



Ban Israeli Settlements Goods Campaign Frequently Asked Questions

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What is the Israeli Occupation of Palestinian territories?

At the end of the 1967 conflict between Israel, Jordan, Syria and Egypt, Israel gained control of the West Bank, including East Jerusalem, Gaza Strip, the Golan Heights, and the Sinai Peninsula. While Israel returned the Sinai Peninsula to Egypt following a 1979 peace treaty, the West Bank, including East Jerusalem, Gaza Strip and the Golan Heights remain occupied by Israel.

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. Although Israel unilaterally withdrew its troops and settlers from Gaza in 2005, it continues to occupy Gaza by enforcing an illegal land, sea and air blockade it imposed in 2007. Jewish Israeli settlers, who live and work in the West Bank illegally, are subject to Israeli civilian law. The Occupied Palestinian Territories are the West Bank, including East Jerusalem, and Gaza.



What are ‘Settlements’?

Settlements are Israeli colonies that have been unlawfully established by Israel in the Occupied Palestinian Territories (OPT). So-called “settlement outposts” are settlements which in theory have been established by individuals without the authorization of the Israeli government but which in practice have the backing of senior government and army officials.

All settlement activity – whether or not it is considered legal under Israeli law – constitutes a flagrant violation of international humanitarian law and, according to the Rome Statute of the International Criminal Court, constitutes a war crime.

Settlements are not just small villages but can be large areas of land, which merge into ‘settlement blocs’. There are more than 600,000 Jewish Israeli settlers living on occupied Palestinian land. More 100 000 hectares of Palestinian land have been appropriated by Israel since 1967.

Who lives in the ‘Settlements’?

The people living in settlements are Jewish Israeli citizens. They generally live in walled/fenced and gated communities and Palestinians from the occupied territories are not allowed to live in them.

There are also hundreds of Israeli military closures across the West Bank, such as checkpoints, roadblocks, and settler-only roads, as well as an overall permit regime, which make simple daily tasks for Palestinians who are trying to get to work, school or hospital a constant struggle.

The very existence of settlements in the Occupied Palestinian Territories violates international humanitarian law and constitutes a war crime. Settlements and the Israeli settlement policy are inherently discriminatory and result in grave human rights violations against Palestinians.

Why are settlements a violation of international Law?

Israel’s policy of settling its civilian nationals in the West Bank, and until 2005 in 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.*” And Article 55 of the Hague Regulations forbids the occupying State from changing the character and nature of state property, except for security needs and for the benefit of the local population. Israel’s building of civilian settlements in the West Bank, and until 2005 in 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. The international consensus on the illegality of settlements has been repeatedly 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 they violate international humanitarian law. The UN High Commissioner for Human Rights, the Special Rapporteur on the Occupied Territories, and the Special Rapporteur on Housing, and the Commission on Human Rights have all reiterated the illegality of Israeli settlements in the Occupied Territories.

The international community has consistently called on Israel to stop building and expanding settlements in the Occupied Territories and, as early as 1980, the UN Security Council, in its 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 a violation of other human rights. The policy of settlement of Israeli civilians in the Occupied Territories has been carried out in a manner that is inherently discriminatory and detrimental to the ability of Palestinians in the West Bank and Gaza to enjoy fundamental rights. For settlers to live comfortably, and enjoy full freedom of movement, Palestinians' human rights 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 calling for?

Amnesty International calls on Israel to dismantle all settlements and relocate its settlers outside the Occupied Palestinian Territories. In our campaign launched on 5 June 2017 to mark 50 years since Israel's occupation of the West Bank and Gaza, we introduced two new calls: We are calling on governments across the world to stop economically supporting settlements by banning products from settlements in their countries. We are also calling on governments worldwide to prevent their companies from operating in settlements or trading in settlement goods.

Profits from hundreds of millions of dollars' worth of settlement products exported internationally help sustain the inherently discriminatory policy of settlements. In addition the settlement economy relies on unlawfully appropriated Palestinian natural resources, such as water, fertile land, stone quarries and minerals seized for settlement use; resources for which Israel also limits Palestinians' access.

So is AI asking the Israeli government to dismantle all of its settlements?

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



What campaigning on Israel and the OPT has Amnesty done in the past?

Amnesty International has been documenting and campaigning against human rights violations, committed by both the government and non-state actors, in Israel and the Occupied Palestinian Territories since 1968, on 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, violence against women and girls, refugees and asylum-seekers and conscientious objectors.

Why does AI not call for an end to the Israeli occupation?

As an independent and impartial organisation concerned with human rights, Amnesty International focuses on documenting and campaigning against human rights violations, including violations resulting from or in the context of occupation, and seeks to influence all actors 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 ensuring the protection of the fundamental rights of the inhabitants of the occupied territory. The core idea of the international rule of belligerent occupation is that occupation is transitional, for a limited period, and 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, where Israel continues to establish "facts on the ground" (land-grab, establishment of Israeli settlements and related infrastructure) which aim to change the demography of the OPT, violate fundamental rights of the Palestinians, make it impossible for them to live a normal life, and ultimately make it immeasurably more difficult to find a peaceful solution to this long-standing conflict.

What's the difference between a ban and a boycott

A boycott of goods is a call for people to refuse to buy products. A ban is call for the government to ensure such products are not allowed into the country.

As a human rights organisation Amnesty International's focus is ensuring that governments uphold their obligations under international law and aren't fuelling violations themselves. That's why our call is directed at states; asking them to stop financially sustaining Israel's illegal settlement policy. We strongly believe this is the most strategic and effective route to ensure an end to mass violations against Palestinians in the OPT. Whether or not to take part in a consumer boycott is a choice for individuals. Historically, Amnesty International has never supported or opposed consumer boycotts. We do, however, 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. But the burden should not be on the consumer. In theory, if there are no settlement products on the market, there would be no need for a consumer boycott of settlement products.

How is this different to a call for sanctions?

Amnesty International generally does not take a position on economic or other sanctions. In exceptional circumstances, Amnesty International may call for targeted sanctions to be imposed by the UN Security Council in order to prevent or end grave human rights abuses. For example, Amnesty International has been 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 recognize or assist in the illegal situation created by settlements. This is something that states have an obligation to do, even in the absence of a Security Council resolution. (That is not generally the case with sanctions).

Why are we calling for a ban on settlement goods and not all Israeli goods?

Our call on states to ban settlement products is based on their existing obligations not to recognise or assist an illegal situation. Furthermore, we believe that we need to target the 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 is your position on labelling guidelines?

In November 2015 the EU issued guidelines on labelling products from settlements requiring 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 adopted regulation to prevent the labelling of goods from settlements as being produced in Israel. Similar regulation was also adopted by the US Customs Service.

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



Why Israeli? (what about....)

The situation in the OPT is unique in the sense that there is virtual unanimity among states in recognizing that settlements in the OPT are unlawful, while at the same time many continue to allow trade from settlements that helps sustain them and perpetuates the human rights violations associated with them. The combination 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 are the reasons we have decided to make this call.

Whilst the overwhelming majority of states have recognized Israeli settlements as unlawful, many continue to prop up settlements financially undermining their own positions and violating their obligations.

By banning settlement products and stopping their companies from operating inside settlements and trading in settlement products, states could make a real difference to the lives of millions of Palestinians.

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

Why now?

This campaign was developed to mark the 50th anniversary of Israel's occupation of Palestinian territories. Fifty years of condemnation from the international community has not been effective.

On 27th September 2017 it will be 50 years since building started on the first settlement in the OPT.

What other NGOs/govts support this?

The International Federation for Human Rights (FIDH) and its affiliated organizations have made a similar call in the past and the Trades Union Congress (TUC) in the UK has called on the UK government to ban settlement imports. A report by FIDH and 21 other organizations *Trading Away Peace* including Christian Aid and Medical Aid for Palestinians has previously drawn attention to how trade with EU governments helps sustain illegal Israeli settlements.

What happens if states don't act? How can this call be enforced on a practical level?

This campaign has just been launched so it's far too early to predict whether states will or won't act on their international obligations. The facts however are crystal clear: the vast majority of states have already condemned settlements as illegal. Now it is up to them to stick to their word and abide by their own principles.

States have the means of banning certain types of products or goods and routinely impose regulations on what imports they allow into their markets. Often these restrictions are related to safety, public health, or labour or other standards. They are

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

Won't a ban harm Palestinian workers?

There is significant economic damage to the Palestinian economy caused by the settlements themselves. The Palestinian economy has been stunted by years of restrictions imposed on Palestinians resulting from the expansion of settlements and the settlement trade. The IMF, UN and World Trade Organization have all identified the Israeli occupation, settlements and their related policies as a main obstacle to the economic development of the OPT. If Israel lifted restrictions on access to and use of natural resources, imposed to support settlements, it would greatly boost the OPT economy and reduce poverty and unemployment.

What are the main goods produced in settlements?

Common exports from Israeli settlements include fruits and vegetables (including dates, citrus fruits, herbs) eggs, poultry, cosmetics, honey, olive oil, wine and manufactured products including 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 amount to USD \$200-300 million annually.

Are you naming companies that should be banned?

No. Amnesty International has not compiled research or a list of companies for a number of reasons.

Firstly, research has already been conducted by other NGOs into companies operating in settlements. Secondly, we also believe it's the responsibility of governments themselves to identify companies involved and ensure that they are not violating international laws and that their businesses are not helping to fuel human rights violations.

As Amnesty, our campaign call is based on international law and we have been focussed on providing the international legal context and incentive for governments to act on banning goods from settlements.

The UN Human Rights Council is [also expected to produce a database listing companies operating in settlements](#) at the end of this year, which will help to shed further light on companies operating inside settlements.