

Check against delivery



**Statement by Mr. Richard Falk  
SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN  
RIGHTS IN THE PALESTINIAN TERRITORIES  
OCCUPIED SINCE 1967**

67<sup>th</sup> session of the General Assembly  
Third Committee  
Item # 69 (c)

25 October 2012  
New York



Excellencies,

Ladies and Gentlemen,

Good morning. Thank you for this chance to present my latest report to the General Assembly.

Let me begin by noting that the Government of Israel continues to refuse to cooperate with my efforts to fulfill my mandate. Such cooperation is a fundamental legal obligation incident to membership in the United Nations. Articles 104 and 105 of the United Nations Charter are clear in this regard, as well as article 6 of the Convention on the Privileges and Immunities of the United Nations.

Israel has a long track record of non-cooperation with official undertakings of the Security Council, General Assembly and the Human Rights Council. I would urge Member States to consider taking decisive and firm action to persuade the Government of Israel to fulfill its obligations as a member of the United Nations.

My present report focuses on the Israeli settlement enterprise in the West Bank, including East Jerusalem. It gives particular attention to the legal responsibility of selected Israel and international businesses that are profiting from Israeli settlements.

Before discussing the responsibility of such businesses, allow me to briefly update you on Israel's efforts to transfer its population to the occupied Palestinian territory.

Israeli settlements now control over 40% of the West Bank. Between 500,000 and 600,000 Israeli citizens have already been settled in Palestinian territory. Around 200,000 of these Israelis have settled in East Jerusalem. Over the past decade, the settler population has grown at an average yearly rate of 5.3%, compared with 1.8% in Israel. In the last 12 months alone, the settler population has increased by over 15,000 persons.

The scale of Israel's settlement enterprise, especially the massive financial investment in it, appears to confirm Israel's intention to retain control over much, if not all, of the West Bank, including East Jerusalem. Doing so would blatantly violate article 2 of the United Nations Charter, which prohibits the acquisition of territory through the threat or use of force.

Excellencies,

As the occupying power in Palestine, the Government of Israel is duty bound to not only respect and implement its obligations under international human rights and humanitarian law. Israel must also ensure that private businesses operating in Palestine are held accountable for any activities that impact adversely on the human rights of the Palestinian people.

My report examines important developments in international law and related international standards concerning businesses and human rights. The UN Guiding Principles on Business and Human Rights and the UN Global Compact are fundamental in this regard. My report also examines recent developments concerning businesses and the law of armed conflict.

In summary form, Principle 1 of the Global Compact states that "Businesses should support and respect the protection of international proclaimed human rights." The Global Compact has stated that the Guiding Principles on Business and Human Rights provide the content of this principle, and thus form part of the commitment undertaken by the 8,700 corporate participants in the Global Compact.

Principle 2 of the Global Compact is also highly relevant, in that it states that businesses should "make sure that they are not complicit in human rights abuses."

Let me note that many of the businesses highlighted in my report have signed up to the Global Compact.

With respect to international humanitarian law, my report makes clear that its standards apply to businesses as well. And it refers to guidance developed by the ICRC in this regard.

In short, businesses should not breach international humanitarian law provisions. Nor should they be complicit in any breaches. If they do, they may be subject to criminal or civil liability. And this liability can be extended to individual employees of such businesses.

According to the ICRC: "Business enterprises should... not discount the possibility of legal proceedings simply because the country where they are operating is unlikely to conduct criminal investigations or incapable of doing so. The risk of corporate and individual responsibility for crimes perpetrated in the context of an armed conflict is ... an element of growing importance in a business enterprise's assessment of the range of risks associated with its activities during an armed conflict."

I should like to emphasize that the businesses highlighted in my report constitute a small number of the many companies that profit from the Israeli settlement enterprise. I received a massive amount of information from civil society organizations and other actors that are documenting the involvement of businesses in Israeli settlements. And I intend to consider further addressing this topic in future reports, especially if the Member States believe such information to be useful.

My main recommendation is that the businesses highlighted in the report – as well as the many other businesses that are profiting from the Israeli settlement enterprise – should be boycotted, until they bring their operations into line with international human rights and humanitarian law and standards.

I also encourage civil society to strengthen efforts hold such businesses accountable. These efforts should consist of legal and political initiatives in national and international contexts.

An additional recommendation that I would like to highlight concerns a request for an advisory opinion from the International Court of Justice, in regard to the responsibility of businesses in relation to economic activities of settlements that are established in violation of the Fourth Geneva Convention.

Finally, let me note that, in order to provide them with a chance to respond to the information in my report, I contacted Caterpillar Incorporated; Veolia Environment; G4S; The Dexia Group; the Israeli cosmetics company Ahava; the Volvo Group; the Riwal Holding Group; Elbit Systems; Hewlett Packard; Mehadrin; Motorola; Assa Abloy; and Cemex.

Meaningful and helpful responses were received from Assa Abloy; The Dexia Group; G4S; and Cemex. I would like to express my appreciation to these companies for their responses, copies of which the secretariat has made available within the room for your information.

This concludes my remarks. I will be happy to answer any questions you have.