occupied Palestinian area. By doing so, Veolia violates international humanitarian and human rights law, including the right of Palestinians to self-determination and to freely develop their country.*

In April 2010 the UN Human Rights Council declared the tramway and its operation to be illegal (A/HRC/RES/13/7 of 14 April 2010). Other Veolia operations in the OPT violate international humanitarian law and Palestinian human rights in a similar manner. These include: operation of 6 bus lines for Israeli settlements; the Tovlan landfill serving at least five Israeli settlements and several communities within Israel, including waste transport from Israel and

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<sup>6</sup> [www.ahava.co.il](http://www.ahava.co.il)

<sup>7</sup> <http://www.bdsmovement.net/2012/ahavas-stolen-mud-from-the-occupied-palestinian-territories-9170>

<sup>8</sup> Michal Lev-Ram, "Turning Dead Sea Mud Into Money: Transcending Politics and Ecology, an Israeli Cosmetics Firm Goes Global, Fortune Small Business," 10 December 2009

[http://money.cnn.com/2009/12/09/smallbusiness/ahava\\_dead\\_sea.fsb/index.htm](http://money.cnn.com/2009/12/09/smallbusiness/ahava_dead_sea.fsb/index.htm)

<sup>9</sup> Information on the company's ownership structure found in the database of Who Profits, a project of the Israeli Coalition of Women for Peace

<http://www.whoprofits.org/Company%20Info.php?id=575>

<sup>10</sup> Meirav Crystal, "Holland to Probe if Ahava Products Made on Occupied Land," YNet, 18 November 2009.

<http://www.ynetnews.com/articles/0,7340,L-3806790,00.html>

<sup>11</sup> Jamie Welham, "Pro-Palestinian Protesters Claim Covent Garden Store Ahava are Mislabelling Products," West End Extra, 27 August 2010.

<http://www.westendextra.com/news/2010/aug/pro-palestinian-protesters-claim-covent-garden-store-ahava-are-mislabelling-products>

<sup>12</sup> Katie Bird, "Sephora Taken to Court Over Products from Israeli Brand Ahava," Cosmetics Design Europe, 28 May 2010.

<http://www.cosmeticsdesign-europe.com/Products-Markets/Sephora-taken-to-court-over-products-from-Israeli-brand-Ahava>

<sup>13</sup> <http://whoprofits.org/company/veolia-environnement>

refuse collection in these settlements; wastewater treatment for the Israeli settlement of Modi'in Illit,<sup>14</sup> and waste collection services for Israeli army bases in the occupied Jordan Valley.<sup>15</sup>

**Caterpillar** is an American corporation headquartered in Peoria, Illinois. Caterpillar is the world's largest manufacturer of construction and mining equipment, diesel and natural gas engines and industrial gas turbines. Caterpillar supplies 50-ton D-9 bulldozers and earth-moving equipment to the Israeli Defense Forces (IDF) through the US Foreign Military Sales program. The Caterpillar D9 bulldozer is more than 13 feet tall and 26 feet wide, weighs more than 60 tons with its armored plating, and can raze houses in a matter of minutes. Caterpillar bulldozers are used to demolish Palestinian homes, businesses and agricultural land, in the context of discriminatory Israeli planning and permit policies and by the army for alleged reasons of security or in punitive campaigns. Caterpillar bulldozers and earth-moving equipment are also used to clear Palestinian land in the OPT for illegal settlements, segregated roads and the illegal Wall.<sup>16</sup>

*Caterpillar, thus, contributes, to, among others, violations of Palestinian property and housing rights, the right to an adequate standard of living, the right to life, and the rights of Palestinians to access, use and freely develop their natural resources.*

The company is aware that the IDF uses these machines to destroy Palestinian homes, orchards and olive groves in the OPT. Yet Caterpillar continues to provide equipment for this purpose.<sup>17</sup> In 2004, Amnesty International recommended "Caterpillar Inc., the US company which produces the bulldozers used by the Israeli army, should take measures – within the company's sphere of influence – to guarantee that its bulldozers are not used to commit human rights violations, including the destruction of homes, land and other properties."<sup>18</sup> Rachel Corrie, a 22 year old American peace activist, was killed by a Caterpillar bulldozer whilst trying to non-violently prevent the demolition of Palestinian homes in Gaza. Caterpillar was recently delisted from the influential MSCI (Morgan Stanley Capital International) World Socially Responsible Index, with its role in supplying Israel with bulldozers used to wantonly destroy Palestinian property cited as a reason.<sup>19</sup>

#### **Elbit Systems, G4S, Hewlett Packard and Motorola**

*These are companies conducting business that enhances the security of the illegal Israeli settlement enterprise, contributing to restrictions, repression and violation of a wide range of civil and political rights of Palestinians, including the rights to life, liberty and security, freedom of movement and freedom of expression and assembly, as well as the rights of Palestinians to access, use and freely develop their natural resources.*

**Elbit Systems** is one of the largest Israeli weapons companies. It is involved in the construction of Israel's illegal Wall and the supply of equipment and weapons to the Israeli military. According to research compiled by the Norwegian government, Elbit Systems supplies an electronic surveillance system called 'Torch' for the separation barrier. 'Torch' is designed to detect persons attempting to cross the barrier and to provide this information to the staff that guards it; it was designed and manufactured specifically for use on the Wall. The Norwegian government report states that the involvement in Elbit Systems in the Wall is likely to be on-going and that "it must be presumed that

<sup>14</sup> [http://eaig.nl/system/files/Veolia%20fact%20file%20The%20Hague%2010052012%20-%20DEF-english\\_0.pdf](http://eaig.nl/system/files/Veolia%20fact%20file%20The%20Hague%2010052012%20-%20DEF-english_0.pdf) p.4

<sup>15</sup> <http://whoprofits.org/content/veolias-involvement-occupied-jordan-valley-%E2%80%93-update>

<sup>16</sup> <http://www.haaretz.com/print-edition/news/the-un-vs-caterpillar-1.125315>

<sup>17</sup> <http://www.pcusa.org/news/2012/4/25/mrti-holds-long-sought-meeting-caterpillar/>

<sup>18</sup> <http://www.amnesty.org/en/library/asset/MDE15/033/2004/en/2193fae2-d5f6-11dd-bb24-1fb85fe8fa05/mde150332004en.pdf#page=66>

<sup>19</sup> <http://www.aljazeera.com/news/middleeast/2012/06/201262711732387905.html>

the company will be involved...after the construction of the barrier has been completed". Subsidiaries Elbit Electro-Optics and Elbit Security Systems also supply additional equipment for the Wall. Despite the above, Elbit Systems participates in four projects of the FP7, an EU-sponsored research initiative that has channeled substantive financial contributions to Elbit.<sup>20</sup> The Norwegian government pension fund and 12 other European finance institutions, however, have excluded Elbit Systems from their portfolios.<sup>21</sup>

**G4S** is a British-Danish company registered in the UK and the world's largest security firm. The company has provided equipment and services to Israeli checkpoints in the occupied West Bank, to the Israeli Police headquarters located in the so-called E1 area, an area north-east of occupied East Jerusalem which Israeli governments have slated for future annexation, and to the Israeli terminals isolating the occupied Gaza Strip.

In 2007, the Israeli subsidiary of G4S signed a contract with the Israeli Prison Authority to provide security systems for major Israeli prisons: the Ketziot and Megiddo prisons, which hold Palestinian political prisoners, including persons who never faced trial (so-called administrative detainees) from the OPT inside Israel in violation of Article 76 of the Fourth Geneva Convention; Ofer prison in the occupied West Bank, and the Kishon and Moskobiyyeh detention facilities, at which human rights organizations have documented systematic torture and ill-treatment of Palestinian prisoners, including child prisoners.<sup>22</sup> By providing equipment to these prisons, G4S is also actively and knowingly participating in the transfer of Palestinian prisoners from occupied territories to prisons inside Israel in violation of Article 76 of the Fourth Geneva Convention. G4S furthermore provides security services to several "security" prisons at which Palestinian prisoners are regularly subjected to torture and ill treatment, as for example at Al Jalame prison, where Palestinian children are locked in solitary confinement for days or even weeks.<sup>23</sup>

**Hewlett Packard (HP)** is an American IT corporation with headquarters in Palo Alto, California. HP and its subsidiaries have contracts worth millions of dollars with Israeli authorities as providers of technological infrastructure, services, hardware and maintenance for the Israeli occupation and settlement enterprise. HP, for example, owns Electronic Data Systems Israel, which heads a consortium providing biometric monitoring of Israeli military checkpoints ("Basel Systems"), including at least the Betunia, Tarqumia, Kalandia, and Bethlehem checkpoints. The system operates by a magnetic card with biometric information, which has been mandatory since 2005 for every Palestinian in the OPT applying for a permit to enter Israel. HP also provided a municipal data storage system for the illegal settlement of Ariel, which was selected by the Israeli government in 2005 as a pilot of the "Smart City" project.<sup>24</sup>

**Motorola Solutions** is an American Telecommunications Corporation headquartered in Schaumburg, Illinois. Motorola has made at least four surveillance systems consisting of radar detection devices and thermal cameras for dozens of illegal Israeli settlements in the West Bank profiting \$93 million from the deal,<sup>25</sup> and it supplies the "Wide Area Surveillance System" (WAAS) to monitor and maintain Israel's illegal Wall.<sup>26</sup> The company provides the Israeli army with an advanced mobile communications system (the primary system used by the Israeli military), which is used to coordinate operations against Palestinians in the West Bank. In 2000, Motorola won a \$100 million contract

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<sup>20</sup> [http://ec.europa.eu/research/csfr/pdf/contributions/post/palestinian\\_territory/stop\\_the\\_wall\\_campaign.pdf](http://ec.europa.eu/research/csfr/pdf/contributions/post/palestinian_territory/stop_the_wall_campaign.pdf)

<sup>21</sup> <http://stopthewall.org/divest-elbit>

<sup>22</sup> [www.whoprofits.org/sites/default/files/WhoProfits-PrivateSecurity-G4S.pdf](http://www.whoprofits.org/sites/default/files/WhoProfits-PrivateSecurity-G4S.pdf)

<sup>23</sup> Ibid.

<sup>24</sup> [http://www.whoprofits.org/sites/default/files/hp\\_report- final\\_for\\_web.pdf](http://www.whoprofits.org/sites/default/files/hp_report- final_for_web.pdf)

<sup>25</sup> <http://whoprofits.org/company/motorola-solutions-israel>

<sup>26</sup> [http://www.sibat.mod.gov.il/NR/rdonlyres/46327BB3-3E46-42E7-B459-ACA055C6F97D/0/sod\\_motorolad\\_dsd\\_.pdf](http://www.sibat.mod.gov.il/NR/rdonlyres/46327BB3-3E46-42E7-B459-ACA055C6F97D/0/sod_motorolad_dsd_.pdf)

to provide the IDF with their specially-designed Vered Harim (Mountains Rose) cellular communications system. It has been installed in a wide range of armored vehicles, and is integrated with communications systems throughout the West Bank.<sup>27</sup>

Motorola owns 49% of Taldor Communications, which is a division of Israeli company Taldor. In April of 2008, Taldor Communications signed a deal with Visuals Defense Inc. (VDI), to distribute VDI's "integrated security solutions" in Israel. VDI specializes in manufacturing products such as watchtowers, motion sensors, military surveillance and communications systems, public announcement systems, and x-rays. Israel's Wall, checkpoints, terminals, military bases and illegal settlements in the OPT rely on these products.

Furthermore, Motorola holds a 9% stake in Afcon, one of Israel's largest industrial groups. Afcon manufactures metal detectors and gates which are installed in checkpoints throughout the West Bank, including the Patriarch's Cave checkpoint, the Beit Iba checkpoint, Erez Terminal, and in various locations in the Jordan Valley. Afcon also holds a large contract for the supply of the security system for the Jerusalem Light Rail Transport System,<sup>28</sup> which connects the illegal settlements in an around occupied East Jerusalem with West Jerusalem. Motorola also subcontracts information technology services to settlers in the illegal settlement of Modi'in Illit through a company called Matrix. Motorola Israel also participates in EU funded FP7 projects, including in projects that seem likely to allow it to further develop the technology that it provides to Israel that assists with the violation of Palestinian human rights.<sup>29</sup>

#### **The Jewish National Fund (JNF):**

The JNF, or JNF-KKL (Keren Kayemet LeYisrael), is an ideologically driven organization that has played a pivotal role in planning and implementation of Zionist colonization and forced population transfer in Palestine for more than a century. Today, the JNF is represented in the Israel Land Authority (ILA). As an organization bound by its statute to work for the exclusive benefit of the Jewish people,<sup>30</sup> the JNF has a lead-role in the discriminatory administration of so-called "Israel Land", composed of JNF-held land (13%) and "State Land", the overwhelming majority of which is land confiscated from Palestinians in Israel and the OPT. Among others, the JNF is directly involved in discriminatory Israeli development schemes for the "Judaization" of the Naqab (Negev) that continue to dispossess and displace the local Palestinian Bedouin population. In the OPT, the JNF cooperates with the World Zionist Organization's Settlement Division and private settler associations for the expansion of the illegal settlements.<sup>31</sup> *The JNF has, thereby, systematically violated the right of Palestinians to their land and natural resources and related economic, social and cultural rights, including the right to self-determination.* The gross and systematic manner in which the JNF has violated these rights is, to a large extent, the result of its status as a quasi-state institution with public functions in Israel under Israeli law. Irrespective of its public status in Israel, however, JNF branches operate as private charities in more than 50 countries, where they enjoy tax privileges or tax exempt status, raise funds for projects promoted as "community development", "environmental protection" or similar matters of public concern,

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<sup>27</sup> [http://www.sibat.mod.gov.il/NR/rdonlyres/46327BB3-3E46-42E7-B459-ACA055C6F97D/0/sod\\_motorolad\\_dsd\\_.pdf](http://www.sibat.mod.gov.il/NR/rdonlyres/46327BB3-3E46-42E7-B459-ACA055C6F97D/0/sod_motorolad_dsd_.pdf)

<sup>28</sup> <http://www.afcon-ind.co.il/AfconInd/Templates/ShowPage.asp?DBID=1&LNGID=1&TMID=10000&FID=379>

<sup>29</sup> [http://ec.europa.eu/research/csfr/pdf/contributions/post/palestinian\\_territory/stop\\_the\\_wall\\_campaign.pdf](http://ec.europa.eu/research/csfr/pdf/contributions/post/palestinian_territory/stop_the_wall_campaign.pdf)

<sup>30</sup> "The JNF is not the trustee of the general public in Israel. Its loyalty is given to the Jewish people in the Diaspora and in the state of Israel... The JNF, in relation to being an owner of land, is not a public body that works for the benefit of all citizens of the state. The loyalty of the JNF is given to the Jewish people and only to them is the JNF obligated. The JNF, as the owner of the JNF land, does not have a duty to practice equality towards all citizens of the state." - Response by the JNF to a petition filed with the Supreme Court of Israel (December 2004): <http://stopthejnf.org/documents/campaignmaterials/stopthejnfcampaignFACTSHEET.pdf>

<sup>31</sup> Al,Haq, State Responsibility, para 3 -5 and footnote 2.

and channel some of these funds to support the JNF's discriminatory activities, including its settlement activities in the OPT.<sup>32</sup>

#### **Ateret Cohanim and El'ad:**

These are private Jewish settler associations registered in Israel and notorious for *violating Palestinian property and housing rights in the Old City of Jerusalem and the adjacent Jerusalem neighborhoods of Sheikh Jarrah and Silwan. With the support of Israeli authorities and the courts, these associations utilize discriminatory Israeli legislation, which allows only Jews, but not Palestinians, to claim their pre-1948 properties in Jerusalem, for arbitrary dispossession and evictions of Palestinians from their homes.* Ateret Cohanim receives substantial material support from the American Friends of Ateret Cohanim, a charity registered in the U.S. ([www.jerusalemchai.org](http://www.jerusalemchai.org)). Many similar, ideologically-driven private associations, which violate Palestinian housing and property rights under the guise of restoring Jewish religious sites and property in "Eretz Yisrael", operate in Israel and the OPT with support from abroad. Branches and "friends" of these associations abroad frequently enjoy tax-exempt charity status or tax privileges. The announcement by the Norwegian Ministry of Finance on 20 September 2012 that it would cease tax deductions previously granted to Karmel Instituttet, a charity registered in Norway and providing financial support to illegal Israeli settlements in the occupied West Bank, has set an important precedent but is still an exception.<sup>33</sup>

### 3. Recommendations to the International Fact-Finding Mission

The BNC strongly recommends that the FFM should in its final report to the UN Human Rights Council:

- a) Affirm that Israeli and other national and multinational private entities, as charities or business-operations, contribute substantially to the maintenance of the illegal Israeli settlement enterprise in the OPT, and that such private entities are responsible and liable for serious violations of IHL and the human rights of the Palestinian people, possible including international crimes;
- b) Affirm that States have a legal duty not to recognize or render aid or assistance to the illegal Israeli settlement enterprise and that this extends to ensuring that private entities in their jurisdiction respect international humanitarian and human rights law and do not provide such recognition, aid or assistance.
- c) Recommend to the UN Human Rights Council and the General Assembly to adopt resolutions promoting practical measures to hold accountable private agencies that participate in the illegal Israeli settlement enterprise, and to discourage and prevent further participation. In these resolutions, the UNHRC and GA should:
  - Affirm the importance of the recent call of the UN Special Rapporteur on Human Rights in the OPT for a boycott of private entities participating in the illegal Israeli settlement enterprise and for States to implement the UN Guiding Principles on Business and Human Rights and "investigate the business activities of companies registered in their own respective countries...that profit from Israel's settlements, and take appropriate action to end such practices and ensure appropriate reparation for affected Palestinians";<sup>34</sup>

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<sup>32</sup> For more information about the JNF, see: [www.stopthejnf.org](http://www.stopthejnf.org)

<sup>33</sup> For more information about Ateret Cohanim and El'ad, refer to the testimonies on Silwan and Sheikh Jarrah, and the submission of the Civic Coalition for Palestinian Rights in Jerusalem.

<sup>34</sup> [www.un.org/apps/news/story.asp?NewsID=43376](http://www.un.org/apps/news/story.asp?NewsID=43376)



- Resolve that such private entities do not pursue peaceful trade and cooperation and will be excluded from participation in the activities of relevant UN bodies and fora; call upon States and all inter-state organizations to adopt the same policy;
- Call upon States to issue guidelines and adopt legislation that will prevent material support, through trade and cooperation, with the illegal Israeli settlement enterprise by private entities operating in their jurisdiction;
- Allocate resources for research and monitoring of private entities involved in the illegal Israeli settlement enterprise.