

BAN ISRAELI SETTLEMENT GOODS

Q&A

Frequently asked questions on Amnesty International's campaign to ban Israeli settlement goods.

What are the Occupied Palestinian Territories (OPT)?

The OPT comprise the West Bank (including East Jerusalem) and the Gaza Strip.

At the end of the 1967 conflict between Israel and Jordan, Syria and Egypt, Israel gained control of the Sinai Peninsula, the Gaza Strip, the Golan Heights, and the West Bank (including East Jerusalem). The Sinai Peninsula was returned to Egypt after a peace treaty in 1979, but Israel still occupies the rest of the territories.

The West Bank and Gaza had Palestinian populations in 1967; the Golan Heights is Syrian territory. Israel illegally annexed East Jerusalem after the 1967 war, and applies Israeli civilian law there.

Israel unilaterally withdrew its troops and settlers from Gaza in 2005, but continues its occupation through an illegal land, sea and air blockade, which was originally imposed in 2007.

Jewish Israeli settlers in the West Bank are subject to Israeli civilian law.

What are 'settlements'?

Israeli colonies unlawfully established in the OPT. Over 100,000 hectares of Palestinian land have been appropriated by Israel since 1967, and more than 600,000 Jewish Israeli settlers live on occupied Palestinian land. Settlements are not just small villages, but can be large areas of land that merge into 'settlement blocs'.

So-called 'settlement outposts' have in theory been established by individuals without Israeli government authorisation, but in practice have the backing of senior government and army officials. All settlement activity – whether considered legal or not under Israeli law – is a violation of international humanitarian law and, according to the Rome Statute of the International Criminal Court, constitutes a war crime.

Who lives in the 'settlements'?

Jewish Israeli citizens. They generally have homes in gated communities, which ban Palestinians from living in them. The Israeli military also has hundreds of checkpoints, roadblocks and settler-only roads across the West Bank and enforces a permit regime. These inherently discriminatory

restrictions make simple daily tasks like going to work, school or hospital a constant struggle for Palestinians, and result in grave human rights abuses.

Do the settlements violate international law?

Yes. Israel's policy of settling its civilian nationals in the West Bank and, until 2005, Gaza contravenes two fundamental principles of customary international humanitarian law: the temporary nature of occupation and the prohibition on transferring civilians into occupied territory.

Article 49 of the Fourth Geneva Convention states categorically: 'The Occupying Power shall not deport or transfer parts of its own civilian population in the territory it occupies.' Article 55 of the Hague Regulations forbids occupying countries from changing the character and nature of an occupied territory's property, except for security needs and/or the benefit of the local population. Israel's building of civilian settlements in the West Bank and, until 2005, Gaza, does not meet these two exceptional criteria. The settlements do not benefit the Palestinians, quite the contrary. Nor do they serve the legitimate security needs of the occupying power.

What do international bodies like the UN say about the settlements?

There is an international consensus on the illegality of OPT settlements, and this has been affirmed by various international bodies.

The settlements have been condemned in Security Council and other UN resolutions as illegal. The International Committee of the Red Cross and the Conference of High Contracting Parties to the Fourth Geneva Convention have reaffirmed that the settlements violate international humanitarian law. The UN High Commissioner for Human Rights, the Special Rapporteur on the Occupied Territories, the Special Rapporteur on Housing, and the Commission on Human Rights have all also reiterated the illegality of the settlements.

The international community has consistently called on Israel to stop building and expanding settlements in the OPT. As early as 1980, the UN Security Council, in resolution 465, called on Israel 'to dismantle the existing settlements and in particular to cease, on an urgent basis,



the establishment, construction and planning of settlements in the Arab territories occupied since 1967, including Jerusalem'.

Settlements constitute a grave violation of the right to be free from discrimination, as well as other human rights. The policy of settling Israeli civilians in the OPT has been carried out in a manner that is inherently discriminatory and detrimental to the ability of Palestinians to enjoy fundamental rights. For settlers to live comfortably and enjoy full freedom of movement, the human rights of Palestinians are routinely violated in myriad of ways.

Under the statute of the International Criminal Court, the establishment of settlements in occupied territories is a war crime.

What is Amnesty's position on the settlements?

We call on Israel to dismantle all its settlements and relocate settlers outside of the OPT. Our campaign, launched on 5 June 2017 to mark the 50th anniversary of Israel's occupation of the West Bank and Gaza, also calls for governments around the world to: stop economically supporting the settlements by banning products from settlements in their countries; and prevent their companies from operating in the settlements or trading in settlement goods.

Tens of millions of dollars of settlement products are exported every year, with profits helping to sustain the inherently discriminatory policy of the settlements. The settlement economy relies on unlawfully appropriated Palestinian natural resources, such as water, fertile land, stone quarries, and minerals. Israel limits Palestinian access to these resources.

Is Amnesty asking Israel to dismantle all of the settlements?

Yes. The transfer by Israel of parts of its population to the OPT violates international law and constitutes a war crime. Israel is required to remove its settlements and settlers from the OPT.

Has Amnesty campaigned on the OPT before?

We have documented and campaigned against human rights violations by both government and non-state actors in Israel and the OPT since 1968. We have covered a wide range of issues, including freedom of movement, arbitrary arrests and detentions, torture, unlawful killings, excessive use of force, freedoms of expression, association and assembly, forced evictions and house demolitions, impunity, and violence against women and girls, refugees and asylum-seekers and conscientious objectors.

Why doesn't Amnesty call for an end to the Israeli occupation?

As an independent and impartial organisation, we focus on documenting and campaigning against human rights violations, including those resulting from or in the context of the occupation. We seek to influence all sides to respect and uphold human rights in compliance with international human rights and humanitarian law.

A military occupation is not in itself a violation of international humanitarian law (IHL). IHL contains specific provisions detailing the duties and obligations of an occupying power, which is required to administer the territories it controls as far as possible without making far-reaching changes to the existing order, while at the same time protecting the fundamental rights of the inhabitants of the occupied territory.

The core idea of the international rule of 'belligerent occupation' (the IHL term for military occupation) is that it is transitional, for a limited period. One of its key aims is to enable the inhabitants of an occupied territory to live as 'normal' a life as possible. This is not the case with regard to Israel's 50-year occupation of the OPT. Israel continues to establish 'facts on the ground' (i.e. land-grabs and the establishment of Israeli settlements and related infrastructure) that aim to change the OPT's demography, violate fundamental rights of the Palestinians that make it impossible for them to live a normal life, and ultimately make finding a peaceful solution to this conflict immeasurably more difficult.

What's the difference between a ban and a boycott?

A boycott calls for people to refuse to buy products. A ban calls for the government to ensure products are not allowed into the country.

As a human rights organisation, Amnesty's focus is on ensuring governments uphold their obligations under international law and do not fuel violations. This is why our call is directed at governments; we are asking them to stop financially sustaining Israel's illegal settlement policy. We strongly believe this is the most effective way to end mass violations against Palestinians in the OPT.

Taking part in a consumer boycott is an individual choice. Amnesty has never supported or opposed consumer boycotts. But we do defend people's right to participate in and advocate for boycotts, and we have campaigned on behalf of those who have been punished for doing so. The burden, however, should not be on the consumer: if there were no settlement products on the market, there would be no need for a consumer boycott.

How is this different to a call for sanctions?

Amnesty does not generally take a position on economic or other sanctions. In exceptional circumstances, we may call for targeted sanctions to be imposed by the UN Security Council to prevent or end grave human rights abuses. For example, we are calling on the Security Council to impose a comprehensive arms embargo on Israel and Palestinian armed groups to prevent further war crimes and serious violations being committed with impunity.

This call is different because it is based on states' existing obligation not to recognise or assist in the illegal situation created by settlements. This is something states have an obligation to do, even in the absence of a Security Council resolution. That is not generally the case with sanctions.

Why isn't Amnesty calling for a ban on all Israeli goods?

Our call for countries to ban settlement products is based on states' obligations not to recognise or assist an illegal situation. Furthermore, we believe we need to target industries where there is a direct link between the settlement industries and the human rights violations they fuel against Palestinians. Profits made from trading in and/or exporting these products sustain an inherently discriminatory and unlawful system that violates the rights of Palestinians on a daily basis.

What's Amnesty's position on labelling?

In November 2015, the EU issued guidelines requiring the mandatory labelling of agricultural products and cosmetics produced in Israeli settlements. Some countries, including the UK, Denmark and Belgium, already have voluntary labelling guidelines in place. Outside of the EU, South Africa has adopted regulations to prevent goods from settlements from being labelled as produced in Israel. A similar regulation was adopted by the US Customs Service.

In principle, we welcome consumers being given information that allows them to make an informed choice when buying products. However, this is not sufficient to tackle the root cause of many violations and fulfil states' obligations vis a vis the illegality of settlements.

Why the focus on Israel?

The situation in the OPT is unique in the sense that there is virtual unanimity among states in recognising the settlements are unlawful. Yet many continue to allow trade from settlements that helps sustain them and perpetuate human rights violations.

We made this call because of the prolonged nature of the 50-year-old occupation, the scale and gravity of violations and crimes under international law, and the relentless growth of settlements. By banning settlement products and stopping their companies from operating inside settlements

and trading in settlement products, countries could make a real difference to the lives of millions of Palestinians.

Israel has no intention of ending its inherently discriminatory policy, and despite widespread international condemnation has continued to accelerate plans to expand settlements

Why now?

Our campaign marks the 50th anniversary of Israel's occupation of Palestinian territories. On 27 September, it will be 50 years since building started on the first settlement in the OPT. Throughout this period, there has been condemnation from the international community, but this has not been effective.

Do other NGOs support the aims of the campaign?

The International Federation for Human Rights (FIDH) and its affiliated organisations have made a similar call in the past, and the Trades Union Congress in the UK has called on the government to ban settlement imports. A 2012 report by 23 organisations, including the FIDH, Christian Aid and Medical Aid for Palestinians, also drew attention to how trade with EU governments helps sustain illegal Israeli settlements.

What happens if countries don't act?

This campaign has just been launched, so it's far too early to predict whether countries will act on their international obligations. The facts, however, are crystal clear: the vast majority have already condemned settlements as illegal – they must stick to their word and abide by their own principles.

Governments can ban certain types of products or goods, and routinely impose regulations on what imports they allow into their markets. These restrictions are often related to safety, public health, labour or other standards.

Governments are perfectly capable of preventing settlement goods from entering their markets, in accordance with their obligations under international law.

Will a ban harm Palestinian workers?

The settlements, their expansion and their trade cause significant damage to the Palestinian economy, which has been stunted by years of restrictions. The IMF, the UN and the World Trade Organisation have all identified the Israeli occupation, the settlements and their related policies as the main obstacles to the economic development of the OPT. If Israel lifted the restrictions on access to and use of natural resources, which were imposed to support the settlements, it would greatly boost the Palestinian economy and reduce poverty and unemployment.

What are the main settlement goods?

Common exports from Israeli settlements include: fruits and vegetables (such as dates, citrus fruits and herbs) eggs, poultry, cosmetics, honey, olive oil, wine, and manufactured products (such as cosmetics, plastics, textile products and toys).

Settlement products have been exported to many countries including the UK, USA, Denmark, France, Belgium and Germany among others. In 2015, the Israeli Ministry of Economy estimated that exports to the EU of settlement goods were worth \$200-300 million annually.

Has Amnesty named companies that should be banned?

No, for a number of reasons. Firstly, research has already been conducted by other NGOs into companies operating in settlements. Secondly, we believe it's the responsibility of governments to identify companies involved and ensure they are not violating international laws and their businesses are not fueling human rights violations.

Our campaign is based on international law, and we have been focused on providing the international legal context and incentives for governments to act on banning goods from settlements.

The UN Human Rights Council is also expected to produce a database of companies operating in the settlements at the end of the year, which will shed further light on the issue.