



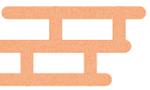
DON'T BUY 
 INTO
OCCUPATION

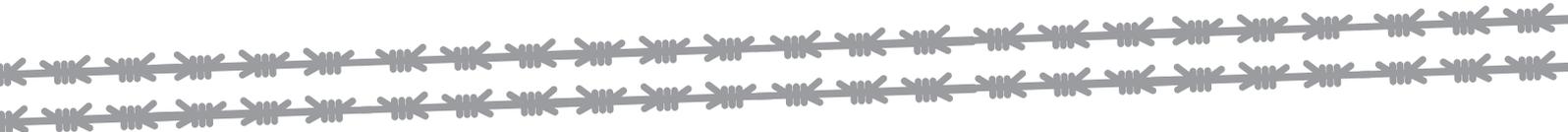
**Don't Buy into Occupation IV report
November 2024**



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1. Key findings

New and updated research by a cross-regional coalition of Palestinian and European organizations¹ shows that, between January 2021 and August 2024, **822 European financial institutions** (including banks, asset managers, insurance companies and pension funds) had financial relationships with **58 companies** that are actively involved with illegal Israeli settlements in the Occupied Palestinian Territory (OPT).

During this period, USD 211 billion was provided in the form of loans and underwriting to these companies. As of August 2024, European investors also held USD 182 billion in shares and bonds in these companies.

The financial data presented in this report refers to the total investments (shares, bonds, loans and/or underwriting) in companies that have activities in or business relationships with the illegal settlements in the OPT. These companies also conduct business outside the settlements. Therefore, the DBIO coalition does not claim that the entirety of this capital flows exclusively to the illegal settlement enterprise in the OPT. However, investment in a company generally supports that company in its entirety, thereby connecting the investor to the company's overall activities, consequently linking it to all associated adverse impacts of these activities. Regardless of the size of the investment or the proportion of the capital flowing directly to the settlement industry, financial institutions have a responsibility to act and avoid facilitating human rights violations through their investments, including using their leverage to pressure their clients and investee companies to stop and address the impact of their harmful and illegal activities.

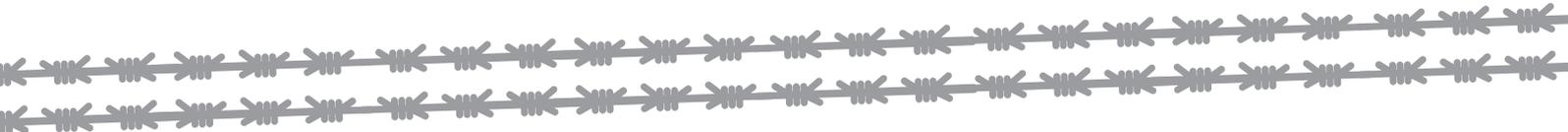
The 58 companies for which this research found financial relationships with European financial institutions are: Airbnb; Alon Blue Square; Alstom; Altice International; Ashtrom Group; Axel Springer; Bank Hapoalim; Bank Leumi; Bezeq Group; Booking Holdings; Bright Dairy & Food; Construcciones y Auxiliar de Ferrocarriles (CAF); Carlsberg; Carrefour; Caterpillar; Cellcom Israel; Cemex; Cisco Systems; CNH Industrial; Danya Cebus; Delek Group; Delta Galil Industries; eDreams ODIGEO; Elbit Systems; Electra Group; Expedia Group; Hamat Group; Heidelberg Materials; Hewlett Packard Enterprise (HPE); HikVision; Hilan; Hyundai Heavy Industries; IBM; Israel Chemicals (ICL Group); Israel Discount Bank; MAN Group; Matrix IT; Mivne Group; Mizrahi Tefahot Bank; Motorola Solutions; Orbia; Partner Communications; Paz Oil Company; Rami Levy Chain Stores Hashikma Marketing 2006; RE/MAX Holdings; Shapir Engineering and Industry; Shikun & Binui; Shufersal; Siemens; Syensqo; The Coca-Cola Company; TKH Group; Tripadvisor; TUI Group; Villar International; Vinci / SEMI; Volvo Group; and WSP Global.²

All 58 companies are involved in one or more of the “listed activities that raise particular human rights concerns”, which constitute the basis for inclusion in the UN database of business enterprises that are involved in Israeli settlements, which was published in February 2020 and updated in June 2023³. The Office of the UN High Commissioner for Human Rights (OHCHR) is currently preparing a new update, which is expected to be published in early 2025⁴.

The table below details all 42 European creditors that have provided loans and underwriting services between January 2021 and August 2024 to the 58 businesses that were identified for the purpose of this report. The financial data included in the table below refers to the total financial relationship between a creditor and the companies (at group level) that have activities in the illegal settlement enterprise in the OPT. A full and detailed overview of all relationships between creditors and identified businesses can be found on the DBIO website.⁵

Table 1: Loans and underwriting services, per investor parent (January 2021- September 2024, US\$ mill)

Sum of Per Investor Value (in mln US\$)				
Investor Parent	Investor Parent Country	Loans	Underwriting	Total
1. BNP Paribas	France	14,987	13,099	28,086
2. HSBC	United Kingdom	8,897	9,370	18,267
3. Barclays	United Kingdom	7,149	10,977	18,126
4. Deutsche Bank	Germany	6,463	11,595	18,058
5. Société Générale	France	7,973	6,794	14,767
6. Santander	Spain	6,024	7,181	13,206
7. Crédit Agricole	France	5,276	6,780	12,055
8. UniCredit	Italy	4,197	4,378	8,575
9. Standard Chartered	United Kingdom	6,213	2,313	8,526
10. ING Group	Netherlands	3,938	3,915	7,854
11. Banco Bilbao Vizcaya Argentaria (BBVA)	Spain	4,988	2,687	7,675
12. Commerzbank	Germany	3,740	2,410	6,150
13. Skandinaviska Enskilda Banken	Sweden	1,877	3,618	5,494
14. KfW	Germany	4,299		4,299
15. Danske Bank	Denmark	1,781	2,486	4,267
16. Groupe BPCE	France	2,603	1,279	3,881
17. Intesa Sanpaolo	Italy	2,059	1,464	3,523
18. Landesbank Baden-Württemberg (LBBW)	Germany	1,126	2,048	3,175
19. La Caixa Group	Spain	3,027	49	3,076
20. NatWest	United Kingdom	831	2,161	2,992



21. Crédit Mutuel	France	2,094	640	2,734
22. Landesbank Hessen-Thüringen	Germany	754	1,391	2,145
23. Nordea	Finland	650	1,435	2,086
24. Swedbank	Sweden	862	873	1,735
25. Rabobank	Netherlands	711	913	1,625
26. DZ Bank	Germany	435	924	1,359
27. Lloyds Banking Group	United Kingdom	1,270	12	1,283
28. BayernLB	Germany	814	379	1,193
29. KBC Group	Belgium	933	4	937
30. DNB	Norway	316	589	905
31. Svenska Handelsbanken	Sweden	98	585	682
32. European Investment Bank	Luxembourg	548		548
33. Mediobanca Banca di Credito Finanziario	Italy	495		495
34. Raiffeisen Banking Group	Austria	339		339
35. Norddeutsche Landesbank	Germany	248		248
36. Hamburg Commercial Bank	Germany	218		218
37. Erste Group	Austria	205		205
38. ABN Amro	Netherlands	112		112
39. Paragon Bank	United Kingdom	98		98
40. La Banque Postale	France	95		95
41. Ibercaja Group	Spain	32		32
42. Bankinter	Spain	32		32
Total		108,809	102,351	211,160





The second table below provides an overview of the top-50 European investors which manage or hold bonds and shares in the 58 businesses that were identified for the purpose of this report. In total, 822 European financial institutions (FIs) have been identified as having a financial relationship, amounting to USD 182,159 billion, with one or more of the identified businesses. The financial data included in the table below refers to the total financial relationship between an investor and the businesses concerned at group level. A full and detailed overview of all relationships between all investors and identified businesses can be found on the DBIO website.⁶

Table 2: Top-50 of share and bond holdings, per investor parent (latest filing date September 2024, US\$ mill)

Investor Parent	Investor Parent Country	Bondholding	Shareholding	Total
1. Government Pension Fund Global (GPF)	Norway	1,186	18,759	19,946
2. Crédit Agricole	France	1,195	13,335	14,530
3. Legal & General	United Kingdom	158	10,815	10,974
4. Deutsche Bank	Germany	613	8,405	9,018
5. Nordea	Finland	544	6,322	6,866
6. Groupe BPCE	France	823	4,959	5,783
7. BNP Paribas	France	462	4,182	4,644
8. Schroders	United Kingdom	610	3,990	4,599
9. Swedbank	Sweden	21	4,507	4,528
10. HSBC	United Kingdom	264	4,084	4,348
11. Barclays	United Kingdom	1	4,280	4,281
12. Allianz	Germany	1,722	2,306	4,028
13. AB Industrivärden	Sweden		4,024	4,024
14. Deka Group	Germany	217	3,760	3,977
15. Janus Henderson	United Kingdom	143	3,702	3,845
16. Algemeen Burgerlijk Pensioenfonds (ABP)	Netherlands	493	2,844	3,337
17. DZ Bank	Germany	717	1,468	2,184
18. Abrdn	United Kingdom	358	1,791	2,149
19. Svenska Handelsbanken	Sweden	228	1,828	2,056
20. Skandinaviska Enskilda Banken	Sweden	114	1,769	1,883
21. AMF Pensionsförsäkring	Sweden		1,865	1,865
22. Intesa Sanpaolo	Italy	474	1,371	1,844
23. Pensioenfonds Zorg en Welzijn (PFZW)	Netherlands	589	1,208	1,797

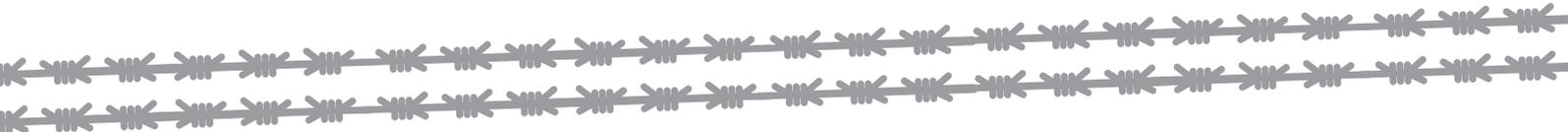
24. Sjunde AP-fonden (AP-7)	Sweden		1,573	1,573
25. Aviva	United Kingdom	135	1,350	1,484
26. Alecta	Sweden		1,289	1,289
27. Royal London Group	United Kingdom	127	1,096	1,223
28. Storebrand	Norway	89	1,092	1,180
29. Pensioenfonds Metaal en Techniek (PMT)	Netherlands	620	540	1,161
30. AXA	France	156	895	1,051
31. La Banque Postale	France	63	976	1,039
32. M&G	United Kingdom	190	839	1,029
33. KBC Group	Belgium	298	683	981
34. Van Lanschot Kempen	Netherlands	38	904	942
35. Första AP-Fonden (AP-1)	Sweden	17	909	926
36. Rothschild Group	France	84	837	921
37. Rathbones	United Kingdom	0	882	882
38. Crédit Mutuel	France	55	768	822
39. Danske Bank	Denmark	72	713	785
40. Aegon	Netherlands	489	260	749
41. Qube Research & Technologies	United Kingdom		747	747
42. Assenagon	Luxembourg	1	735	736
43. Pensioenfonds van de Metalektro (PME)	Netherlands	389	331	720
44. Tredje AP-Fonden (AP-3)	Sweden	14	696	710
45. PFA Group	Denmark	112	587	699
46. Delen Private Bank	Belgium	238	449	687
47. B-Flexion	United Kingdom		657	657
48. Man Group	United Kingdom	9	636	645
49. Assicurazioni Generali	Italy	379	264	643
50. Skandia	Sweden	19	608	627
Total (top-50)		14,524	132,891	147,415
Total (all 822 FIs)		18.234	163.925	182.159

2. Contextual note from the DBIO coalition

Although the scope of the current report remains focused on financial relationships with companies actively involved in the illegal Israeli settlement enterprise in the occupied West Bank, including East Jerusalem, in line with previous reports from the DBIO coalition, the International Court of Justice determined in its Advisory Opinion of July 2024 that Israel's entire presence in the OPT (West Bank, including East Jerusalem, and the Gaza Strip), including its military occupation and settlements, is unlawful and must be brought to an end as rapidly as possible, and that Israel is in breach of the UN Convention on the Elimination of All Forms of Racial Discrimination's prohibition of racial segregation and apartheid. This means that future DBIO reports will have an expanded focus on business activities that serve to underpin and enable the occupation regime as a whole, including, but not limited to, the illegal settlement enterprise, as is the case in the current report.

The ICJ advisory opinion comes at a time when the international community is divided, with many Western states complicit in and unwilling to end Israel's unprecedented atrocity crimes against Palestinians in Gaza⁷, let alone its decades-old illegal occupation. This has bred a culture of what the UN Secretary General has called "total impunity."⁸ Many other states have shown apathy or lack of ability to intervene to stop Israel's atrocities. All this has emboldened Israel to repeatedly, openly and egregiously breach international law, and to perpetrate massive ongoing atrocity crimes." On 1 November 2024, the leaders of fifteen United Nations and humanitarian organizations have described the situation in Northern Gaza as "apocalyptic" and have warned that "the entire Palestinian population in North Gaza is at imminent risk of dying from disease, famine and violence."⁹ Since early October 2024 the area has been under siege, denied basic aid and life-saving supplies while bombardment and other attacks continue. Hospitals have been almost entirely cut off from supplies and have come under attack. Dozens of schools serving as shelters have been bombed or forcibly evacuated. Tents sheltering displaced families have been shelled, and people have been burned alive.¹⁰ According to the 'Integrated Food Security Phase Classification' (IPC), there is a "strong likelihood" that "famine is imminent" in areas within Northern Gaza.¹¹ The UN Human Rights Office has stated it is increasingly concerned that "the manner in which the Israeli military is conducting hostilities in north Gaza, along with unlawful interference with humanitarian assistance and orders that are leading to forced displacement, may be causing the destruction of the Palestinian population in Gaza's northernmost governate through death and displacement."¹² UN human rights chief Volker Turk has warned, on 25 October 2024, that Gaza's "darkest moment" is unfolding, adding that the Israeli Government's policies and practices in northern Gaza "risk emptying the area of all Palestinians. We are facing what could amount to atrocity crimes, including potentially extending to crimes against humanity."¹³ At the same time, senior Israeli government ministers have repeatedly made their intention clear to build new Israeli settlements in Gaza.¹⁴

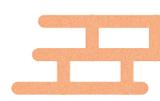
On 7th October 2023, the attacks by the military wing of Hamas and other Palestinian armed groups killed almost 1,200 people (including at least 809 civilians and 314 Israeli military personnel¹⁵), and 252 hostages were captured into Gaza. Since then, 117 captives have been released, including 100 as part of the one-week ceasefire in November 2023, in exchange for 240 Palestinian prisoners, many of whom have been re-arrested since.¹⁶ Israel's onslaught on Gaza, the sixth major military assault on Gaza since 2007, has at the time of writing killed at least 43,000 Palestinians, with 30% of the 11,300 identified children killed younger than five.¹⁷ However, the number killed is likely much higher due to the inability to count the dead, as many remain trapped under the rubble and hospitals have been systematically attacked, preventing



further documentation and accounting of the number of Palestinians killed or dying from disease and starvation. Almost 100,000 Palestinians have been injured, a quarter of whom are likely to have life-changing injuries. Israel has forcibly displaced over 90% of Gaza's population, in most cases multiple times. In July 2024, UN experts declared that famine has spread across Gaza, following months of assessments by the Integrated Food Security Phase Classification on the high risk of famine.¹⁸ The number of Palestinian political prisoners detained illegally in Israeli jails has almost doubled to 10,100, where they are subjected to systematic torture, sexual violence, ill-treatment and abuse.¹⁹

The year-long attack on Gaza has borne all the hallmarks of genocide.²⁰ In addition to legal analyses by Palestinian human rights organisations, in February and March 2024 both the UN Special Rapporteur on the right to food and the UN Special Rapporteur on the human rights situation in the occupied Palestinian territory stated that Israel's actions have crossed the threshold of genocide.²¹ In April 2024 the International Federation for Human Rights (FIDH) and Al Haq stated that *"Israel persists in violating the inalienable rights of the Palestinian people, committing grave international crimes and human rights abuses, including but not limited to the crimes against humanity of apartheid, persecution, and genocide"*.²² In the same month, the Lemkin Institute for Genocide Prevention (named after Raphael Lemkin, who was the main driving force behind the 1948 Genocide Convention) said that *"Israel is committing genocide against Palestinians across Palestine"*²³. This was echoed shortly after by Israeli experts in genocide and Holocaust studies²⁴ and by a legal analysis from the US University Network for Human Rights and the human rights clinics of the universities of Yale, Boston, Pretoria and Cornell.²⁵ In October 2024, UN Special Rapporteur on the human rights situation in the occupied Palestinian territory, Francesca Albanese, issued a report to the UN General Assembly, in which she stated that *"genocide should be seen as integral and instrumental to the aim of full Israeli colonization of Palestinian land while removing as many Palestinians as possible"*,²⁶ while a new report by a UN Special Committee on 14 November 2024 stated that *"Israel's warfare in Gaza is consistent with the characteristics of genocide"*.²⁷ With the International Court of Justice (ICJ) issuing an order for provisional measures on 26th January 2024 (followed by two sets of additional ICJ provisional measures on 28 March 2024 and 24 May 2024²⁸), determining that there is at least a plausible risk of genocide in Gaza,²⁹ it is now a matter of moral and legal urgency for States to ensure Israel's compliance, at the very least, with the provisional measures' orders of the ICJ. Companies and institutions also have legal obligations to *"address a range of complex impacts related to conflict and its root causes and their impact on the wider economy"*.³⁰

Meanwhile, in the occupied West Bank, including East Jerusalem, the human rights situation has deteriorated considerably. In a December 2023 report, the UN High Commissioner for Human Rights, Volker Türk, warned of the rapidly deteriorating human rights situation in the West Bank. According to the High Commissioner, *"the violations documented in this report repeat the pattern and nature of violations reported in the past in the context of the long-standing Israeli occupation of the West Bank. However, the intensity of the [Israeli] violence and repression is something that has not been seen in years"*.³¹ The Israeli government has also expanded settlements since its ongoing attack on Gaza. Since October 7th, Israeli settlers have established 25 new illegal "outposts", while the government has declared 24,193 dunams in the West Bank as "state land."³² This is in addition to approving the establishment of five new settlements and the retroactive "legalization" of three "outposts" as "neighbourhoods" of existing settlements. In May 2024, the Israeli government took various steps to transfer powers in the West Bank to civilian officials, thereby consolidating the *de jure* annexation of occupied Palestinian territory.³³ In late August 2024, Israel also launched its biggest military attack on the West Bank since the end of the Second Intifada.³⁴



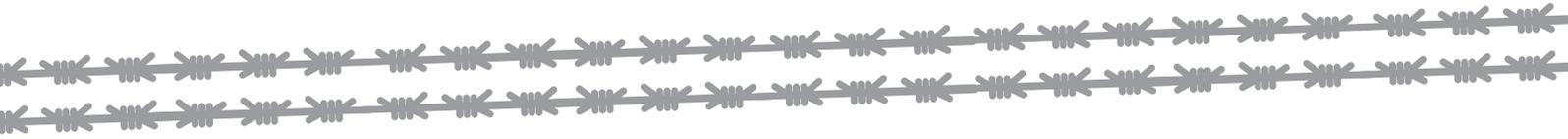
3. Illegality of Israeli settlements and the occupation as a whole under international law³⁵

Israeli settlements, their maintenance and expansion are illegal under international law³⁶ and constitute acts which give rise to individual criminal liability as war crimes and crimes against humanity under the Rome Statute of the International Criminal Court. International humanitarian law (IHL), as per the Fourth Geneva Convention, prohibits the Occupying Power from the individual or mass forcible transfer and deportation of protected persons, as well as from transferring parts of its own civilian population into the territory it occupies. In a 2022 report, the UN Independent International Commission of Inquiry also explicitly reiterated that the continuous expansion by Israel of settlements and related infrastructure actively contributes to the entrenchment of the Israeli occupation.³⁷

In addition, the confiscation of land to build or expand settlements in occupied territory is prohibited, whereas the extensive destruction and appropriation of property for the benefit of settlements violates a number of IHL provisions, as found in the Hague Regulations of 1907, the Fourth Geneva Convention and customary IHL. In addition, Israeli settlements have resulted in a myriad of human rights violations against the protected Palestinian population,³⁸ while fragmenting the West Bank and isolating it from Jerusalem, and rendering sustainable and independent social and economic development for Palestinians in the OPT impossible to achieve, besides Israel's ongoing destruction of Gaza. This was reiterated most recently by the United Nations Human Rights Council, which, in an April 2024 resolution, noted that *"the settlement enterprise and the impunity associated with its persistence, expansion and related violence continue to be a root cause of many violations of Palestinians' human rights, and constitute the main factors perpetuating the prolonged and belligerent occupation by Israel of the Palestinian Territory, including East Jerusalem, since 1967"*, while also reaffirming that *"the Israeli settlements established since 1967 in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal under international law, and constitute a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace, and to economic and social development"*.³⁹

In a groundbreaking and historic ruling, the International Court of Justice (ICJ), in July 2024 ruled that Israel's military occupation is unlawful and must end, and found Israel to be in breach of the prohibition of racial segregation and apartheid under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). The court found that Israeli policies and practices, including the construction and expansion of settlements, *"amount to annexation of large parts of the Occupied Palestinian Territory"*⁴⁰, an unlawful practice prohibited by article 2(4) of the United Nations Charter:

"The sustained abuse by Israel of its position as an occupying Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel's presence in the Occupied Palestinian Territory unlawful. This illegality relates to the entirety of the Palestinian territory occupied by Israel in 1967."⁴¹



Finally, as evidenced by the ICJ⁴² and a substantial and rapidly growing body of legal experts, human rights organisations and UN experts, settlements are a key component of Israel's apartheid regime over the Palestinian people, whereby Israel imposes a system of oppression and domination over Palestinians wherever it exercises control.⁴³ This racial segregation is systematic and highly institutionalized through laws, policies and practices, all intended to prevent the Palestinian people from exercising their inalienable rights under international law, particularly the right to self-determination and the return of refugees, and the right to justice, equality and freedom from oppression and colonization.⁴⁴ In the West Bank, apartheid takes various forms, including in the form of a civil administration for Jewish Israeli settlers, residing and working in illegal settlements, on the one hand, and martial law for Palestinians, on the other.

The scope of the current report remains focused on financial relationships with companies actively involved in the illegal Israeli settlements in the occupied West Bank, including East Jerusalem, in line with previous reports from the Don't Buy into Occupation coalition. However, the ICJ's finding on the illegality of the occupation in the entirety of the OPT means that future reports will have an expanded focus on business activities that serve to underpin and enable the occupation regime as a whole, including but not limited to the illegal settlements.



4. Role and responsibilities of business enterprises and financial institutions⁴⁵

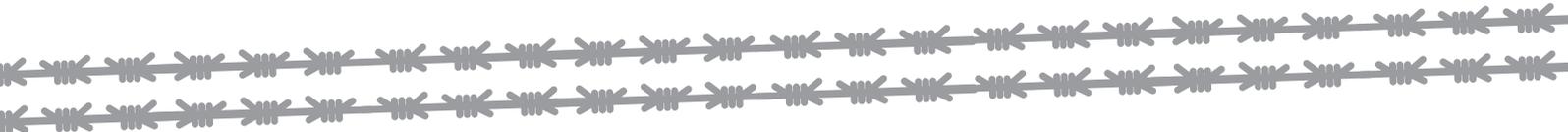
The illegality of Israeli settlements and the occupation as a whole brings with it legal obligations and responsibilities for third states and business enterprises. According to the International Court of Justice, in its historic July 2024 Advisory Opinion, third states have a legal obligation “*not to recognize as legal the situation arising from the unlawful presence of the State of Israel in the Occupied Palestinian Territory and not to render aid or assistance in maintaining the situation created by the continued presence of the State of Israel in the Occupied Palestinian Territory*”⁴⁶. More specifically, the Court reminded third states about their legal obligation “*to abstain from entering into economic or trade dealings with Israel concerning the Occupied Palestinian Territory or parts thereof which may entrench its unlawful presence in the territory; to abstain, in the establishment and maintenance of diplomatic missions in Israel, from any recognition of its illegal presence in the Occupied Palestinian Territory; and to take steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory.*” (emphasis added)⁴⁷



In September 2024, the ICJ’s advisory opinion received the overwhelming support of the UN General Assembly in a resolution reaffirming the ICJ’s call for states to comply with their obligations under international law. The General Assembly resolution further called upon states to “*take steps to ensure that their nationals, and companies and entities under their jurisdiction, as well as their authorities, do not act in any way that would entail recognition or provide aid or assistance in maintaining the situation created by Israel’s illegal presence in the Occupied Palestinian Territory*” and to “*take steps towards ceasing the importation of any products originating in the Israeli settlements, as well as the provision or transfer of arms, munitions and related equipment to Israel, the occupying Power, in all cases where there are reasonable grounds to suspect that they may be used in the Occupied Palestinian Territory.*”⁴⁸

Israeli, European, and international business enterprises, operating with or providing services to Israel’s illegal settlement enterprise, play a critical role in the functioning, sustainability and expansion of the illegal occupation, including the settlements. Considering the illegality of settlements and the occupation as a whole, the associated wide range of international humanitarian and human rights law violations, and the deliberate obstruction of the development of the Palestinian economy, private actors have a responsibility to ensure that they are not involved in violations of international law and are not contributing to, profiting from, or complicit in international crimes.

Business enterprises that are directly or indirectly involved in the Israeli settlement enterprise run an unacceptable high risk of complicity in grave violations of human rights and international humanitarian law, as well as complicity in war crimes and crimes against humanity. Consequently, in an April 2024 report, the UN Human Rights Council called upon business enterprises to “*take all measures necessary to comply with their responsibilities under the Guiding Principles on Business and Human Rights and relevant international laws and standards, foremost by terminating their activities in or in relation to the Israeli settlements and the wall in the Occupied Palestinian Territory, including East Jerusalem, to withdraw from settlements in order to cease the unmitigable adverse impact of their activities on human rights, and to cease contributing*

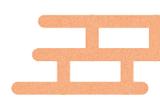


to the establishment, maintenance, development or consolidation of Israeli settlements or the exploitation of the natural resources of the Occupied Palestinian Territory, including East Jerusalem.”⁴⁹

Financial institutions also have a specific responsibility under the UN Guiding Principles on Business and Human Rights and OECD Guidelines for Multinational Enterprises (OECD Guidelines) to use their leverage through meaningful, time-bound engagement to ensure their clients and investee companies act responsibly and in line with international law and international standards on business and human rights, and to divest from those that do not. This was also highlighted by the UN Working Group on Business and Human Rights, which, in a June 2021 report, stated that investors have an “*unparalleled ability*”⁵⁰ to influence business enterprises and scale up progress on the implementation of the UN Guiding Principles. Already in 2013, the UN Office of the High Commissioner for Human Rights (OHCHR) stated that “*institutional investors would be expected to seek to prevent or mitigate human rights risks identified in relation to shareholdings – including minority shareholdings. The Guiding Principles set out that the appropriate action in response to the identified risk depends on the degree of its leverage, where a number of options should be considered with a view to use or enhance leverage, to effect change in terms of ending harmful practice and mitigating risks of human rights abuse. If efforts in this regard are not successful, the Guiding Principles stipulate that the institutional investor should consider ending the relationship.*”⁵¹

The responsibilities of investors to respect human rights under the UN Guiding Principles on Business and Human Rights were, once again, highlighted in a May 2024 report from the United Nations Working Group on Business and Human Rights. In this report, the leading UN experts reiterated that the UN Guiding Principles “*apply to all investors as business enterprises, irrespective of their size (including in terms of volume of assets under management), location, ownership (public, private or both) and structure, and the asset classes in which they invest (...) The responsibility to respect human rights means that investors should not cause or contribute to adverse human rights impacts, and should seek to prevent or mitigate such impacts that are directly linked to their operations, products or services by their business relationships, including in their value chain.*”⁵²

Financial institutions that are linked to the illegal Israeli settlement enterprise through direct investments or through financial relationships with companies that are involved with this enterprise are in all likelihood facilitating or contributing to human rights violations. To prevent this, they need to conduct heightened human rights due diligence in order to avoid involvement or complicity in breaches of international law. Companies, including financial institutions, whose activities, products, or services are directly linked to severe human rights impacts, are expected to have a rapid response and implement responsible disengagement. Responsible disengagement is a global standard of expected conduct for all companies, wherever they operate, and exists independently of States’ ability and willingness to fulfil their own human rights obligations.





Non-exhaustive overview of authoritative guidance documents on business & human rights in conflict-affected areas

UN Working Group on Business and Human Rights, Report to the UN General Assembly, Towards Heightened Action, UN doc A/75/212, 21 July 2020.

Available at: [A/75/212: Report on business, human right and conflict-affected regions: towards heightened action](#) | OHCHR

United Nations Development Programme (UNDP), Heightened Human Rights Due Diligence for business in conflict-affected contexts, 2022.

Available at: [Heightened Human Rights Due Diligence for Business in Conflict-Affected Contexts: A Guide](#) | United Nations Development Programme (undp.org)

Australian Red Cross, Doing Responsible Business in Armed Conflict: Risks, Rights and Responsibilities, 2020.

Available at: [doing-responsible-business-in-armed-conflict-final-publication-web.pdf](#) (redcross.org.au)

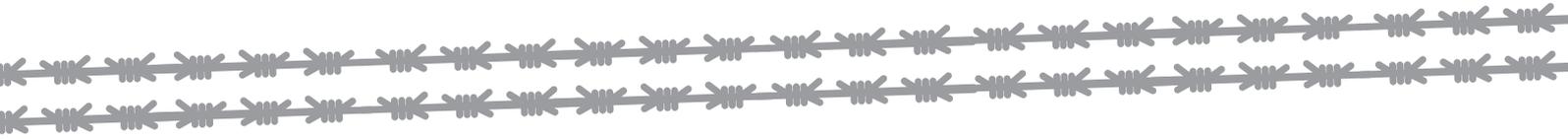
International Alert, Human rights due diligence in conflict-affected settings: Guidance for extractives industries, 2018.

Available at: https://www.international-alert.org/publications/human-rights-due-diligence-conflict-affected-settings/?gad_source=1&gclid=Cj0KCQjwz7C2BhDkARIsAA_SZK-bVbhUpPT_AZ4d12Wi4f8OULCtB_5Oh_PfMmgTzD61zTPJOU7P_f8aAtEOEALw_wcB

Responsible Investment Association Australasia (RIAA), Investor toolkit on Human Rights and Armed Conflict, May 2023.

Available at: <https://www.ausbil.com.au/Ausbil/media/Documents/Research%20and%20Insights/Investor-Toolkit-on-Human-Rights-and-Armed-Conflict.pdf>

It should also be noted that UN human rights experts, in a September 2024 statement, called on third states to “impose sanctions, including asset freezes, on Israeli individuals, entities including businesses, corporations and financial institutions, involved in the unlawful occupation and apartheid regime as well as on any foreign or domestic entities and individuals subject to their jurisdiction that supply goods and services that may aid, assist or enable occupation and apartheid”.⁵³ Therefore, the consequences for business involvement in grave violations of international law and complicity in atrocities have drastically increased in the context of Israel’s onslaught on Gaza, as well as the upsurge in Israel’s militarized attacks across the West Bank. The International Court of Justice (ICJ) has determined that there is a “plausible” risk of genocide in Gaza,⁵⁴ while both the Prosecutor of the International Criminal Court (ICC) and the Independent UN Commission of Inquiry have found that war crimes and crimes against humanity have been carried out by the Israeli army in Gaza.⁵⁵ This makes it even more urgent for companies which, in addition to their activities in the settlement industry, are supplying arms or dual use goods⁵⁶ to the Israeli army (such as Elbit Systems and Caterpillar), to stop their supply to Israel and for financial institutions to stop financing these companies.⁵⁷



5. Growing divestment momentum and other positive developments in 2024

For years, civil society actors and UN experts have been urging corporate actors, including financial institutions, to end involvement with Israeli violations of international law, such as those attributed to Israel's illegal settlements in the West Bank. Financial institutions (FIs) are being called upon to use their leverage on or divest from clients and investee companies that are involved with the settlements to end this involvement. In recent years, a number of financial institutions and companies have responded to these calls and taken action that pressures or excludes enterprises active in illegal settlements.

Frequent calls are also made to implement investment policies that exclude finance for companies involved with illegal settlements in occupied territories. This means that the financial institution will not buy shares or bonds or provide credit or underwriting to actors involved in such settlements.

5.1 Business and FI decisions to divest since December 2023

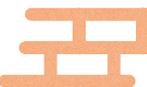
June 2024: French bank and insurance giant AXA divested from three Israeli banks (Bank Hapoalim, Bank Leumi, Israel Discount Bank) listed in the UN Database of business enterprises involved in the Israeli settlements.⁵⁸

June 2024: Norway's largest pension company, KLP, announced its decision to exclude Caterpillar Inc. from its investment portfolios, stating that there is an unacceptable risk that the US producer of bulldozers and other heavy machinery "*may contribute to the violation of international law and the rights of the individual in situations of war and conflict in the OPT*".⁵⁹

May 2024: Storebrand, Norway's second-largest asset manager, excluded Construcciones y Auxiliar de Ferrocarriles (CAF) and IBM from its investment portfolios. CAF was excluded for its involvement in the expansion of the Jerusalem Light Rail, which Storebrand described as "*reinforcing the permanence of the existing illegal settlements, and contributing to the expansion of new settlements, thus furthering Israel's illegal acquisition of territory. The transference of Israel's population into the occupied territories constitutes a violation of international law.*"

On IBM, Storebrand stated that the database the company operates "*facilitates the fragmentation of Palestinian society; determines the legal jurisdiction that Palestinians fall under (civilian vs. military law); and restricts their participation in the political system (who can vote and be elected), where they can live, work, and travel, and their access to government services. The Special Rapporteur for the occupied Palestinian territory (oPt), has categorised this regime as a state of apartheid, which is classified as a crime against humanity.*"⁶⁰

April 2024: The Ireland Strategic Investment Fund announced it would divest from six Israeli companies (Bank Hapoalim, Bank Leumi, Israel Discount Bank, Mizrahi Tefahot Bank, First International Bank and Rami Levi CN Stores) over their activities in the OPT.⁶¹



January 2024: Danish AkademikerPension announced its divestment from six banks, four construction companies and three telecommunications companies due to their links to Israeli settlements in the occupied West Bank and “systematic negative impacts on the human rights of Palestinians”.⁶²

2024: Danish pension fund Velliv announced its divestment from 11 banks in Israel. “The risks when it comes to the [Israeli] banks are either to do with their financing the expansion of the settlements or funding infrastructure in the settlements [...] “these are occupied territories, and these actions don’t comply with the UN guiding principles we rely on”.⁶³

Pension Denmark has sold its assets in four Israeli banks, “as we could not reject that they are involved in illegal activities by financing settlements on occupied Palestinian territories”.⁶⁴

Divestments by the Danish pension funds P+, Industriens Pension⁶⁵ and PKA pension fund from companies involved with the illegal settlements were also reported on.⁶⁶

December 2023: Sportswear brand Puma announced that it would not renew its sponsorship of the Israel Football Association (IFA). Puma had faced boycott calls since 2018 over accusations that its support for the IFA helped legitimize Israel’s illegal settlements in the OPT, as the IFA includes teams based in the settlements.⁶⁷

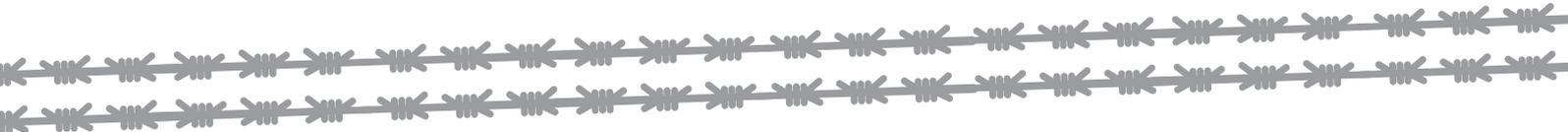
In October 2024, in a direct response to the 19th July 2024 Advisory Opinion by the International Court of Justice, the Norwegian government also issued an updated advisory advising Norwegian companies not to engage in trade or business cooperation that serve to perpetuate Israel’s illegal presence in the Occupied Palestinian Territory.⁶⁸

5.2. Normative and legislative developments in the field of Business & Human Rights

On 24th May 2024, two and a half years after the European Commission’s publication of its legislative proposal, the EU Directive on Corporate Sustainability Due Diligence (CSDDD) was officially adopted by the European Council. It entered into force on 25th July 2024. Companies over a certain size in terms of numbers of employees and turnover will need to identify, assess and address human rights and environmental risks in their value chains.⁶⁹ EU Member States now have two years to transpose the directive into national laws. Although a welcome step towards promoting responsible business conduct and corporate accountability, the directive deviates from the international norms on business and human rights on several fundamental issues. While a full analysis of the strengths and gaps of the CSDDD is beyond the scope of this report, a few elements are worth mentioning here.⁷⁰

A particularly big gap, especially in the context of this report, is the fact that the directive does not call on companies to carry out due diligence on most of their ‘downstream’ relationships and impacts. Companies only need to address impacts of downstream business partners associated with the distribution, transport or storage of the product. This restriction on downstream due diligence obligations is even more explicit when it comes to the financial sector: financial institutions do not have to do due diligence on investments in or the provision of finance to clients and investee companies.⁷¹

These are severe loopholes that risk excluding critical human rights risks from companies’ due diligence scope. It is essential that these loopholes are closed in the transposition of the direc-



tive into national laws and/or in the next review of the legislation. On the more positive side, the CSDDD does include language that acknowledges the heightened human rights risks in conflict-affected areas and requires companies to adapt their due diligence processes to ensure that these are “adapted to conflict-affected and high-risk areas, in a manner that is consistent with international humanitarian law, as laid out in the Geneva Conventions of 1949 and their additional protocols”.⁷² Other positive elements are the fact that the CSDDD introduces civil liability for companies that cause or contribute to human rights violations, as well as measures to enhance the access to justice for affected rights holders.





6. Recommendations

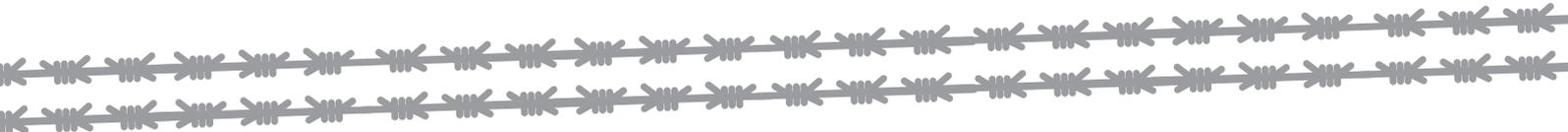
Based on the research, analysis and findings presented, the relevant applicable international law framework, and various international instruments and accompanying jurisprudence, this report provides a set of recommendations for financial institutions, business enterprises, European governments and institutions, and local authorities across Europe:

Financial institutions should:

1. Conduct heightened human rights due diligence (HRDD) on all business relationships with enterprises that are in the financial institution's lending, underwriting and investment portfolios, and which are suspected to be involved in activities linked to Israel's settlement enterprise in the occupied Palestinian territory (OPT).
2. Take action to end financial support for companies that are active in the illegal settlement enterprise or that otherwise provide goods or services that support the settlement enterprise, either through strictly time-bound engagement or through responsible divestment.
3. End all investments in and provision of finance to companies that fail to immediately stop supplying arms, military components or dual-use items to Israel.
4. Adopt and implement lending, underwriting and investment policies that explicitly incorporate companies' involvement with illegal settlements in occupied territories and the selling of arms and related components to states where there is a risk that these will be used in violation of human rights or international humanitarian law, as exclusion criteria.
5. Engage in dialogue with local stakeholders, i.e., the Palestinian population protected under international humanitarian law, to provide effective reparation and remedy for any harm caused or contributed to as a result of the financial institution's investment practices and financial relationships.
6. Engage with industry associations, regulators, policy makers, and standard-setting bodies to promote and ensure adherence to international human rights and humanitarian law and to promote heightened human rights due diligence in conflict-affected areas as the industry standard.

Business enterprises should:

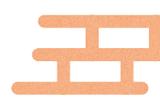
7. Responsibly cease all activities and relationships that help to establish, expand or maintain illegal Israeli settlements or the settlement enterprise in general.
8. Immediately end all sales and transfers, including via third states, of arms or military technology and dual-use items to Israel, including spyware; training; joint research and development projects; and provision of equipment and services to Israel's military.
9. Introduce appropriate reparations and remedial processes, in consultation with those directly affected, to ensure redress and accountability for all those affected and subject to adverse impacts caused or contributed to by the business enterprise's activities in the context of Israel's settlement enterprise.



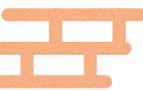
10. Introduce heightened human rights due diligence procedures within the entire value chain to ensure that the company itself, its subsidiaries and its business relationships respect human rights and international humanitarian law in conflict-affected areas.

European governments and institutions should:

11. As requested by the UN Human Rights Council in April 2024, cease the sale, transfer and diversion of arms, munitions and other military equipment to Israel, in order to prevent further violations of international humanitarian law and violations and abuses of human rights, and refrain, in accordance with international norms and standards, from the export, sale or transfer of surveillance goods and technologies and less-lethal weapons, including “dual-use” items, when there are reasonable grounds to suspect that such goods, technologies or weapons might be used to violate or abuse human rights.
12. Provide political and financial support to the UN Office of the High Commissioner for Human Rights (OHCHR) to fulfil its mandate to annually update and publish the UN database of business enterprises involved in certain activities relating to Israeli settlements in the OPT.
13. Impose sanctions, including asset freezes, on Israeli individuals and entities, including businesses and financial institutions, directly involved in the unlawful occupation and apartheid regime as well as on any foreign or domestic entities and individuals subject to their jurisdiction that supply goods and services that may aid, assist or enable occupation and apartheid.⁷³
14. Ensure that, in the transposition of the recently adopted EU CSDDD into national level legislation, the weaknesses of that directive are addressed, and loopholes are closed, including:
 - Expanding the scope of the legislation to cover the entire value chain, including all downstream activities and relationships and including the financial sector;
 - Ensuring that the obligation to conduct heightened human rights due diligence in conflict-affected and high-risk areas is explicitly included in the legislative articles;
 - Including international humanitarian law in the normative scope of the legislation as an integral part of the legal framework that should be adhered to in situations of conflict and occupation.
15. As demanded by the Advisory Opinion issued by the International Court of Justice in July 2024, prohibit imports, marketing and sales by companies operating illegally in the OPT in European markets, and ban trade with and economic support for illegal Israeli settlements.
16. In cases where an individual European government owns, or is a shareholder in, a financial institution that has investments in companies active in settlements in the OPT, take appropriate measures to ensure that the financial institution ends its involvement and develops policies that prevent such investments in the future.
17. Fully cooperate with the Office of the Prosecutor of the International Criminal Court (ICC), in line with relevant obligations set forth in the Rome Statute and the Geneva Conventions; and express public support for the independence of the Court in its investigation into the Situation in Palestine, which could encompass private and corporate actors.

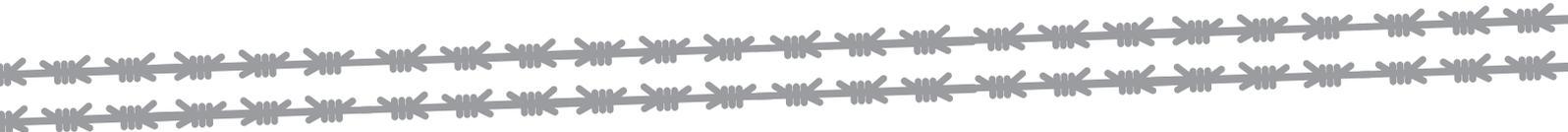


18. Publish updated business advisories on direct and indirect financial investments, activities and relationships with the Israeli settlement enterprise, warning about the associated legal risks and consequences; and put in place a proactive dissemination strategy towards business enterprises and corporate actors. Actively encourage the European Union (EU) to publish a joint EU business advisory on financial investments and activities linked to Israel's settlement enterprise, and to develop and adopt a proactive dissemination strategy.
19. Apply public procurement law in line with relevant obligations and responsibilities for States under international law, the UNGPs and OECD Guidelines, and deny public contracts to companies involved in violations of international law in the OPT.
20. Incorporate legislation to give effect to the principle of universal jurisdiction at a domestic level, for the prosecution of corporate-related breaches of the Geneva Conventions and international crimes committed in the OPT, as part of the EU's fight against impunity and to ensure accountability.
21. Include corporate-related human rights violations, grave breaches and international crimes committed in the OPT, linked to the illegal settlement enterprise, in the implementation of the EU Global Human Rights Sanctions Regime.



Local authorities across Europe should:

22. In cases where a local municipality has its own pension funds, undertake a review of investments in companies that are involved in any of the "listed activities" in the Israeli settlement enterprise, as outlined in the UN database. In these cases, local authorities should begin the process of divestment from the identified companies.
23. Ensure local pension funds implement adequate investment screening and due diligence procedures, to comply with their relevant obligations and responsibilities to avoid involvement and complicity in violations of international law and avoid contributing to the frequency, likelihood and severity of human rights violations and humanitarian law violations.



7. Responses from European financial institutions (FIs)

Both the companies and financial institutions mentioned in this report were given the opportunity to review the results and provide input on the findings on financial relationships, as well as on their approach to human rights due diligence. In total, 156 financial institutions and 56 companies were contacted. At the time this report went to press, the DBIO coalition received responses from 37 financial institutions and 3 companies. These responses have been considered and noted throughout the report. An overview of the responses of companies and FIs who have agreed to have their response mentioned in the report can be found on the DBIO website. More details on the current report's methodology can also be found on the DBIO website.⁷⁴

Similar to previous years, most responses received from financial institutions failed to provide specific detail and often relied on general references to the institution's human rights policies. In the few cases where financial institutions did elaborate more on the substance of the issue, the responses received were largely based on a number of common claims. Already in 2022, the DBIO coalition asked an external legal expert on business and human rights, Gabriela Quijano, to provide an expert opinion on these claims, which remains valid for the scope of the current report:

1. *Financial institutions often rely on the environmental, social and governance (ESG) ratings given to companies by leading ESG data providers. To what extent do ESG ratings consider respect for human rights and international humanitarian law in conflict areas, and is a reliance on ESG data sufficient to meet the need for heightened human rights due diligence in conflict-affected areas?*

The ESG frameworks or methodologies on which ESG ratings are based do not capture all risks to human rights and are still predominantly guided by questions of value creation and materiality. This means that a company could have a high ESG rating and still be causing or contributing to human rights abuses.⁷⁵ In fact, ESG-labelled funds are often found to be holding investments in companies associated with serious human rights abuses.⁷⁶ It is for this reason that in 2021, the UN Working Group on Business and Human rights recommended that institutional investors engage with data providers to improve their research and methodologies and support the development of new ESG reporting frameworks and benchmarks to better evaluate human rights performance".⁷⁷ In sum, reliance on ESG data is an insufficient means of meeting a financial institution's responsibility to respect human rights.

This is more so in situations of conflict where much more sophisticated and detailed information on human rights risks and impacts are needed as part of an enhanced human rights due diligence process.

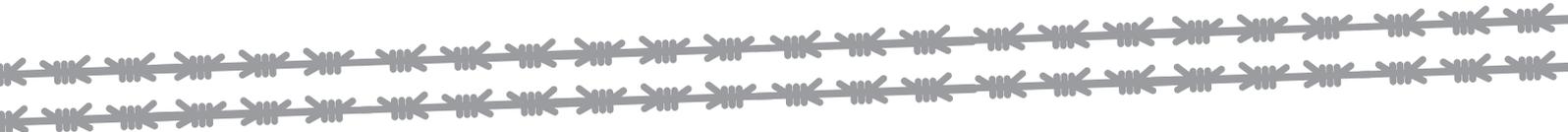
More background and analysis on the problematic and biased nature of OPT-related ESG scores by Sustainalytics, one of the world's most prominent ESG data providers, can be found on the DBIO website.⁷⁸

- 2. Decisions on exclusions of companies by financial institutions are usually made on the basis of an analysis of the respective company's contribution to violations of international norms. Typically, companies providing essential goods and services to the illegal settlements are subject to exclusion, while companies, such as Airbnb, Booking.com and Expedia (which market accommodation in the illegal settlements), are deemed insufficiently problematic, despite both companies being on the UN Human Rights Council Database respecting business enterprises involved in the Israeli settlement economy. Do financial institutions have room for discretion in determining which types of contributions to violations of international humanitarian law should be addressed?***

Financial institutions do not have room for discretion in this respect. To the extent that companies they loan to or invest in are contributing to these violations, the UN Guiding Principles make very clear that they must take action.⁷⁹ Where businesses do have discretion is in relation to the nature of their response and prioritization (if prioritization is necessary) based on notions of severity or “salience”.⁸⁰ While the OECD Guidelines require that contribution be “substantial” (i.e. not “trivial or minor”), the UN Guiding Principles do not include this requirement. Regardless, the contribution of online tourism companies to violations of international humanitarian and human rights law by virtue of their listings in Israeli settlements can hardly be characterized as “minor” or “trivial”.⁸¹ The UN listing of Airbnb, Booking.com, Expedia and other online tourism companies in the UN Database corroborates this point. In addition, if any need for prioritization were argued, the severity of the abuses associated with Israeli settlements could hardly justify de-prioritization or deferral.

- 3. Financial institutions often invoke the concept of “dual use” as a reason for not divesting from a company involved in the illegal settlement enterprise. Dual use products in the context of the Occupied Palestinian Territory include heavy earth-moving equipment that has a civilian use, but is nonetheless utilized, with the knowledge of the company concerned, in punitive house demolitions and forced displacement of Palestinians. Does “dual use” absolve financial institutions of their responsibilities?***

The “dual use” argument does not absolve financial institutions from responsibility. Under the UN Guiding Principles, financial institutions must seek to identify risks to human rights posed by all of their business relationships’ activities, projects and products. Certain products might be intrinsically risky, such as pesticides or weapons, or they might pose risks to human rights because of the way in which they are used. While companies may legitimately claim that they did not know that their products would be used to commit human rights violations, the potential for the Israeli government to use certain products such as home demolition and surveillance equipment to commit human rights abuses against Palestinians is high and well-known.⁸² Companies supplying such equipment without adequate safeguards to guarantee it will not be used to commit human rights violations against Palestinians are contributing to these violations.⁸³ These are risks financial institutions must seek to identify and address. The fact that a product a client supplies has and is normally put to a legitimate use does not exempt them from the responsibility to ensure it will not be deviated from its legitimate purpose and used to commit human rights violations in situations in which the potential for this deviation is high. Watching out for this risk is an ongoing responsibility. As the OHCHR recommends, companies must remain vigilant for possible shifts in risk patterns, including when “long-standing products or services”... “start to be used for unintended purposes.”⁸⁴



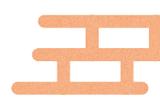
- 4. Some financial institutions argue that staying invested in a company, when problems are identified, is a more productive and responsible course of action, allowing financial institutions to exert a positive influence on the company over time. What consideration should be given to the results of other engagement with the same company by financial institutions, human rights organisations and international institutions, and after what period of time should investors move to divestment, if engagement is not having the desired effect? In which situations should financial institutions move swiftly or immediately to divestment?**

Staying invested in a company when problems are identified will often, but not always be the most appropriate and responsible course of action. In the Palestinian context, any form of business involvement in or with Israeli settlements inevitably contributes to serious human rights violations.⁸⁵ In the words of the UN Human Rights Council, these violations are “immitigable”.⁸⁶ For these reasons, financial institutions’ engagement with clients can only have the purpose of persuading them to cease any settlement-related business activity. In addition, engagement must have a temporal limitation. The UNGPs indicate that the more severe the abuse, the more quickly the company will need to see change before it decides to divest.⁸⁷

However, in certain cases even time-bound engagement might be unjustified and futile. Companies like Booking.com, Caterpillar, Heidelberg and arguably all the companies now included in the UN Database have had sufficient warning and plenty of time to dissociate themselves from Israel’s illegal settlement enterprise. Many have been the target of sustained civil society campaigns. Despite these warnings and engagement they have maintained their activities in or with Israeli settlements. Giving them more time would only reward their lack of action. In addition, the severity of the human rights impacts associated with their activities in or with Israeli settlements also justifies immediate divestment. This is in line with international standards which establish that immediate disengagement with a business relationship might be warranted either after failed attempts at mitigation, where mitigation is not feasible or because of the severity of the adverse impact.⁸⁸

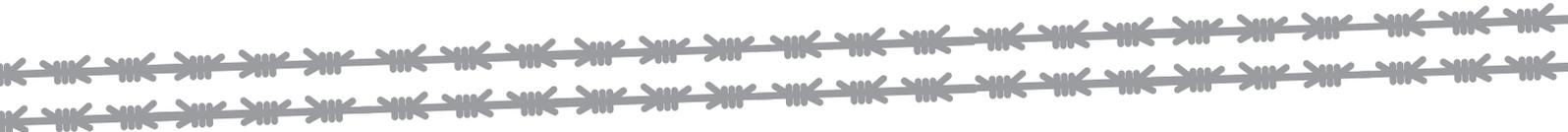
- 5. A number of financial institutions maintain that the proportion of lending or holdings in a company that can be judged to contribute directly to activities with a negative impact is minimal and difficult to determine. They can also claim that the said company’s negative activities may be a minor share of a much larger portfolio of activities with a positive impact, and that the figures presented in this report are therefore misrepresentative. To what extent is this a valid argument?**

A small or minority proportion of lending or holdings is not a valid argument or excuse for lack of action. Under the UN Guiding Principles and OECD Guidelines, financial institutions have a responsibility to respect human rights and seek to prevent or mitigate adverse impacts in relation to all companies they loan to or are invested in, regardless of the proportion of their lending or holding.⁸⁹ Both the OHCHR⁹⁰ and OECD⁹¹ have made this abundantly clear.⁹² Where the size of the holding or lending becomes relevant is in relation to leverage and the extent to which a minority investor can influence the behaviour of recipient companies.⁹³ However, lack of leverage does not erase responsibility. Minority shareholders or lenders with limited leverage must try to increase it (for example, by collaborating with other investors or lenders) and in certain circumstances may need to withdraw credit or divest altogether (see above).⁹⁴ The fact that the majority or a significant proportion of the activities of an investee or client company is legal, legitimate or positive does not cancel out the negative impacts that some of its activities may be having elsewhere. The UN Guiding Principles make it totally clear that business enterprises’ activities with a positive impact do not “offset a failure to respect human



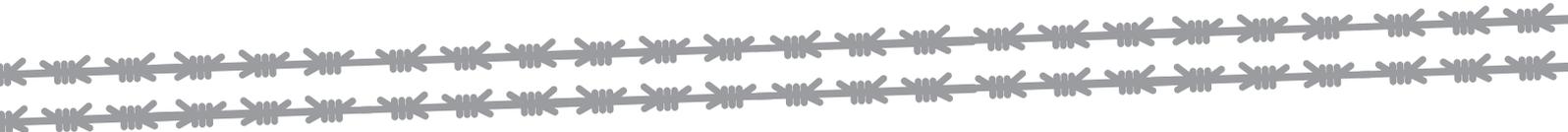
rights throughout their operations.”⁹⁵ This is equally applicable to financial institutions. The fact that the majority or a large proportion of the activities of clients or investee companies is legal, legitimate or positive does not justify a financial institution not taking action in relation to activities that cause or contribute to adverse impacts, even if these constitute a small fraction or minority within the company’s overall activities.



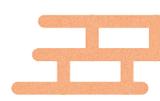


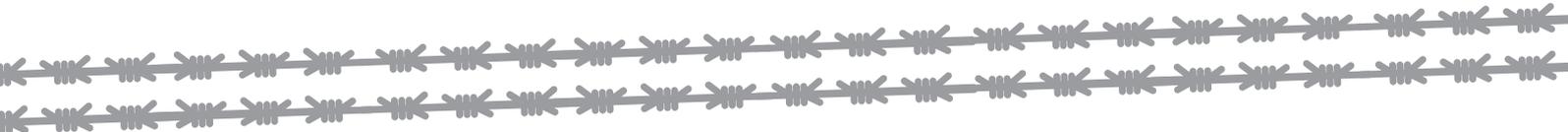
Endnotes

- 1 “Don’t Buy into Occupation” (DBIO) is a coalition of 28 Palestinian, regional and European organisations based in Belgium, France, Ireland, the Netherlands, Norway, Spain, the United Kingdom and Palestine. The coalition aims to investigate and highlight the financial relationships between business enterprises involved in the illegal Israeli settlement enterprise in the Occupied Palestinian Territory (OPT) and European financial institutions (FIs). The current report is the fourth annual report that the DBIO coalition has published since September 2021. See <https://dontbuyintooccupation.org/>
- 2 For more details on the activities of the specific companies, see www.dontbuyintooccupation.org
- 3 See <https://www.ohchr.org/en/press-briefing-notes/2023/06/update-database-business-enterprises-relation-occupied-palestinian>
- 4 These continued annual updates were requested by the UN Human Rights Council (July 2023). See OHCHR, ‘Human Rights Council Adopts Five Resolutions, Including on the Implementation of Resolution 31/36 and on the Human Rights of Rohingya Muslims and Other Minorities in Myanmar’, 14 July 2023, <https://www.ohchr.org/en/news/2023/07/human-rights-council-adopts-five-resolutions-including-implementation-resolution-3136> (accessed November 2023).
- 5 See www.dontbuyintooccupation.org
- 6 See www.dontbuyintooccupation.org
- 7 The term “atrocities crimes” refers to three legally defined international crimes: genocide, crimes against humanity and war crimes. The definitions of the crimes can be found in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1949 Geneva Conventions¹ and their 1977 Additional Protocols,² and the 1998 Rome Statute of the International Criminal Court, among other treaties. See https://www.un.org/en/genocideprevention/documents/about-us/Doc.3_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf, p 1.
- 8 See <https://www.aljazeera.com/news/2024/9/13/un-head-slams-security-council-for-failure-to-end-gaza-sudan-ukraine-wars>
- 9 See <https://interagencystandingcommittee.org/inter-agency-standing-committee/statement-principals-inter-agency-standing-committee-stop-assault-palestinians-gaza-and-those-trying>
- 10 See <https://interagencystandingcommittee.org/inter-agency-standing-committee/statement-principals-inter-agency-standing-committee-stop-assault-palestinians-gaza-and-those-trying>
- 11 See <https://reliefweb.int/report/occupied-palestinian-territory/ipc-famine-review-committee-alert-gaza-strip-published-8-november-2024#:~:text=The%20report%20classified%20the%20entire,as%20facing%20catastrophic%20food%20insecurity>.
- 12 See <https://www.un.org/unispal/document/ohchr-press-release-20oct24/>
- 13 See <https://www.ohchr.org/en/press-releases/2024/10/turk-says-world-must-act-darkest-moment-gaza-conflict-unfolds>
- 14 See for example <https://www.timesofisrael.com/government-ministers-call-for-new-settlements-in-gaza-at-ultranationalist-conference/>
- 15 See <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session56/a-hrc-56-crp-3.pdf>. As also documented by the UN Commission of Inquiry, some of the casualties might have been killed during the Israeli counter-offensive.
- 16 See <https://www.nytimes.com/article/hostages-in-gaza-amas.html>
- 17 See <https://www.savethechildren.net/news/gaza-least-3100-children-aged-under-five-killed-others-risk-famine-looms>
- 18 See <https://www.ohchr.org/en/press-releases/2024/07/un-experts-declare-famine-has-spread-throughout-gaza-strip#:~:text=%E2%80%9CWhen%20the%20first%20child%20dies,famine%20across%20all%20of%20Gaza; and https://www.ipcinfo.org/ipcinfo-website/countries-in-focus-archive/issue-105/en/>
- 19 See <https://www.addameer.org/media/5406>
- 20 See, for example, A/HRC/55/3 Anatomy of a Genocide, March 2024: <https://www.un.org/unispal/document/anatomy-of-a-genocide-report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-palestinian-territory-occupied-since-1967-to-human-rights-council-advance-unedited-version-a-hrc-55/>
- 21 See <https://www.theguardian.com/world/2024/feb/27/un-israel-food-starvation-palestinians-war-crime-genocide> and <https://www.un.org/unispal/document/anatomy-of-a-genocide-report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-palestinian-territory-occupied-since-1967-to-human-rights-council-advance-unedited-version-a-hrc-55/>

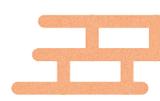


- 22 See <https://www.fidh.org/en/region/north-africa-middle-east/israel-palestine/israel-s-genocide-and-occupation-threaten-palestinian-self>
- 23 See <https://www.lemkininstitute.com/active-genocide-alert>
- 24 See <https://thepalestineproject.medium.com/yes-it-is-genocide-634a07ea27d4>, <https://www.middle-asteye.net/news/israel-undoubtedly-committing-genocide-holocaust-scholar-amos-goldberg>, <https://www.theguardian.com/world/article/2024/aug/13/israel-gaza-historian-omer-bartov> and <https://rumble.com/v5f0kul-why-israels-war-in-gaza-is-easily-a-genocide-israeli-american-genocide-scho.html>
- 25 See <https://www.humanrightsnetwork.org/publications/genocide-in-gaza>
- 26 See <https://www.ohchr.org/en/documents/country-reports/a79384-report-special-rapporteur-situation-human-rights-palestinian>
- 27 See <https://www.ohchr.org/en/press-releases/2024/11/un-special-committee-finds-israels-war-fare-methods-gaza-consistent-genocide>
- 28 See <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240328-ord-01-00-en.pdf> and <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240524-ord-01-00-en.pdf>
- 29 The International Court of Justice (ICJ) also determined in January 2024 that there is a plausible risk of violations of the rights of the Palestinians in Gaza under the Genocide Convention and the existence of a real and imminent risk of irreparable harms to the rights of the Palestinians in Gaza to be protected against genocide. See <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>
- 30 See <https://www.alhaq.org/advocacy/23294.html>
- 31 See <https://www.ohchr.org/en/press-releases/2023/12/un-report-turk-warns-rapidly-deteriorating-human-rights-situation-west-bank>
- 32 See <https://peacenow.org.il/en/while-we-were-at-war-the-governments-annexation-revolution-in-the-west-bank-since-october-7th>
- 33 See <https://peacenow.org.il/en/the-annexation-agenda-of-the-israeli-government> and <https://www.theguardian.com/world/article/2024/jun/20/idf-transfers-powers-in-occupied-west-bank-to-pro-settler-civil-servants>
- 34 See <https://www.alhaq.org/advocacy/23785.html>
- 35 For an in-depth legal analysis of this issue, see pp. 23-33 in the first DBIO report: <https://dontbuyintooccupation.org/wp-content/uploads/2021/09/DBIO-report-FINAL.pdf#page=23>
- 36 This has also been re-iterated by United Nations Security Council 2334, which, in December 2016, reaffirmed that “the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace.” See <https://www.un.org/webcast/pdfs/SRES2334-2016.pdf>. See also the 2004 Advisory Opinion by the International Court of Justice (ICJ), which confirmed that Israel’s settlement policy is in breach of the sixth paragraph of Article 49 of the Fourth Geneva Convention. [https://www.un.org/unispal/document/auto-insert-178825/Advisory opinion on the Legal Consequences of the Construction of a Wall in the OPT - Full text - Question of Palestine \(un.org\)](https://www.un.org/unispal/document/auto-insert-178825/Advisory%20opinion%20on%20the%20Legal%20Consequences%20of%20the%20Construction%20of%20a%20Wall%20in%20the%20OPT%20-%20Full%20text%20-%20Question%20of%20Palestine%20(un.org)). This was reconfirmed by the ICJ in another Advisory Opinion issued in July 2024: “In light of the above, the Court reaffirms that the Israeli settlements in the West Bank and East Jerusalem, and the régime associated with them, have been established and are being maintained in violation of international law.” See <https://www.icj-cij.org/case/186>, p 47.
- 37 See <https://www.un.org/unispal/document/report-of-the-independent-international-commission-of-inquiry-on-the-occupied-palestinian-territory-including-east-jerusalem-and-israel-a-77-328/nc>, p 17.
- 38 These include forcible displacement; restrictions on freedom of movement; violent attacks carried out by settlers; and damage to property and livelihoods. The military occupation regime, which the settlers depend on for protection, are additionally responsible for serious and ongoing human rights violations, including arbitrary arrest, imprisonment without trial, torture, extrajudicial killings and restrictions on freedom of expression.
- 39 See <https://documents.un.org/doc/undoc/gen/g24/066/62/pdf/g2406662.pdf?token=cR8NZvQTaY-VNMkrD0g&fe=true>
- 40 Article 2(4) of the UN Charter states that “Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.”
- 41 See <https://www.icj-cij.org/case/186>, p 72.
- 42 See <https://www.icj-cij.org/case/186>, p 65.

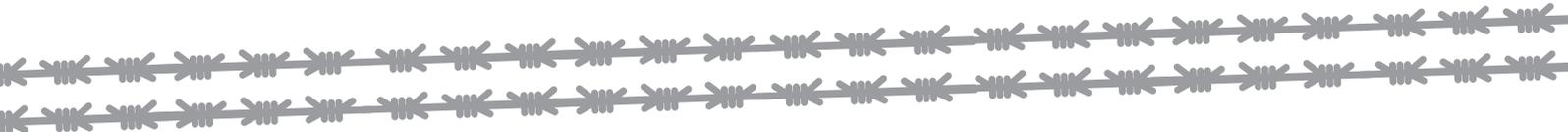




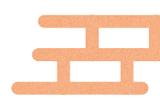
- 43 See, inter alia, Al-Haq et al., "Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel's Seventeenth to Nineteenth Periodic Reports", 10 November 2019, <https://www.alhaq.org/advocacy/16183.html> (accessed 20 November 2022); Yesh Din, "The Occupation of the West Bank and Crime of Apartheid: Legal Opinion", 9 July 2020, <https://www.yesh-din.org/en/the-occupation-of-the-west-bank-and-the-crime-of-apartheid-legal-opinion/> (accessed 20 November 2022); B'Tselem, "A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid", 12 January 2021, https://www.btselem.org/publications/fulltext/202101_this_is_apartheid (accessed 20 November 2022); Al Mezan Center for Human Rights, 2021, "The Gaza Bantustan - Israeli Apartheid in the Gaza Strip, <https://mezan.org/uploads/files/16381763051929.pdf> (accessed 20 November 2022); Human Rights Watch, "A Threshold Crossed. Israeli Authorities and the Crimes of Apartheid and Persecution", 27 April 2021, <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution> (accessed 20 November 2022); Amnesty International, "Israel's Apartheid Against Palestinians: Cruel System of domination and crime against humanity", 1 February 2022, <https://www.amnesty.org/en/latest/campaigns/2022/02/israels-system-of-apartheid/> (accessed 20 November 2022); UN OHCHR, "Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories: Israel has imposed upon Palestine an apartheid reality in a post-apartheid world", 25 March 2022, <https://www.ohchr.org/en/press-releases/2022/03/special-rapporteur-situation-human-rights-occupied-palestinian-territories> (accessed 20 November 2022).
- 44 Amnesty International, "Israel's Apartheid Against Palestinians: Cruel System of domination and crime against humanity", 1 February 2022, <https://www.amnesty.org/en/latest/campaigns/2022/02/israels-system-of-apartheid/> (accessed 20 November 2022), p. 12
- 45 For a more in-depth overview and analysis of relevant responsibilities, see https://dontbuyintooccupation.org/wp-content/uploads/2021/09/2022_11_29_D BIO-report-DEF.pdf, pp. 78-83.
- 46 See <https://www.icj-cij.org/case/186>, p 79.
- 47 See <https://www.icj-cij.org/case/186>, p 76.
- 48 UN General Assembly resolution A/ES-10/L.31/Rev.1, 13 September 2024, n2426648.pdf (un.org)
- 49 See <https://documents.un.org/doc/undoc/gen/g24/O66/62/pdf/g24O6662.pdf?token=cR8NZvQTaY-VNMkrDOg&fe=true>
- 50 See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/UNGP10/Stocktaking-reader-friendly.pdf>, p 17.
- 51 See <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/LetterSOMO.pdf>
- 52 See <https://documents.un.org/doc/undoc/gen/g24/O70/76/pdf/g24O7076.pdf?token=89qbXOX-7QUmBhbeOXd&fe=true>, pp. 12-13. The report also explicitly confirms that investors need to ensure that heightened human rights due diligence is conducted on investments in (clients or investee companies that are active in) conflict-affected areas (see pp.15, 18, 22).
- 53 See: <https://www.ohchr.org/en/statements/2024/09/un-experts-warn-international-order-knif-edge-urge-states-comply-icj-advisory>
- 54 The ICJ's provisional measures order determined that there is a plausible risk of violations of the rights of the Palestinians in Gaza under the Genocide Convention and the existence of a real and imminent risk of irreparable harms to the rights of the Palestinians in Gaza to be protected against genocide. International Court of Justice, 26 January Provisional Measures, see International Court of Justice (January 2024), 'Order of 26 January 2024, paras 54 and 74. Online: <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>
- 55 On 20 May 2024, the Prosecutor of the International Criminal Court (ICC) issued arrest warrants against Israeli Prime Minister Netanyahu and Israeli Minister of Defence Gallant, as well as 3 leaders of Hamas and its armed military wing for war crimes and crimes against humanity. On 12 June 2024, the United Nations International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel also concluded that the Israeli army has committed war crimes and crimes against humanity in Gaza after 7 October 2024. The Commission also concluded that members of the military wings of Hamas and of other Palestinian armed groups committed war crimes on and after 7th October 2023. See <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state> and <https://www.ohchr.org/en/hr-bodies/hrc/co-israel/index>
- 56 For a reflection on dual use goods in the context of the OPT, see section 6 of the current report.
- 57 For an in-depth research report into the financial relationships between the Israeli army's top arms suppliers and European financial institutions, see <https://cdn.uc.assets.prezly.com/6a5e10ae-1e17-43c8-a7dc-5a70f2232b0b/-/inline/no/REPORT%20-%20The%20Companies%20Arming%20Israel%20and%20Their%20Financiers%20-%20June%202024.pdf>. In August 2024, the Irish government announced that it will cease purchases of Israeli military equipment and will put ongoing contracts under review. See Ireland will cease purchases of Israeli military equipment, says Tánaiste – The Irish Times.



- 58 See <https://actions.eko.org/a/axa-investments-in-israeli-banks-financing-war-crimes>. At AXA's shareholder meeting in April 2024, AXA's CEO also announced that the company has "zero investments in Israeli banks, direct or indirect". See BDS movement on X: "At AXA annual general meeting, AXA's CEO Thomas Buberl claimed that the company has "zero investments in Israeli banks, direct or indirect." --- On April 23, 2024, the French insurance giant AXA held its annual general meeting in Paris. <https://t.co/90iXnrYeD>" / X
- 59 For full divestment decision, see [exclude-caterpillar-inc.pdf \(klp.no\)](#); [As Norway's largest private pension fund, we are divesting from Caterpillar | Israel-Palestine conflict | Al Jazeera](#)
- 60 Storebrand Asset Management, Sustainable Investment Review Q1 2024, pp. 54-55
- 61 See [gov - Minister McGrath notes NTMA confirmation of divestment from certain investments in the Occupied Palestinian Territory \(www.gov.ie\)](#)
- 62 See [Update on companies associated with Israeli settlements - AkademikerPension](#). The 13 companies are Bank Hapoalim, Bank Leumi Le-Israel, Bank of Jerusalem, First International Bank of Israel, Israel Discount Bank, Mizrahi Tefahot Bank, Ashtrom Group, Bezeq the Israel Telecommunication Corp., Cellcom Israel, Electra Group, Partner Communication Company, Shapir Engineering and Industry and Shikun & Binui.
- 63 See [Danish pension funds divest from Israeli banks and companies \(newarab.com\)](#) and [hjemmeside-28062024.pdf \(velliv.dk\)](#)
- 64 See 'What money managers are doing with Israeli assets', Financial Times 12 August 2024, online: <https://www.ft.com/content/96ce9024-b52d-47c4-b142-84c50fa686fa> and [Exclusion list | Public Markets, PensionDanmark](#).
- 65 [Negativ-liste-over-selskaber.pdf \(industrienspension.dk\)](#)
- 66 See [Danish pension funds divest from Israeli banks and companies \(newarab.com\)](#)
- 67 [Puma to end sponsorship of Israel's national football team \(ft.com\)](#)
- 68 See <https://www.regjeringen.no/en/aktuelt/do-not-engage-in-trade-and-business-cooperation-that-serves-to-perpetuate-israels-occupation-of-palestine/id3061358/#:~:text=The%20Norwegian%20Government%20is%20updating,including%20East%20Jerusalem%2C%20and%20Gaza>.
- 69 See, for example, HFW, "The Corporate Sustainability Due Diligence Directive (CSDDD): What You Need to Know", <https://www.hfw.com/insights/the-corporate-sustainability-due-diligence-directive-csddd-what-you-need-to-know/> for more information on CSDDD.
- 70 For more extensive academic and/or civil society reflections on the CSDDD, see for example [RE-ACTION A game changer with loopholes: EU finally adopts landmark Corporate Due Diligence law - ECCJ \(corporatejustice.org\)](#); [REACTION CSDDD endorsement brings us 0.05% closer to corporate justice - ECCJ](#); Tara van Ho, "EU Law Analysis: Would've, Could've, Should've: Preliminary Reflections on the EU's New Corporate Sustainability Due Diligence Directive", January 2024; OECD Watch, "Alignment within Reach: Remaining opportunities to align the EU CSDDD with the OECD Guidelines", June 2024. Available at: [Alignment within Reach - OECD Watch](#).
- 71 OECD Watch, "Alignment within Reach: Remaining opportunities to align the EU CSDDD with the OECD Guidelines", June 2024. Available at: [Alignment within Reach - OECD Watch](#).
- 72 See Recital 42, Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859 Text with EEA relevance. (europa.eu)
- 73 See <https://www.ohchr.org/en/statements/2024/09/un-experts-warn-international-order-knives-edge-urge-states-comply-ici-advisory>
- 74 See <https://dontbuyintooccupation.org/>
- 75 OHCHR, The Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders. Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, 22 June 2021, A/HRC/47/39/Add.2, pp. 13, 14-15, 16, 26 (hereinafter, OHCHR, The Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders). See also Dunstan Allison-Hope and Paloma Muñoz Quick, "Human Rights Are Not Just an 'ESG Factor'", 23 September 2021, <https://www.bs.org/en/our-insights/blog-view/human-rights-are-not-just-an-esg-factor> (accessed 20 November 2022).
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- 77 OHCHR, The Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders, p. 31.
- 78 See <https://dontbuyintooccupation.org/>



- 79 Principles 17(a) and 19(b) and their Commentary, and Commentary to Principle 12 referring to the responsibility of businesses to respect the standards of international humanitarian law in situations of armed conflict.
- 80 Principles 17(b), 19(b), 24 and their respective Commentary. See also *The Corporate Responsibility to Respect Human Rights – An Interpretive Guide*, 2012, pp. 8, 82-83.
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- 84 *The Corporate Responsibility to Respect Human Rights – An Interpretive Guide*, 2012, pp. 34.
- 85 OHCHR, *Database Report February, 2018*, para. 41. UN General Assembly, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, Michael Lynk, 22 October 2020, A/75/532
- 86 UN Human Rights Council Resolution 40/24 (22 March 2019), A/HRC/RES/40/24, 17 April 2019, para 12(b).
- 87 Principle 19 Commentary, UNGPs.
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- 90 OHCHR, “Request from the Chair of the OECD Working Party on Responsible Business Conduct”, 23 November 2013, pp. 6, <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/LetterOECD.pdf> (accessed 21 November 2022) (hereinafter, OHCHR, *Request from the Chair of the OECD Working Party on Responsible Business Conduct*, 2013); OHCHR, “The issue of the applicability of the Guiding Principles on Business and Human Rights to minority shareholdings”, 26 April 2013, <https://www.ohchr.org/sites/default/files/Documents/Issues/Business/LetterSOMO.pdf> (accessed 21 November 2022), pp. 2-4.
- 91 OECD, “Global Forum on Responsible Business Conduct – Scope and application of ‘business relationships’ in the financial sector under the OECD Guidelines for Multinational Enterprises”, 26-27 June 2014, <https://mneguidelines.oecd.org/global-forum/GFRBC-2014-financial-sector-document-2.pdf> (accessed 21 November 2022), pp. 5
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- 93 OHCHR, *Request from the Chair of the OECD Working Party on Responsible Business Conduct*, 2013, pp. 6.
- 94 Principle 19, Commentary.
- 95 Principle 11, Commentary. See also *The Corporate Responsibility to Respect Human Rights – An Interpretive Guide*, 2012, pp. 15





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