

The Business of Apartheid

What Companies and Investors Should Know



AFSC

Action Center for
Corporate Accountability

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Cover photo: Protest blocking Israeli apartheid road, West Bank

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The American Friends Service Committee (AFSC) promotes a world free of violence, inequality, and oppression. Guided by the Quaker belief in the divine light within each person, we nurture the seeds of change and the respect for human life to fundamentally transform our societies and institutions. We work with people and partners worldwide, of all faiths and backgrounds, to meet urgent community needs, challenge injustice, and build peace.

AFSC's Action Center for Corporate Accountability (ACCA) exposes, isolates, and reduces corporate complicity in state violence. Using economic activism and corporate social responsibility mechanisms, it targets corporations involved in mass incarceration, immigrant detention, border militarization, and Israeli apartheid. ACCA helps movements engage with large corporations on a more equal footing, build leverage to change corporate policies and practices, and limit corporations political influence and reach.



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Glossary of Terms

AFSC	American Friends Service Committee
BDS	Boycott, Divestment and Sanctions Movement
BHR	Business & Human Rights
CERD	UN Committee on the Elimination of Racial Discrimination
CESCR	UN Committee on Economic, Social and Cultural Rights
FFM	UN Fact-Finding Mission on Israeli Settlements
HRDD	Human Rights Due Diligence
ICERD	International Convention on the Elimination of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
IHL	International Humanitarian Law
IHRL	International Human Rights Law
ILO	International Labor Organization
OECD	Organisation for Economic Co-operation and Development
OHCHR	UN Office of the High Commissioner for Human Rights
OPT	Occupied Palestinian Territory
UN	United Nations
UNGPs	UN Guiding Principles on Business and Human Rights

Executive Summary

Following the adoption of the UN Guiding Principles on Business and Human Rights in 2011, and other relevant guidance issued by UN experts and bodies, the Organization for Economic Co-operation and Development, civil society organizations, and others, there is increased recognition of how business activities and operations can cause, contribute, or be directly linked to adverse human rights impacts.

There is also increased awareness among businesses and investors regarding how they may be implicated in human rights violations and abuses, environmental degradation, and international crimes, as well as regarding the financial, commercial, reputational, and legal risks that may arise as a result. Irrespective of this, business abuses and violations continue to occur, including in contexts that present a heightened risk of gross human rights abuses. This includes conflict-affected areas and other situations where international crimes are present.

Israel's genocide in Gaza, and the businesses tied to it, is one flagrant example. Israel's apartheid regime, which extends through all areas under its control, predates the genocide and is intertwined with it. This context of international crimes necessitates businesses, investors, and others to consider how their operations and activities may not only enable and facilitate individual human rights violations or abuses, but to also consider how these impacts may more broadly be part and parcel of Israel's apartheid regime that imposes and maintains domination over the Palestinian people.

This report proposes three lenses that businesses may use to consider how their operations and activities may cause, contribute, or be directly linked to Israeli apartheid. The first examines inhuman acts that businesses may be complicit in. This ranges from the denial of the right to life to arbitrary arrest and detention that is facilitated by mass surveillance. Importantly, these acts are often carried out by or otherwise inextricably tied to Israeli authorities, which businesses may have direct or indirect relationships with. Second, the report examines how businesses may enable and profit from Israel's land administration policies aimed towards fragmentation, territorial takeover and dispossession—a key feature of its apartheid regime. The third lens considers how some business sectors are at a higher risk of involvement in human rights violations and international crimes, including apartheid. We highlight the media, infrastructure, arms, tech, extractive, and financial sectors.

These three lenses are overlapping and interlinked but not exhaustive. Given the breadth of policies and practices that serve to maintain Israeli apartheid, as well as the ongoing genocide and unlawful occupation, businesses and investors should consider the multiple ways in which

they may cause, contribute to, or be directly linked not only to adverse human rights impacts but also to international crimes. This would include contributions to and profiting from the Israeli economy, which sustains the acts of the State. Businesses and investors should also consider the potential legal, financial, and other risks that may result from complicity in international crimes.

Given this context and the risks present, businesses and investors should, depending on the stage of their involvement, refrain from entering into or divest and/or disengage from certain operations or activities, provide effective remedies for those impacted, and be prepared to face accountability measures.

Introduction

This report spotlights the role of business enterprises, including State-owned companies, in Israel's apartheid regime, and provides guidance for businesses and investors when considering their operations and activities. It is also meant to be used as a tool for individuals and groups who want to advocate for business respect for human rights and an end to complicity¹ in apartheid—whether it be via divestment campaigns, government advocacy, or other actions.

We acknowledge the extensive documentation and analysis of Israel's apartheid regime by Palestinian, Israeli, and international human rights organizations, as well as United Nations (UN) experts and bodies, and others. Given the breadth of this work, the aim of this report is not to provide a comprehensive analysis of the legal framework related to apartheid, nor is it to fully examine the policies and practices implemented by Israel that form its apartheid regime. While it does provide a brief overview of both for context, this report seeks to highlight the various ways that businesses enable, facilitate, or profit² from Israeli apartheid.

By focusing on apartheid, we do not exclude other frameworks that can be used to analyze Israel's treatment of Palestinians. Indeed, we consider Israel's unlawful occupation of the West Bank, including East Jerusalem, and the Gaza Strip (constituting the Occupied Palestinian Territory or OPT) to be part and parcel of Israel's apartheid regime. This report thus builds on decades of extensive work analyzing the role that business enterprises play in human rights violations as part of the Israeli occupation. Similarly, the report considers Israel's genocidal attacks on the Gaza Strip, which at the time of writing are still ongoing, to be part of Israel's apartheid regime. Some of the examples in this report will highlight cases of business involvement in the Gaza genocide.³ Regardless of any limited ceasefire agreements that may arise, or any new form of Palestinian self-governance, the work to end Israeli apartheid will continue.

Given the context of impunity that Israel has operated under, we note that, for decades, parallels have been drawn between South Africa and Israel's regimes of apartheid.⁴ These comparisons have highlighted the role that the Global North plays in perpetuating such regimes in contravention to State obligations under international law, as well as the role of transnational and other business enterprises in supporting and profiting from apartheid. While this report does not examine this comparison, it highlights and draws on relevant language, including UN resolutions, in relation to business and other activities during apartheid in South Africa. Examples from other contexts also underscore the legitimate and *unexceptional* nature of calls for boycott, divestment, and sanctions in the case of Israeli apartheid.

Finally, while the examples in this report are drawn from the specific case of Israeli apartheid, the analysis it outlines could be applied to other cases of apartheid as they arise. However, as demonstrated by the differences between the South African and Israeli cases, each context remains unique. For a business and human rights analysis to be valid and useful, it must be informed by the characteristics of the local apartheid regime, and how it is imposed on and experienced by the directly impacted communities.

Legal Framework

Apartheid in International Law

Apartheid, meaning “apartness” in Afrikaans, is a system of racial segregation and discrimination that maintains the domination of one racial group over another. It was first used to describe the official regime of institutionalized racial segregation in South Africa, and has since been used to characterize other contexts and types of segregation and severe discrimination, including “gender apartheid” and “climate apartheid.”⁵ Apartheid is prohibited under international human rights law (IHRL) and international humanitarian law (IHL),⁶ and is a crime against humanity.⁷ The prohibition of apartheid is further considered a peremptory norm (*jus cogens*) of general international law. This means that it is universally recognized as a fundamental principle of international law, that cannot be derogated from irrespective of any other law or treaty.⁸

The International Convention on the Elimination of Racial Discrimination⁹ (ICERD) was adopted by the UN General Assembly in 1965 and entered into force in 1969. While it was the first international treaty to mention apartheid and specifically focus on racial discrimination, the principle of non-discrimination was set out in the 1948 Universal Declaration of Human Rights and is considered a fundamental principle of international human rights law.¹⁰ ICERD cites policies of apartheid in its preamble, and under Article 3, affirms “States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.”

In building on the ICERD, the International Convention on the Suppression and Punishment of the Crime of Apartheid (hereafter the Apartheid Convention) was adopted in 1974 and entered into force in 1976. The Convention recalls state obligations under the ICERD and UN General Assembly resolutions that condemned apartheid as a crime against humanity. It further states that the inhuman acts which form the crime of apartheid violate the UN Charter, international law more generally, and constitute a threat to peace and security.

Like the Apartheid Convention, the Rome Statute of the International Criminal Court, which entered into force in 2002, also holds the crime of apartheid as a crime against humanity. Both the Convention and the Rome Statute detail the categories of “inhuman” and “inhumane” acts (hereafter as “inhuman acts”) that constitute the crime of apartheid, with slight variations.

Apartheid Convention

Defines the “crime of apartheid” to include **inhuman acts** “committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them.” The inhuman acts include:

“(a) Denial to a member or members of a racial group or groups of the right to life and liberty of person:

(i) By murder of members of a racial group or groups;

(ii) By the infliction upon the members of a racial group or groups of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment;

(iii) By arbitrary arrest and illegal imprisonment of the members of a racial group or groups;

(b) Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part;

(c) Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognized trade unions, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;

d) Any measures including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof;

(e) Exploitation of the labour of the members of a racial group or groups, in particular by submitting them to forced labour;

(f) Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.”

Rome Statute

Defines the “crime of apartheid” as **inhumane acts** “committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.”¹¹ Inhumane acts include:

“(a) Murder;

(b) Extermination;

(c) Enslavement;

(d) Deportation or forcible transfer of population;

(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;

(f) Torture;

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender ..., or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

(i) Enforced disappearance of persons;

...

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.”

While States agree to uphold their obligations under the international treaties that they ratify, peremptory norms, such as the prohibition of apartheid, “give rise to obligations owed to the international community as a whole,” regardless of joining any specific treaty.¹² Accordingly, a State that has not ratified the Apartheid Convention nor Rome Statute is nonetheless prohibited from imposing an apartheid regime, and would be in violation of its obligations throughout the “entire period” that apartheid persists.¹³ Moreover, third States must also take action in cases of serious breaches of peremptory norms. In the context of apartheid, States should work to bring such a regime to an end, not recognize it as lawful, “nor render aid or assistance in maintaining” the apartheid regime.¹⁴

States must not only work to suppress, prevent, and end apartheid. They are also obligated to take action, through various measures, to prosecute, try and punish individuals responsible for, or accused of, the inhuman acts listed in the Convention. Any State Party that acquires jurisdiction may try an accused entity. Natural persons, including the personnel of companies,¹⁵ may be held liable for crimes under both the Apartheid Convention¹⁶ and the Rome Statute.¹⁷ Individuals may also be held criminally liable for grave breaches of IHL. In the case of the personnel of business enterprises, this includes where they “commit or knowingly assist violations carried out by others, such as contractors, subsidiaries or clients.”¹⁸

Business Responsibility

While states are the primary subjects of international law, there has been increased recognition of the need to regulate and hold businesses accountable for their adverse impacts on people and the environment. This is especially true for transnational corporations, whose economic capital and political power can dwarf some states. One milestone towards this was the 2011 unanimous adoption of the UN Guiding Principles on Business and Human Rights (UNGPs) by the UN Human Rights Council (HRC). While there has been other guidance, such as the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, and initiatives, including efforts towards regional and international binding rules, the UNGPs remain the “authoritative framework” on business and human rights.¹⁹

The UNGPs are grounded in three pillars: the State obligation to protect human rights; business responsibility to respect human rights; and access to remedy when rights are violated. The responsibility of businesses to respect human rights includes avoiding causing or contributing to human rights violations and abuses through their activities (both actions and omissions), as well as preventing and mitigating adverse impacts “directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.”²⁰

Businesses should “identify and assess any actual and potential human rights impacts” by conducting human rights due diligence (HRDD); in high-risk contexts, such as conflict-affected areas, HRDD should be enhanced and ongoing.²¹ Moreover, the UNGPs underscore the principle of primacy of international law, and the “responsibility to respect human rights ... over and above compliance with national laws and regulations protecting human rights.”²²

While businesses should seek to use their leverage in situations where they contribute or are directly linked to adverse impacts, there are certain contexts whereby it is impossible for businesses to prevent or mitigate abuses. In such cases, businesses should either not enter into or withdraw from existing operations or relationships. The UNGPs emphasize that businesses operating in *all contexts* should “treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue wherever they operate,” and call attention to State obligations under international humanitarian law in situations of conflict, international criminal law, the possibility of corporate criminal responsibility, and questions of complicity more generally.²³ Importantly, the mere undertaking of human rights due diligence is not an automatic defense to liability, which, as noted above, may extend to business personnel.²⁴

In a context of apartheid, businesses must consider their role in a broad system that establishes and maintains domination by one racial group over another.²⁵ The broad scope of risks presented in such contexts was highlighted by South Africa’s Truth and Reconciliation Commission: businesses served to maintain apartheid “from direct involvement in shaping government policies or engaging in activities directly associated with repressive functions to simply benefiting from operating in a racially structured society in which wages were low and workers were denied basic democratic rights.”²⁶ The Commission noted a number of examples of this, including manufacturers who benefitted from “cheap power that was generated through the exploitation of cheap labour on the coal mines” and the agricultural and mining sectors which also benefited from exploitative labor policies and historic discriminatory land policies.²⁷

These findings highlight the systematic and cumulative character of apartheid, where there are continuing breaches of obligations, making apartheid “different in kind from individual acts of racial discrimination.”²⁸ Even where there is disagreement on whether the threshold for apartheid has been met, businesses, investors, and others would still have to consider if they are respecting the fundamental principle of non-discrimination and other human rights. Businesses must consider “individual violations of human rights,” including the ability of individuals to have access to justice, as well as formal discrimination via laws or policies that may all result in the composite act of apartheid.²⁹

Business and Human Rights (BHR) and Discrimination Related to Work and Labor

Labor and employment discrimination may feature as one tool of domination in an apartheid regime. Given that apartheid is a composite crime, IHRL and related guidance by UN treaty bodies and the International Labor Organization (ILO) can be used to consider the general context and detail the right to work and other related rights, in consideration of individual violations, as acts or omissions, and, in parallel with provisions under the Apartheid Convention (see art. 2(c) above), can be used by business and investors when assessing their current and potential operations and activities.

The International Covenant on Civil and Political Rights (ICCPR) affirms the principle of equality before the law and equal protection of the law, and prohibits discrimination on any ground.³⁰ The International Covenant on Economic, Social and Cultural Rights (ICESCR) upholds the right to work, the right to the enjoyment of just and favorable conditions of work, and the right of everyone to form and join trade unions.³¹ Similar to ICESCR, the ILO's Discrimination (Employment and Occupation) Convention (No. 111)³² calls on States to declare and pursue policies which promote "equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof."³³ Violations of the right to work include:

- "denial of access to work to particular individuals or groups, whether such discrimination is based on legislation or practice"³⁴
- "discrimination in access to the labour market or to means and entitlements for obtaining employment"³⁵

The UN Global Compact's BHR Navigator has created guidance for companies in how to understand and assess their actual and potential impacts, including via supply chains. As part of this work, the BHR Navigator noted that discrimination-related impact assessments can include:

- *"The prevalence of discrimination (in access to employment, education, land, capital, economic opportunities etc.) based on ethnicity, religion and other grounds;*
- *The potential for such discrimination to impact on the company and its workforce – and vice-versa."*³⁶

Notably, these aspects were touched upon by South Africa's Truth and Reconciliation Commission, which found that "businesses benefited financially and materially from apartheid policies" in part due to: discrimination related to land, such as restrictions on ownership, and land expropriation; capital and economic activities, including finance

institutions that drove “the military-industrial complex and the minerals-energy complexes”; and cheap labor / exploitation of workers created by a web of discriminatory laws.³⁷

In undertaking an assessment and considering the totality of discrimination, the BHR Navigator proposes that businesses consider: the external context, internal context, and relationships.³⁸

The Role of Investors

UN bodies and experts, and initiatives such as the Principles for Responsible Investment (PRI),³⁹ have provided guidance for investors in relation to human rights and have underscored the application of the UNGPs to investors. The UN Office of the High Commissioner for Human Rights (OHCHR) has, for example, affirmed that the UNGPs apply to the financial sector, including institutional investors, regardless of their investment stakes in companies or activities in question.⁴⁰ Institutional investors range from asset owners, such as sovereign wealth funds and pension funds, to asset managers, such as private equity firms and hedge funds.⁴¹

Like businesses, investors should consider actual and potential adverse impacts by conducting human rights due diligence and then seek to prevent or mitigate these risks. Depending on the relationship, this could mean not making a certain investment, or if already invested, using their leverage to prevent or mitigate the adverse human rights impacts. Where they are unable to do so and human rights abuses persist, an investor, including a minority shareholder, “should consider ending the relationship by disinvesting/selling its shares.”⁴² While human rights risks should take precedent in this decision, investors should also consider issues regarding legal liability⁴³ and other risks—including financial and reputational—that they may face. Where they have caused or contributed to adverse human rights impacts, investors should enable remedies.⁴⁴

OHCHR and the UN Working Group on Business and Human Rights have underscored that the severity of the human rights abuse or violation, including adverse impacts related to “geographic risks”⁴⁵ should be part of human rights due diligence and other assessment processes that investors engage in. Accordingly, in a context of apartheid, and the widespread and systematic human rights abuses present, or other international crimes, it is unlikely that one company or group of investors alone can exert leverage that would meaningfully change the discriminatory regime in which they operate and from which they profit. Where investors cannot effect change and severe human rights abuses continue, divestment should be seen as “no longer an option but a responsibility.”⁴⁶ In such grave contexts, investors should consider how divestment initiatives are not only consistent with their responsibilities, but can be part of or help to mobilize collective action towards the respect for human rights.

Apartheid Israel

For decades, parallels have been drawn between apartheid South Africa and Israel's policies and practices towards Palestinians. In the last number of years in particular, consensus has been built by Palestinian, Israeli, and international human rights organizations, States,⁴⁷ regional bodies, such as the African Union and the League of Arab States,⁴⁸ academics, and others in finding that Israel's systematic violation of its obligations under international human rights law (IHRL) and international humanitarian law (IHL), with the overarching aim of Jewish supremacy, constitutes apartheid.⁴⁹ While some of these analyses have limited their scope to the occupied Palestinian territory, others have examined Israel's practices in all of the territory under its jurisdiction (i.e. including the territory colonized prior to and following 1948, and subsequently recognized as "Israel proper").

Such analyses have underscored that Israel has sought to institute and maintain a system of domination by Israeli Jews over Palestinians, as a group. This not only includes Palestinians under their jurisdiction, but also Palestinian refugees in the diaspora. In its report on Israeli apartheid, Amnesty International detailed that:

*"The segregation is conducted in a systematic and highly institutionalized manner through laws, policies and practices, all intended to prevent Palestinians from claiming and enjoying equal rights to Jewish Israelis within Israel and the OPT, and thus intended to oppress and dominate the Palestinian people. This oppression and domination have been cemented by a legal regime that controls (by negating) the rights of Palestinian refugees residing outside Israel and the OPT to return to their homes."*⁵⁰

Amnesty International and other analyses have incorporated the work of UN treaty bodies and experts in regard to Israel's failure to uphold its obligations under IHRL, both towards its Palestinian citizens as well as Palestinians and Syrians respectively in the occupied Palestinian territory and the occupied Syrian Golan,⁵¹ and its failure to uphold its obligations under IHL as the Occupying Power in the OPT and occupied Golan. UN treaty bodies have also underscored issues regarding discrimination,⁵² including in Israel's 2018 Basic Law and its exacerbation of "pre-existing systematic and structural discrimination against non-Jews."⁵³

As these reports and findings continued to pile up without any real action by the international community, in 2022, the UN General Assembly requested that the International Court of Justice (ICJ) render an advisory opinion, including on the legal consequences arising from Israel's denial

of the right to self-determination from its prolonged occupation and its adoption of discriminatory legislation and measures.⁵⁴

The Court issued its opinion in July 2024, and found that “Israel’s settlement policy, its acts of annexation, and its related discriminatory legislation and measures” violated international law, including Article 3 of the ICERD, i.e. the prohibition of racial segregation and apartheid, and served to violate the right of the Palestinian people to self-determination.⁵⁵ In total, Israel’s “sustained abuse ... of its position as an occupying power” rendered its presence in the OPT unlawful.⁵⁶ The Court outlined Israel’s obligation to provide full reparation, including “restitution, compensation and/or satisfaction,” where it is obliged to: “return the land and other immovable property, as well as assets seized” since 1967 as well as all cultural property; evacuate all Israeli settlers; dismantle parts of the wall in the OPT; and allow for “Palestinians displaced during the occupation to return to their original place of residence,” amongst other measures.⁵⁷

In elucidating the obligations of third States, the ICJ noted the 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 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; ...”⁵⁸ The Court also recalled that States have the obligation to not render aid or assistance to Israel in maintaining its unlawful occupation.⁵⁹ The Court’s findings, including the legal consequences for third States, were reiterated in a resolution by the UN General Assembly in September 2024, which demanded that Israel end its unlawful presence in the OPT within one year.⁶⁰ Importantly, given the limitation of the Opinion’s territorial scope, even if Israel complied—which its government has no intention of doing—its apartheid regime over Palestinians outside of the OPT, including Palestinian citizens and refugees, would persist.

The ICJ issued its Advisory Opinion during Israel’s genocide in Gaza and while handling other proceedings on the matter. In January 2024, the Court found that Israel’s actions in Gaza could “plausibly” amount to genocide and ordered Israel to prevent genocidal acts, prevent and punish incitement to commit genocide, and to take other actions, including the provision of basic services and humanitarian aid at scale.⁶¹ In light of this order, the UN Human Rights Council (HRC) adopted resolution 55/28 in April 2024 which called on States to “cease the sale, transfer and diversion of arms, munitions and other military equipment to Israel” and to refrain “from the export, sale or transfer of surveillance goods and technologies and less-lethal weapons, including ‘dual-use’ items.”⁶²

UN experts also issued statements and reports on Israel’s genocide and genocidal acts, including (mass and repeated) forced displacement, starvation, torture, and the systematic destruction of sexual and reproductive healthcare facilities.⁶³ While doing that, they have underscored

the obligations and responsibilities of both States and businesses. This included warnings to arms manufacturers and financial institutions that they may be found complicit for serious violations of IHRL and IHL, and, in line with the HRC resolution, a call to States to issue an arms embargo, including for dual-use items.⁶⁴ Other recommendations to States that would implicate and/or have an impact on business activities have included calling for: banning the import of settlement goods and services; suspending economic relationships as well as trade and academic agreements; and imposing “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.”⁶⁵

UN experts have also called for the rescinding of legislation and policies that seek to penalize advocacy related to Palestine, including support for the Palestinian civil society-led boycott, divestment, and sanctions (BDS) movement. The UN Working Group on Business and Human Rights, alongside other experts, also issued communications to corporations that were alleged to transfer arms and ammunition to Israel, and to institutions that invest in such corporations.⁶⁶

Given the ICJ 2024 orders and Advisory Opinion, statements and warnings by UN experts and bodies,⁶⁷ and the decades of documentation and analysis of the human rights violations and international crimes carried out by Israel, businesses conducting due diligence should be on notice of the high-risk context present in all territories under Israel’s control. The following section examines how businesses may be complicit in Israeli apartheid and genocide.

Business and Human Rights Under Israeli Apartheid

Businesses, investors, and others can use multiple lenses to examine how their operations and activities may cause, contribute, or be directly linked to individual human rights violations or abuses, and how these might be part and parcel of Israel's apartheid regime. This report proposes the following lenses:

- Inhuman acts - examines specific acts that form the local structure of apartheid and/or links to the government authorities that perpetuate them, and how corporate activities may cause, contribute or be directly linked to such acts.
- Land - looks at how the administration of land is a key tool of Israel's apartheid regime, and how businesses may support or benefit from this regime.
- Business sectors - considers how various business sectors may be complicit in Israeli apartheid.

This chapter provides examples, case studies, and questions for businesses to consider that arise from these lenses and can inform any due diligence or other assessment process.⁶⁸ The lenses suggested here are neither exhaustive nor mutually exclusive. Further, Israeli policies and practices as related to each lens are also not exhaustively explored. Any assessment process should go well beyond what is detailed here to avoid complicity in apartheid.

Given the breadth of established policies and practices which serve to maintain apartheid, both the clear and subtle ways that apartheid manifests, and the gravity of the crime, businesses should consider the multiple and overlapping ways that their operations and activities may be connected to apartheid, as well as other international crimes, and violations of human rights. Accordingly, it is important to recall the UNGPs framework regarding impacts, clarified as where a business:

- “may cause the impact through its own activities;”
- “may contribute to the impact through its own activities—either directly or through some outside entity (Government, business or other);”
- “may neither cause nor contribute to the impact, but be involved because the impact is caused by an entity with which it has a business relationship and is linked to its own operations, products or services.”⁶⁹

It is also clear that most businesses operating in Israel and the OPT will contribute to the Israeli economy (through taxes, fees, etc.) which is central to driving and maintaining the apartheid regime as a whole.

Business & Inhuman Acts

The first lens for businesses to consider is how they may cause, contribute or be directly linked to inhuman acts that form the apartheid regime. A business might be complicit in certain inhuman acts when its products or services are used to perpetrate them. Likewise, a business is linked to apartheid through its relationships with certain Israeli government institutions, agencies, and bodies (hereinafter “authorities”). These authorities all operate in the service of apartheid; each has a role in safeguarding and upholding a “regime of Jewish supremacy”⁷⁰ throughout Israel and the OPT, as well as over Palestinian refugees and exiles in the diaspora. The connection between certain authorities and inhuman apartheid acts suggests clear red lines or higher risks for businesses and investors to consider.

Below are examples of inhuman acts implemented by Israeli authorities to establish and maintain apartheid, and how businesses may be involved.

“Denial of the Right to Life and Liberty”

Under the Apartheid Convention, the denial of the right to life and liberty includes acts of: murder, arbitrary arrest or detention, torture or cruel, inhuman or degrading treatment or punishment. In the Israeli context, they implicate primarily:

- The Ministry of National Security, which oversees the Israel Prison Service (IPS) and Israel Police, which includes the Border Police (Magav);⁷¹
- The Ministry of Defense, which oversees Israel’s armed forces and imposes its control over the OPT, excluding Jerusalem,⁷² through the Coordinator of Government Activities in the Territories (COGAT);
- The Prime Minister’s Office, which oversees the Israel Security Agency (SHABAK/“Shin Bet”); and
- The Ministry of Justice and the judiciary.

While Israel has systematically violated the rights to life and liberty of Palestinians since its establishment in 1948, its acts of killing, torture, detention, mass destruction, and forced displacement, amongst others, have reached unprecedented levels since the start of the Gaza genocide in 2023.⁷³ The unfathomable loss of Palestinian life during the genocide, in the broader context of historic acts of a similar nature, has spotlighted

how these authorities, and others, including Israeli settler organizations, work in coordination to systematically violate Palestinians' rights to life and liberty. This has included: the deliberate targeting of hospitals and other civilian infrastructure by Israeli forces; the unlawful transfer of Palestinians detained by the Israeli military from Gaza and transferred to Israel Prison Service facilities;⁷⁴ collaboration between Israeli settlers and Israeli forces in the sexual abuse and harassment of Palestinians;⁷⁵ the blocking of aid by settlers and the State; and the Israeli judiciary's dismissal of a petition to halt cuts to humanitarian aid.⁷⁶ Importantly, Israeli officials have coupled these acts with countless statements on their intentions towards the total destruction of Palestinians in Gaza, and the land itself.⁷⁷

In raising this context, the UN Special Rapporteur on the right to food noted, "third-party countries and businesses are not only responsible for the illegal supply of weapons for Israel's starvation campaign and genocide, but businesses have been complicit for years in the illegal destruction of the Palestinian food and water systems, and the illegal settlements of Palestinian territories."⁷⁸

Such warnings, alongside the ICJ's 2024 Advisory Opinion and orders, should raise red flags for businesses that have or are considering operations or activities with Israeli authorities. It is also important to underscore again that even if a lasting ceasefire comes into effect, issues surrounding Israel's historic policies and practices that deny the right to life and liberty will still be ongoing and relevant for businesses to consider.

Murder and Infliction of Serious Bodily or Mental Harm

Boeing

U.S.-based Boeing has had a relationship with Israel since its establishment, supplying aircraft to the then-new Israel Air Force since 1948. This has included the supplying of planes that facilitated the colonization of Palestine to partnering with Israeli airline El Al, infamous for its racial profiling.⁷⁹ It currently provides the Israeli Air Force with F-15 jets and Apache helicopters, amongst other aircraft,⁸⁰ as well as GBU-39 Small Diameter Bombs and Joint Direct Attack Munitions (JDAM) kits for larger bombs, including 2,000-pound bombs.⁸¹ These bombs have been the deadliest weapon in the Gaza genocide, leading to the killing of thousands of civilians and the destruction of residential buildings and civilian infrastructure, amongst other impacts.⁸²

In June 2024, UN experts called on Boeing and other companies to end the transfer of arms, munitions and military equipment to Israel. Other companies listed in the statement included: BAE Systems, Caterpillar, General Dynamics, Lockheed Martin, Northrop Grumman, Oshkosh, Rheinmetall AG, Rolls-Royce Power Systems, RTX, and ThyssenKrupp.⁸³

Logitech

Israel uses quadcopter drones equipped with grenades and guns to target and kill⁸⁴ Palestinians in Gaza, “particularly in areas where civilians have sought refuge after being forcibly displaced.”⁸⁵ A video on Israel Channel 14 revealed that the Israeli military uses the Logitech F310 Gamepad to fly some of these drones.⁸⁶

Logitech International is headquartered in Switzerland. Its products are available in Israel through several local retailers and through global online retailers. This is an example of how a company could be linked to the deprivation of the right to life even if it has no physical presence in Israel and holds no direct contract with its military.

The Russian military has also used commercial gaming controllers, including by Logitech, to fly drones as part of its war with Ukraine.⁸⁷ Logitech stopped shipments to Russia in March 2022 and ended its other business in Russia a few months later.⁸⁸ In 2025, the European Union and the UK banned the export of all gaming controllers to Russia.⁸⁹ No comparable actions have been taken in regard to Israel’s genocide in Gaza.

Arbitrary Arrest & Illegal Imprisonment

Palantir and Microsoft

Israel has historically engaged in the practice of mass surveillance of Palestinians; this has continued to expand as technology has developed. For example, “at least since 2017” Palantir Technologies has provided Israel with its “predictive policing” tools that have led to the profiling and often violent arrest of “scores” of Palestinians based on their social media.⁹⁰

Similarly, in 2021, the Israeli military intelligence unit 8200 started using Microsoft’s government cloud service Azure to process and store millions of Palestinians’ phone calls. From initially targeting specific phone numbers, the military switched to “tracking everyone, all the time” with the help of the unlimited storage provided by Microsoft.⁹¹ It has been dubbed the “world’s largest and most intrusive collections of surveillance data over a single population group,” with information gathered being used as alleged bases for arrests and other military operations.⁹² Following a joint investigation published by the Guardian and +972 Magazine in August 2025, Microsoft announced a month later that it would cease the provision of services to Unit 8200, but affirmed its commitment to continue to “protect the cybersecurity of Israel.”⁹³

Axon

Arbitrary arrest and unlawful detention, including via administration detention where individuals may be held without charge or trial, are hallmarks of Israeli apartheid.

Israeli forces, including the Police, began using Taser guns, made by U.S.-based Axon, in 2009, impacting both Palestinians in the OPT and Palestinian citizens of Israel.⁹⁴

During the ongoing Gaza genocide, Israeli soldiers have routinely used Tasers to inflict excessive pain on detained Palestinians. Before that, the Israeli Navy used the weapon to arrest Freedom Flotilla activists in international waters as they tried to break Israel’s illegal siege on the Gaza Strip.⁹⁵

“The creation of separate reserves and ghettos for the targeted group”

The Apartheid Convention also lists as acts of apartheid “measures including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups” The blockade and siege of the Gaza Strip, and the security and military system that imposes it, is one manifestation of this apartheid act.

This apartheid act has also been implemented by creating de-facto Jewish-only residential areas via illegal Israeli settlements in the OPT, and through the use of admissions committees and other measures in Israel.⁹⁶ The central role of the Israeli government and all its ministries⁹⁷ in establishing and maintaining settlements, including through national policies and incentives,⁹⁸ has been widely documented and condemned by UN bodies and experts. The UN Fact-Finding Mission (FFM) on Israeli Settlements noted in particular the Israeli Land Administration, the Ministry of Construction and Housing, the Ministry of Agriculture, the Ministry of Industry and Trade and the Ministry of Education among the Israeli authorities that provide incentives and benefits to settlers.⁹⁹ Other government bodies, including the Ministry of Finance, the Ministry of Transportation, and Israel's Water Authority, have been central to the integration of settlements into Israel, via infrastructure ranging from road networks¹⁰⁰ to utilities, including water.¹⁰¹

Shikun & Binui

Shikun & Binui Group is a large Israeli construction and infrastructure firm. For decades, it has led multiple infrastructure projects in Israel's illegal settlements in the OPT. Outside of the OPT, it similarly executed multiple projects that further Israel's apartheid policies. This has included, for example, a 2023 contract with the Israeli Land Authority for a project in the Naqab which will lead to the demolition of Palestinian Bedouin homes.¹⁰² In addition, its subsidiary Solel Boneh was a leading participant in the construction of the barrier sealing off the Gaza Strip, including an underground wall component and a sea barrier.¹⁰³

In its 2024 Advisory Opinion, the ICJ underscored that the system of “separation between the Palestinian population and the settlers transferred by Israel to the territory” is physical and juridical.¹⁰⁴ Such policies of unlawful differential treatment are mirrored across the territories under Israel's jurisdiction, “entrenching a one-State reality,”¹⁰⁵ and implicate the Ministries of Construction and Housing, Education, Transportation, and Energy and Infrastructure, amongst others.

For example, UN CESCR highlighted that the unrecognized villages and the recognized townships of Bedouin Palestinians, who are Israeli citizens, “are characterized by very limited access to adequate housing, water and sanitation facilities, electricity and public transportation.”¹⁰⁶ In 2020, the Committee on the Elimination of Racial Discrimination more broadly noted the segregation of “Jewish and non-Jewish sectors” in Israel, highlighting

“two systems of education with unequal conditions, as well as separate municipalities,” and noted its particular concern about “Admissions Committees” which seek to screen out Palestinian applicants.¹⁰⁷

Elbit Systems

In addition to being Israel’s largest weapons manufacturer, including drones, artillery and other equipment used to surveil and target Palestinians, Elbit Systems has also played a central role in the establishment and maintenance of “separate reserves” for Palestinians.

This has included the displacement of Bedouin Palestinians in the Naqab. Elbit’s 2018 contract with Israel to acquire state-owned IMI Systems included a clause that required the company to relocate its factories from Ramat HaSharon in the center of Israel to Ramat Beka in the Naqab. The relocation is part of the Israeli government’s larger plan to establish a military training area and weapons testing facility in the region. The establishment of this military industrial zone is expected to forcibly displace 36,000 Palestinian Bedouins; lead to the demolition of over 2,000 buildings, including 1,200 Bedouin homes; and expose Bedouin communities in the region to serious health risks.¹⁰⁸

Elbit is also infamous as a provider of the “electronic detection fence system”¹⁰⁹ as part of Israel’s wall in the West Bank- also dubbed the apartheid or annexation wall- which has further fragmented the OPT and was deemed to violate IHL and IHRL in July 2004 by the ICJ. Elbit has likewise provided equipment and technologies for the barrier surrounding Gaza.

Cisco

In 2016, Cisco Systems, the world’s largest networking company, entered into a “strategic partnership” with the government of Israel “to accelerate innovation, promote entrepreneurship and digital skills with a focus on building inclusive communities across Israel’s discrete social groups and bringing the economic opportunity of digitization to Israel’s regions.”¹¹⁰ This included the establishment of “digital hubs” in places that Israel designates as part of its “periphery regions.” While these include some Palestinian towns in Israel, it also includes illegal Israeli settlements in the occupied West Bank and the Golan. Out of a total of 36 operating hubs as of 2023, Who Profits documented that five are located in illegal Israeli settlements in the occupied West Bank and 2 are in the occupied Golan.¹¹¹ The presence of these hubs helps entrench Israeli settlements, in part by providing employment opportunities to settlers.

“Preventing the full development of such a group ... by denying ... the right to work, the right to form recognized trade unions ...”

The Apartheid Convention lists as an inhuman act “legislative and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognized trade unions...”

The denial of the right to work, as well as other discriminatory policies related to the labor market, have been a structural tool of Israel’s apartheid regime. Even before 1948, the Zionist institutions that predated Israel considered how to exclude Palestinian workers. After 1948, the State used its control over Palestinian cities and villages under Israeli military government (until 1966) to formally regulate Palestinian labor.¹¹²

These measures have been documented and critiqued by various international bodies. In 2018, the ILO Committee of Experts on the Application of Conventions and Recommendations noted in regard to Israel its “concern that discriminatory attitudes and stereotypes based on the race, colour or national extraction of men and women workers continue to hinder their participation in education, vocational training programmes and access to a wider range of employment opportunities, resulting in persisting occupational segregation and lower remuneration received for work of equal value.”¹¹³ UN treaty bodies have also underscored the obstruction of the right to work for Palestinian citizens, and the “multiple and intersecting forms of discrimination” faced by women from minority communities.¹¹⁴

More broadly, in 2019, the CESCR noted that Israel did not have “comprehensive anti-discrimination legislation” and that existing anti-discrimination legislation was not in line with the Covenant.¹¹⁵ Historic and continued limitations on access to the labor market have served to relegate Palestinian citizens to an “inferior economic status.”¹¹⁶ These limitations have included, for example, Israel’s prevention of an “an autonomous Palestinian economic infrastructure,”¹¹⁷ as well as predicated access to employment in specific areas to those who complete military service.¹¹⁸

Palestinian workers with West Bank and Gaza IDs employed in Israel and Israeli settlements also face a variety of discriminatory measures and policies. This has included a lack of documentation¹¹⁹ and a lack of enforcement of their rights even with work permits,¹²⁰ leading to chronic issues regarding health and safety, most starkly in the construction sector.¹²¹ During the COVID-19 pandemic, for example, many Palestinian workers were laid off from work without any safety net.¹²² Others were forced to sleep in their place of employment in Israeli settlements to retain their jobs.¹²³

Palestinian Tech Workers

The topic of Palestinian citizens in the tech industry and the lack of representation in the sector have been recurring points of discussion. In 2011, Israeli President Shimon Peres acknowledged that “the reality is one of discrimination.”¹²⁴ In 2023, it was reported that while Palestinian citizens make up 20% of the population, they hold only 2 to 3% of jobs in the high tech sector and only 0.2% in startups.¹²⁵ A primary reason for the low rate of Palestinian workers is that the “classic path ... typically goes through army intelligence units,”¹²⁶ coupled with a bias towards employees with military experience.

Palestinians have also historically faced uncertainty due to Israel’s practice of permit revocations as a form of collective punishment,¹²⁷ and random closures of checkpoints that obstruct access to worksites. In September 2023, for example, Israel closed Gaza’s checkpoints for two weeks, prohibiting workers from Gaza with permits to enter Israel and the West Bank.¹²⁸ Following 7 October 2023, Israel not only revoked more than 150,000 work permits,¹²⁹ including 800 permits for Palestinian humanitarian workers,¹³⁰ but workers also reportedly had their wages withheld and many laborers from Gaza were detained.¹³¹ Palestinian citizens underscored that discrimination across employment sectors had increased.¹³²

In total, Israel’s system of apartheid entails the exploitation of Palestinian workers, which is part of and reinforces Israel’s imposition of a captive market and obstruction of the Palestinian economy.¹³³ This is coupled with Israel’s authority to control the entry and presence of foreign workers in the West Bank and Gaza - practically manifesting in, for example, prohibiting academics from teaching at Palestinian institutions to more recently, obstructing entry of humanitarian workers during the genocide and imposing new requirements for worker visas and NGO registration.¹³⁴

Some questions to consider:

- Is the business providing a direct service or product to an Israeli government authority?
- What procedures does the business employ to ensure that its products or services are not used to further policies that discriminate against Palestinians?
- Is the business contracted as part of a project implemented by the government?
- Does the business pay taxes, fees, including for licenses, or other monetary contributions to government institutions?
- Is the business receiving any incentive or any financial or other support from a government institution?
- What safety nets do businesses have in place for their employees, including those that require permits, and may have restricted access as a result of State policies?
- Have Palestinians been obstructed from developing businesses that could compete with or produce the related good or service due to Israeli imposed restrictions as part of its establishment of a captive economy?
- Do Palestinian workers have access to unions or are able to unionize?
- What policies does the business employ to ensure that Israeli and Palestinian workers are treated equitably?
- What leverage with the government can companies use to ensure that workers with permits can continue to access their places of work?
- What accountability mechanisms are present either internally at the business or within judicial and non-judicial State mechanisms when workers' rights have been impacted?
- Does the business or sector prioritize employment of individuals with a military background?

Land, Business, & Apartheid

Just as land dispossession, segregation, and control were central to Apartheid in South Africa,¹³⁵ they have also been essential tools of Israel's apartheid regime. Indeed, one of the main focuses of NGO and other reports on apartheid has been Israel's imposed territorial fragmentation and expropriation of Palestinian land and other discriminatory land policies towards domination.

The Crime of Apartheid includes:
Any measures including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups ... the expropriation of landed property belonging to a racial group or groups or to members thereof;"

Apartheid Convention, Article 2(d)

*"In 1948, Jewish individuals and institutions owned around 6.5% of mandate Palestine, while Palestinians owned about 90% of the privately owned land there. Within just over 70 years the situation has been reversed."*¹³⁶

—Amnesty International

Immediately following its establishment, Israel implemented a variety of measures to appropriate Palestinian property, including land, homes, and their contents, while also obstructing the right of return of Palestine refugees. This included the creation of legislation, such as the Absentee Property Regulation enacted on 2 December 1948 (and later the Absentee Property Law of 1950), the Land Acquisition Law of 1953, the Lands Administration Law of 1960 and the Basic Law: Israel Lands of 1960, amongst others.

These laws dispossessed Palestinians of their property, consolidated Israel's control over it, and sought to exclude Palestinians from possible land transfers and land planning, all in violation of international law. At the same time, Israel gave large swaths of land to quasi-governmental entities such as the Jewish National Fund (JNF), which was established for the exclusive benefit of the Jewish people and continues this policy of explicit discrimination in its land management.¹³⁷

Israel's unlawful expropriation of land was met with impunity, despite the immediate condemnation by the international community, including the 1948 UN General Assembly resolution 194, which called for the return

of Palestinian refugees to their homes and for compensation for lost and damaged property, as well compensation for those “choosing not to return.”¹³⁸

Other policies, such as military rule over Palestinian cities and villages until the end of 1966¹³⁹ and the inability of so-called “present absentees” to regain property through the Israeli court system,¹⁴⁰ underscore the immediate segregation and targeting of Palestinians who became citizens of Israel in 1948. Decades later, in 1987, the UN Committee on the Elimination of Racial Discrimination still probed “why Israel did not permit the Palestinian Arabs who had been driven from their lands to come back and obtain the same treatment as Jewish people in respect of the recovery of their land ...”¹⁴¹

Hilton Hotels

In 1928, the Supreme Muslim Council, which was established by the British mandate to administer the religious affairs of Mandatory Palestine’s Muslim community, initiated the construction of the Palace Hotel in Jerusalem. With its completion in 1929, the hotel was considered the “most luxurious” in Jerusalem at the time. After 1948, Israel appropriated the hotel as absentee property and used it as a government office building.¹⁴² In 2006, a Canadian family purchased the building and in 2014 opened the Waldorf Astoria Jerusalem, a Hilton brand. At that time, the Al-Aqsa Foundation for Endowment and Heritage underscored the continued appropriation of Waqf property, i.e. property that legally belongs to the city’s Muslim community in perpetuity.¹⁴³ Hilton Worldwide Holdings Inc had previously managed the hotel, which still operates under the Hilton brand. Investment company York Capital Management was reported to have gained control over the building in 2020.¹⁴⁴

Airbnb and other digital tourism companies

Most global digital tourism companies, such as Airbnb, Booking.com, Expedia, and TripAdvisor,¹⁴⁵ list properties in illegal Israeli settlements in the occupied West Bank and were accordingly listed in the 2020 OHCHR database of settlement business enterprises and its updates.¹⁴⁶

Outside of the OPT, these companies also list properties that were privately-owned by Palestinians and were appropriated by the State of Israel. For example, Airbnb includes appropriated Palestinian properties in Jaffa (Yafa), which was the largest Palestinian city before 1948, and whose Old City was targeted by the Israeli government for transformation into an exclusively Jewish “artist colony.”¹⁴⁷

These companies therefore not only profit from Israel’s illegal occupation of the West Bank, but also from the continued dispossession of Palestinian refugees via the Absentee Property Law.

This targeting of Palestinian citizens and their land (villages, towns, and cities) continues,¹⁴⁸ and was again codified in the 2018 Basic Law: Israel as the Nation State of the Jewish People, which affirms “The state views Jewish settlement as a national value and will labor to encourage and promote its establishment and development.”¹⁴⁹ The government’s long-term aim to implant and bolster Jewish presence in certain predominantly Palestinian regions is referred to – including by Israeli government officials – as the “Judaization” of these areas.¹⁵⁰ The designation of “National Priority Areas” by Israel is one tool that the State employs towards this.

In September 2023, for example, the Israeli government announced “unprecedented” discounts on land in the Naqab and Galilee, including additional discounts for active military reservists, which would, according to Israeli Prime Minister Benjamin Netanyahu, “change the demographic map of the State.”¹⁵¹ Israel has also incentivized companies to operate in the Naqab, as part of its effort to “Judaize” the area while dispossessing Palestinians there.¹⁵²

Israel has used these and other measures in the OPT throughout the course of its occupation. Foremost was Israel’s immediate unlawful annexation of East Jerusalem at the start of the occupation in 1967. This was followed by the creation of military orders to expropriate Palestinian land and resources, and in the decades that followed, incentivize settlers and businesses to relocate to illegal settlements to create “facts on the ground.”

At the same time, particularly in areas surrounding its illegal settlements, Israel has implemented an array of policies and practices to forcibly transfer Palestinians and take their land. These include the demolition of Palestinian homes and infrastructure; the denial of access to water and electricity, including through the confiscation of solar panels and water tanks; the establishment of apartheid roads to further fragment land and obstruct access;¹⁵³ and Israeli military and settler violence.¹⁵⁴

In total, Israel utilizes its control over land and its use as a tool to dispossess, dominate, and forcibly displace the Palestinian population. This has been condemned for decades in UN resolutions, and by the International Court of Justice in 2004 and in 2024.¹⁵⁵

In response to a request for advice on the UNGPs and the finance sector, the UN OHCHR provided the following example:

“if an investor buys a 1% share in a construction company and the company purchases land and displaces local communities without adequate compensation or otherwise not in line with relevant international standards, the investor will be involved with an adverse human rights impact through its equity stake.”¹⁵⁶

Intel

As part of Israel's attempts to Judaize the Naqab and the Galilee, the State incentivizes multinational high-tech companies to operate in these areas, with the hopes that this would in turn incentivize the relocation of Israeli Jews there.

For example, Intel's operations in Israel are concentrated in Kiryat Gat, a Jewish town in the Naqab that is sitting on the lands of two Palestinian villages that were destroyed in 1948: Iraq al-Manshiyya and Al-Faluja. In 1999, the Israeli government gave Intel a \$600 million grant to set up its microprocessor plant there.¹⁵⁷ Over time, Intel expanded this plant and built others in the same location, becoming Israel's largest private-sector employer, while receiving additional significant government grants, subsidies, and tax breaks at every step of the way.¹⁵⁸

Some questions to consider:

- Who owns or administers the land/property that the business will be operating on or conducting activities in (managing, licensing, listing, etc.)?
 - Is the ownership tied with prior and/or ongoing unlawful dispossession?¹⁵⁹ Is it unlawfully appropriated refugee property?
 - Is it administered through an authority that has had a primary role in expropriating Palestinian land and / or ensuring the division—and segregation—of the population along racial lines?
- Is the land/property in question in a so-called National Priority Area or other location, where the Israeli government's aim is to "Judaize" the area?
- Is the land/property in an Israeli settlement in the OPT, including East Jerusalem? This may include nature reserves, or residential, agricultural and industrial settlements.
- Is it in an area where the municipality or other administering authority uses "Admissions Committees"¹⁶⁰ or other measures to exclude Palestinian citizens?
- Has the business received or expects to receive any government financial incentives such as grants or tax breaks to operate in the area? If yes, can the business ensure that the government's goals in providing these incentives are not part of a broader government objective of transforming the area and/or its demography?
- Will the business rely on suppliers or clients that operate on or have activities connected to land/properties as described above?

Sectoral Ties to Apartheid

While all businesses operating in Israel and Israeli settlements inevitably contribute to its apartheid regime, certain business sectors are at a higher risk of involvement in grave human rights violations and international crimes.

In 2013, the UN Fact-Finding Mission detailed how businesses “directly and indirectly, enabled, facilitated and profited from the construction and growth of the settlements” and detailed activities of particular concern. These broadly were linked to: the construction, maintenance and growth of settlements via equipment, supplies, services and utilities; the banking and financing of the aforementioned activities; natural resource appropriation; pollution and waste; and the military/“security” sector including surveillance, security services, and equipment used in demolitions.¹⁶¹

In 2016, the UN Human Rights Council called for the production of a database of businesses involved in these activities.¹⁶² While the FFM was limited in scope to the OPT, the identified business activities and sectors are also relevant to Israeli policies and practices across the Green Line as part of one system of apartheid that has sought to integrate settlements and the settlement economy and prioritize Israeli Jewish domination. Many sectors that have been key to upholding apartheid have gained further notoriety from their role in the Gaza genocide.

As with previous sections, given the expanse of human rights violations and web of policies and practices that support the apartheid regime and genocide, not all sectors are detailed.

Media

In borrowing language from a UN General Assembly resolution on Apartheid in South Africa, media can either counteract the propaganda of a racist regime or assist in its transmission.¹⁶³ Assistance may include providing support for and normalization of the policies and practices that maintain apartheid.¹⁶⁴

In the case of Palestine, both Israeli and international media have similarly played a role in supporting and inciting Israeli apartheid and genocide.¹⁶⁵ This includes decades-long recitation of Palestinian citizens as a ‘fifth-column’ and ‘demographic threat’ to more recent genocidal statements “broadcast – without censure or sanction – in Israeli media”¹⁶⁶ as extensively outlined in South Africa’s application to the ICJ. Israeli apartheid policies also include decades-long targeting and killing of Palestinian journalists and raiding the offices of media outlets, confiscating their equipment, or banning them altogether.¹⁶⁷

Alongside Israeli media incitement, many foreign news companies have supported and echoed Israeli propaganda. Such outlets have platformed

Israeli officials, including military leaders, without mention of findings of genocide and apartheid, the ICJ's Advisory Opinion and orders, or any broader context. This bias was also shown when foreign news outlets embedded with the Israeli military in Gaza at the start of the genocide, and agreed to have their materials reviewed before publication.¹⁶⁸ In addition to these overt public actions, media companies in the Global North have targeted journalists that are “usually Arab or Palestinian” with retaliatory measures for expressing personal opinions, including statements of solidarity with Palestinians, the breadth of which has caused an overall chilling effect.¹⁶⁹

Meta and Other Social Media Platforms

Social media platforms have received regular criticism on its coordination work with Israel and Israeli institutions, as well as its general bias towards the State. Non-governmental organizations have called attention to the “systemic censorship of Palestine content,” including at the request of Israel's Cyber Unit, by Meta (parent company of Facebook, Whatsapp, and Instagram) and incitement against Palestinians on “X,” amongst other platforms.¹⁷⁰

Meta's actions come after it had commissioned a review in 2021 of its policies towards Palestinians, and with full knowledge of their previous bias. At the time, the consulting company found that Meta had “removed or reduced the ability of Palestinians to enjoy their human rights ‘to freedom of expression, freedom of assembly, political participation, and non-discrimination’.”¹⁷¹

Infrastructure

Infrastructure, including ports, railways, roads, tramways, dams, water, sewage and power supply systems, and airports, amongst other systems, is a key sector in operationalizing apartheid. This includes, for example, purported “security” infrastructure, such as the myriad walls and checkpoints which fragment Palestinian land and support the subjugation of Palestinians. Another example is infrastructure that serves the Israeli military, such as ports for the delivery of arms and other materials.

The use of infrastructure in operationalizing apartheid also manifests in clear disparities in access to water, sanitation, utilities, and transportation, between Palestinians, irrespective of their citizenship/legal status, and Israeli Jews. In the West Bank, infrastructure is not only used to service Israeli settlements but is central to upholding segregation.¹⁷² The

International Court of Justice, and UN experts, bodies and mechanisms, have found that infrastructure “integrates the settlements into the territory of Israel” and “actively contributes to the entrenchment of the occupation.”¹⁷³

As early as the 1980s, the UN warned of “the integration of the basic water services in the occupied territories with those of Israel.”¹⁷⁴ While the Israeli water carrier Mekorot is infamous for its role in supporting Israeli apartheid and appropriating Palestinian water resources, other companies involved in natural resource exploitation are also key to the infrastructure sector, as will be discussed below in the case of Chevron.

CAF

Construcciones y Auxiliar de Ferrocarriles (CAF) is a Spanish publicly-traded company that has been involved in constructing, expanding, operating, and maintaining the Jerusalem Light Rail since winning a tender in August 2019 as part of a consortium.¹⁷⁵ The contract came months after CAF’s workers council voted against participation in the project and called for withdrawal of the tender, with workers recognizing the project’s aim of entrenching unlawful settlements and other human rights violations.¹⁷⁶

The Jerusalem Light Rail connects illegal Israeli settlements in the West Bank to Jerusalem’s center and other areas of the city. The project is central to Israel’s plans for consolidating its illegal control over the city and ensuring settlements with integrated access to it.

CAF replaced the role of French company Alstom, which withdrew from the project in 2019.¹⁷⁷ Other foreign companies have refused to participate in the project.¹⁷⁸

OSSA Obras Subterráneas

OSSA is a Spanish privately-owned engineering firm that worked as a subcontractor for Israeli company Oron Infrastructure and Construction Ltd. to expand the “Tunnel Road” (Route 60), which serves the Gush Etzion illegal settlement block in the occupied West Bank.¹⁷⁹

Route 60 is accessible only to vehicles with Israeli license plates and provides them with a direct link between Gush Etzion settlements and Jerusalem while bypassing surrounding Palestinian villages and neighborhoods, according to Who Profits.¹⁸⁰

Arms & Tech

The Israeli arms industry and tech sector are intrinsically intertwined. From its inception, the Israeli high-tech sector has relied heavily on the military as an “incubator” of technologies, ideas, and personnel. As the Israel Innovation Authority put it, Israeli military units, and primarily military intelligence Unit 8200, “serve as training grounds for future tech leaders, offering hands-on experience in leadership, cybersecurity, AI, communications, and complex systems – skills that later fuel the commercial tech ecosystem.”¹⁸¹

These two sectors have not only contributed to Israel’s genocide on Gaza but have also been central to upholding Israeli apartheid. Within this context—including past and recurring attacks on Gaza—Israel’s own weapons and tech industries have flourished, in part, by marketing that they are “battle-tested” and “combat-proven,” having been tried on Palestinians. Israeli surveillance and cyber-security companies have, for example, become infamous for their sale of products to third States to target journalists and human rights defenders.¹⁸² These industries not only have close relationships with Israeli authorities, like the Ministry of Defense, but also operate with the support of Israeli academic and other institutions.¹⁸³ This has created a revolving door between the Israeli military and such companies.¹⁸⁴

The sector also raises risks due to State support and funding, including Israel’s prioritization of the development of dual-use technologies. For example, one joint program between Israeli authorities offers support for “innovative solutions for the defense and commercial markets,”¹⁸⁵ while an investment fund established in 2024 with Israeli, American, and European investors, in strategic partnership with Israeli military authorities, also aims to invest in technology for “civilian and defense applications.”¹⁸⁶

These dual-use initiatives impact and are tied to other sectors. For example, Israel Aerospace Industries, which has posted record profits during the genocide,¹⁸⁷ has noted that it is “widening its efforts to adapt military tech to the civilian market, having done so in recent years in the mining, agriculture, and cybersecurity sectors.”¹⁸⁸

Transnational companies have also provided weapons and other equipment to Israel in facilitation of its genocide. As a result, in April 2024, the UN Human Rights Council called on States “to cease the sale, transfer and diversion of arms, munitions and other military equipment to Israel” and “refrain ... from the export, sale or transfer of surveillance goods and technologies and less-lethal weapons, including ‘dual-use’ items” when they might be used towards human rights violations by Israel, and called for the UN Commission of Inquiry to report on and analyze the consequences of such transfers.¹⁸⁹ The call to cease arms and other transfers was reiterated in the UN General Assembly

resolution following up the ICJ's Advisory Opinion on the illegality of the occupation, and has been repeatedly underscored by UN experts.¹⁹⁰

The statements and resolutions echo calls made in other contexts. During apartheid in South Africa, for example, the UN Security Council in 1985 called for the "Prohibition of all sales of computer equipment that may be used by the South African army and police."¹⁹¹ More recently, and in relation to serious violations of international law, the UN Independent Fact-finding Mission on Myanmar underscored foreign companies that not only provided arms but also dual-use goods and technology, including "telecommunications services, tracking and precision systems, unmanned aerial vehicles," internet and data transmission technology, cloud-based platforms, cameras, and radio transceivers for ground-to-air communications.¹⁹² Because of their connection to serious violations of international law, the UN Mission on Myanmar urged businesses that sold such dual-use items to carry out HRDD, implement preventive or mitigation measures, and if impossible, not sell them.¹⁹³ Notably, Israeli arms and security companies have been linked to the Myanmar military.¹⁹⁴

For companies that are oriented toward the arms and defense sector, these risks are obvious and almost inevitable. However, in the case of an apartheid regime, these risks also impact high-tech companies that have very minimal exposure to the defense eco-system. In the case of Israel, this has involved some of the world's largest companies.

Google and Amazon

In 2021, Google and Amazon entered a contract to jointly develop a cloud infrastructure platform for the Israeli government, known as Project Nimbus. The Israeli military participated in designing the tender and selecting the winners, and during the ongoing Gaza genocide, the Israeli military started using this infrastructure to support and augment its capabilities in support of the war.¹⁹⁵

Nimbus also supports Israeli apartheid in multiple ways. The project is designed to migrate all of Israel's government databases and systems to the Amazon and Google cloud infrastructure. This includes, in addition to the military and Ministry of Defense, the Israel Security Agency (Shabak/"Shin Bet"), Police, Prison Service, and land and water authorities, all of which are government agencies that directly administer Israel's policies of apartheid.

The list of Nimbus users also includes the Settlement Division of the World Zionist Organization, which works to expand Israel's illegal settlements in the occupied West Bank and Golan. Israeli cities and local governments also

have access to the Nimbus platform, meaning that it could directly serve Israel's illegal settlements.

Knowing from the start that this project is controversial and would draw negative public attention to the contracted companies, the Israeli government included clauses in the contract to prevent these contractors from withdrawing. In the months leading up to signing the contract, Google was reportedly worried about its human rights implications but decided to move ahead anyway. The company's own assessment team and outside human rights consultant stressed that "Google Cloud services could be used for, or linked to, the facilitation of human rights violations, including Israeli activity in the West Bank," as was revealed in 2024.¹⁹⁶ Google has drawn further criticism for reinforcing Israeli propaganda during the genocide, including through a contract with the Israeli government.¹⁹⁷

IBM

International Business Machines (IBM) designed and operates Israel's current population registry, which records personal data—including the ethnic and religious identities—of both citizens and non-citizens within Israel and the OPT. This data is also recorded on government-issued ID cards, which, by law, all residents must carry.

Israel routinely uses the information in its population registry to discriminate amongst the different population groups under its control: Jewish citizens of Israel, including those living in illegal settlements in the OPT; Palestinian citizens of Israel; Palestinian residents of occupied East Jerusalem; Palestinians living under military rule in the occupied West Bank; Palestinians living in the occupied West Bank; and Palestinian residents of the blockaded Gaza Strip.

The database and the ID system it powers form the informational infrastructure of Israeli apartheid. They facilitate the fragmentation of Palestinian society; determine the legal jurisdiction that Palestinians fall under (civilian versus military law); and restrict Palestinians' participation in the political system, as well as where they can live, work, and travel; who they can marry; and their access to government services. Since the database includes information about the population of the Gaza Strip, including individuals' addresses, it may have also allowed the Israeli military to target Palestinians in Gaza.

The Israel Population, Immigration, and Borders Authority awarded IBM this contract in 2017, replacing the previous contract it held with HP and its spin-offs.¹⁹⁸

Extractive Industries

Natural resource exploitation, and extractive industries in particular, present high risks for potential human rights abuses and environmental harm. As a result, guidance has been developed to inform companies, investors, and others to prevent and mitigate adverse impacts throughout their supply chains.

Israel's appropriation of Palestinian land and other natural resources has been a central component of its settler-colonial apartheid regime¹⁹⁹ and has been extensively documented by the UN and human rights organizations, amongst others.²⁰⁰ In 1980, for example, the UN Security Council called for an investigation into "the reported serious depletion of natural resources, particularly the water resources" by Israel.²⁰¹ Decades later, OHCHR included "the use of natural resources, in particular water and land, for business purposes" as an unlawful activity to be reflected in its database, while in 2024, the ICJ Advisory Opinion again affirmed that Israel's exploitation of natural resources in the OPT was unlawful.²⁰² Even with this well-documented history of appropriating Palestinian resources, companies like Mekorot that facilitate "water apartheid"²⁰³ continue to operate globally as 'leaders' in their respective sectors.

It is also critical to consider how businesses tied to natural resource exploitation, irrespective of where they are sourced from, may benefit the Israeli economy in general or may be directly linked to acts of apartheid and genocide.

Chevron

Israel's nearly two-decades long closure of Gaza has included limitations on access to the Mediterranean Sea, preventing Palestinians from accessing and developing their fossil gas resources.²⁰⁴ It is an unlawful policy of collective punishment, which has been enforced through lethal force against Palestinians. Israel has also used the closure to "develop and secure" its own "gas platforms bordering Palestinian territorial waters and gas export pipelines running through Palestine's continental shelf."²⁰⁵ This includes the East Mediterranean Gas (EMG) pipeline, which is west of Gaza and connects Israel and Egypt, and the Tamar processing rig and pipelines; both of these are operated and partially owned by Chevron.²⁰⁶

Chevron has said that Tamar supplies "70% of Israel's energy consumption needs for electricity generation."²⁰⁷ Accordingly, Chevron has also been in contract with the Israeli Electric Company, which is known for its role in the integration of Israeli settlements, as well as the facilitation of discriminatory policies in Israel.²⁰⁸

Chevron, as well as other businesses in the fossil gas industry, also provide significant contributions to the Israeli economy through tax revenues. In 2023 alone, Israel collected over \$820 million in royalties and fees from Chevron, beyond regular corporate taxes.²⁰⁹ In 2022, Israeli royalties from exporting fossil gas have increased by 50% because of the reduced European consumption from Russia.²¹⁰

Alongside the natural resources sourced from the OPT and Israel, the import of natural resources into Israel also serves to uphold its apartheid regime and genocide. This was recognized by the President of Colombia, who announced in June 2024 that the country would suspend its coal exports to Israel until the genocide ended.²¹¹ A year later, the President ordered Colombia's navy to ensure that coal shipments to Israel were blocked and vowed to end the "hypocrisy of condemning violence while profiting from it."²¹²

Another critical import is crude oil, which Israel has received from seven countries since October 2023, with Azerbaijan and Kazakhstan supplying 50% of the total.²¹³ The organization Oil Change International also found companies, "including BP, Chevron, Eni, ExxonMobil, Shell, and TotalEnergies, may be linked to 35% of the crude oil supplied to Israel" from October 2023 to August 2024.²¹⁴ Crude oil is then refined in Israel for "domestic, industrial and military use,"²¹⁵ such as fuel. States and companies have also directly supplied jet fuel to Israel; such exports have been widely condemned given their direct link to military operations in the genocide in Gaza, as well as in the West Bank.²¹⁶

Finance

As in all national contexts, major banks are key to and provide monetary reinforcement for the political, social, and economic systems in place. The integration of the settlement economy to that of Israel has meant, as underscored by Who Profits Research Center, "Israeli banks provide the financial infrastructure for all the activities of companies, governmental agencies and individuals linked to the continuing occupation of Palestinian land."²¹⁷ Accordingly, Israeli banks have been listed in the 2020 OHCHR database report and its 2023 and 2025 updates of business enterprises with activities and operations linked to the construction and maintenance of settlements.²¹⁸ These banks have also been the focus of numerous reports by civil society,²¹⁹ as well as some notable divestment actions, such as in 2016 by the United Methodist Church²²⁰ and in 2025 by the Norwegian Wealth Fund.²²¹

Foreign banks have also played a key role in propping up Israel's economy, apartheid policies, and the companies that operate therein. In a June 2024 statement calling for an arms embargo on Israel and underscoring the role of weapons manufacturers in international crimes, UN experts also highlighted and called out financial institutions that invested in such

companies.²²² The statement went on to note that without measures taken to prevent or mitigate their relationships, financial institutions and investors risk being complicit in atrocity crimes. Foreign financial institutions have also been linked to other unlawful Israeli policies, including its settlement enterprise.²²³

Banks and other investors, including U.S. state governments, have also purchased over \$1 billion in Israeli bonds within weeks of the beginning of the Gaza genocide in 2023.²²⁴ Reports underscore that the sale of these bonds were issued to raise funds for the genocide.²²⁵ International investment banks are also profiting from trading Israeli bonds and currency, with JP Morgan Chase & Co. reportedly earning \$70 million by November of 2024 from such trades, followed by other U.S. institutions, Goldman and Citigroup.²²⁶ In the similar case of krugerrands, which the South Africa Apartheid government minted to support its economy, the UN Security Council called on States to prohibit “the sale of krugerrands and all other coins minted in South Africa.”²²⁷

Citigroup

In addition to its underwriting of Israeli bonds,²²⁸ according to its website, Citi “boasts the largest presence of any foreign financial institution in Israel and offers corporate and investment banking services to leading Israeli corporations and institutions and global corporations operating in Israel ... Citi has demonstrated its leadership and commitment to Israel for many years.”²²⁹

Citibank was the first non-Israeli bank to underwrite Israeli companies in the Israeli stock exchange.²³⁰ It has done so for some of the largest companies in Israel, including companies that operate illegally in the OPT,²³¹ and has also supported Israeli weapons procurement through the U.S. Foreign Military Sales program.²³²

Risks to Businesses and Investors

While businesses and investors should first consider how activities and operations may put people and the planet at risk, they may also consider the related legal, financial, reputational, and other risks that may arise for themselves. Conflict-affected and high-risk areas, including those experiencing political instability, pose particular challenges to businesses, their executives and directors, as well as their investors. In such environments, they should not only be prepared to undertake ongoing enhanced due diligence and demonstrate related efforts to prevent and mitigate harm but should also be ready to “accept any consequences ... of the continuing connection.”²³³

A foremost concern should be the legal risks associated with business activities and operations.²³⁴ The UN OHCHR has noted both the “expanding web of potential corporate legal liability” as well as “expanding legal boundaries”, which should spur businesses to consider legal risks irrespective of the domestic laws applied where they are operating or active.²³⁵ Notably, a September 2024 UN report made relevant recommendations to States, calling on them to hold businesses “fully accountable for complicity in violations of international law” including through their “links to value chains ...” and to “review financial transfer policies that allow religious and charitable organizations to fund activities in Israel, which enable the further sustenance of an apartheid system.”²³⁶

In addition, in June 2024, UN experts not only called for an arms embargo on Israel, but also called out financial institutions that invest in arms companies and their possible complicity in atrocity crimes.²³⁷ Nearly a year later, as the genocide persisted, the UN Special Rapporteur on the OPT further warned that any such investment “sustains a system of serious international crimes.”²³⁸ In acknowledging these risks, in October 2024, Nordic Storebrand Asset Management excluded Palantir from its portfolio because of risks related to violations of IHL and IHRL,²³⁹ having previously divested from IBM due to “its services contributing to enforcing ... a regime of apartheid.”²⁴⁰

In other efforts towards accountability, cases are being brought both against States, including for their arming of Israel,²⁴¹ and against companies. One case, for example, has been brought against energy companies that received exploration licenses by Israel for areas off Gaza’s coast.²⁴²

Armed conflict and other contexts that may entail international crimes, such as apartheid, raise legal risks and are also likely to increase financial and commercial risks to business. This may include broad, system-wide

financial risks. For example, in 2024, senior Israeli economists warned of the potential of a “spiral of collapse” because of government policies. This was followed months later by Moody’s downgrading Israel’s credit rating.²⁴³

Actual and perceived complicity in human rights abuses can also have an impact on a business’s reputation. Businesses “seen to benefit from abuse” as well as those merely present in contexts of human rights abuse may be spotlighted by civil society, activists, and others.²⁴⁴ Accordingly, legal, reputational, financial, and other risks may be intertwined and undifferentiated in high-risk areas.

This compounding of risks has also been highlighted by the UN, EU Member States,²⁴⁵ and the United Kingdom²⁴⁶ in relation to businesses operating in or with activities linked to settlements.²⁴⁷ These are even more stark following the 2024 ICJ Advisory Opinion, which requires Israel to end the occupation, and provide full reparation for the damage caused by its internationally wrongful acts.²⁴⁸

Maersk and Other Shipping Companies

The shipping sector has faced increased financial and commercial risks since the start of Israel’s genocide. This has included an increase in insurance rates, re-routing of vessels, backlogs and disruptions at Israeli ports, and a risk to the safety of ships and their crews.²⁴⁹ In February 2024, one source noted that higher war risk premiums could amount to additional thousands of dollars for a week-long trip.²⁵⁰

Shipping companies have also been challenged for their role in transporting weapons for use in the genocide. Maersk, a Danish shipping company, has faced scrutiny and actions against it by both State and non-State actors for its transport of weapons to Israel.²⁵¹ In November 2024, Spain denied from docking a Maersk ship allegedly carrying weapons to Israel,²⁵² while a campaign against it was also launched by activists in June 2024. In June 2025, the company announced that it aligned its “screening process with reference to UN standards” in relation to Israeli settlements.²⁵³ In July 2025, it claimed that it did not ship “weapons or ammunitions to Israel”; it had previously stated that it did “not support violence taking place” in Gaza.²⁵⁴

In May 2024, a complaint was also brought in Belgium against ZIM, an Israeli shipping company, for violating the Arms Trade Decree.²⁵⁵ According to one organization involved in the complaint, since filing, “the arms trade via Antwerp has stopped.”²⁵⁶

Caterpillar

For decades, U.S.-based Caterpillar has been supplying Israel with heavy machinery, including the D9 armored bulldozer, which the Israeli military routinely uses to demolish Palestinian homes and other civilian infrastructure in the occupied West Bank and to enforce the blockade of the Gaza Strip. Militarized D9 bulldozers have been crucial for Israel's 2023 ground invasion of the Gaza Strip, accompanying combat troops and paving their way by clearing roads and demolishing buildings. Such destruction is prohibited under international law and a war crime.²⁵⁷

As the Gaza genocide progressed, Caterpillar bulldozers and other heavy equipment have been systematically destroying entire residential neighborhoods and cities, as part of Israel's attempt to displace as many Palestinians as possible and prevent their return to their homes.²⁵⁸ Because of their usage in Gaza, Caterpillar's D9 bulldozers were among the only weapons that the U.S. government withheld from Israel in November 2024 during the Biden administration. However, the Trump administration reversed course and approved the sale.²⁵⁹

Caterpillar has become infamous for these acts and other human rights violations in the OPT, including as related to the settlement enterprise, underscoring the legal, commercial, reputational and other risks a company may face. Years before the Gaza genocide, legal action was brought against the company for the killing of American human rights defender, Rachel Corrie, by the Israeli military operating a Caterpillar bulldozer.²⁶⁰

Campaigns, advocacy, and reporting have continued to highlight Caterpillar's role, with several large institutional investors publicly divesting their stake in the company because of its involvement in Israeli war crimes.²⁶¹ For example, in August 2025, Norway's sovereign wealth fund divested from the company following the assessment of Norway's Council of Ethics that "there is no doubt that Caterpillar's products are being used to commit extensive and systematic violations of international humanitarian law" and that Caterpillar "has not implemented any measures to prevent such use."²⁶²

Civil society and activists have more broadly sought to end business complicity in Israeli apartheid, unlawful prolonged occupation, and genocide through using judicial and non-judicial mechanisms, media campaigns, boycotts, and other measures. Perhaps most notably, the Palestinian civil society-led BDS movement has, for decades, mobilized campaigns targeting companies complicit in Israeli apartheid. One study affirmed that boycotts have had financial impact, including declining stock prices, and reputational impacts on companies.²⁶³ In many cases, companies have terminated activities, operations, or relationships.²⁶⁴

More recently, employees of companies that are seen to be linked to Israel's genocide and apartheid regime are also taking action. In 2024, Cisco current and former employees filed federal and state complaints against the company, alleging that it tried to "suppress their concerns about the use of the company's technologies in support of Israeli military operations in Gaza."²⁶⁵ In another related action, in June 2024, current and former employees as well as shareholders issued a letter to Apple calling on the company to investigate and cease donations to organizations that support Israel's settlement enterprise, such as the Jewish National Fund, and Israel's military, via the Friends of the IDF, through its program that matches employee donations.²⁶⁶ Google was also reported to have provided matching donations to Friends of the IDF and a settlement group.²⁶⁷ UN experts and bodies have highlighted corporate complicity through the donation of funds and the role of non-profit enterprises in such contexts.²⁶⁸

As noted by UN OHCHR, "where business poses a risk to human rights, it increasingly also poses a risk to its own long-term interests."²⁶⁹ Indeed, investor groups have responded to these risks by divesting in companies linked to Israeli violations of international law, as well as by discarding Israeli currency and bonds.²⁷⁰ For example, in 2017, Danish pension fund Sampension divested from two Israeli banks, Israeli telecommunications company Bezeq, and Germany's Heidelberg Cement (currently Heidelberg Materials).²⁷¹ In a more recent example, from 2025, Norwegian Pension Fund KLP divested from Oshkosh and ThyssenKrupp due to their weapons sales to Israel. While divestment is a risk that companies may face, it is critical to underscore that the risk of complicity in international crimes—for both businesses and investors—should be the primary consideration.

Financial risks: McDonald's

McDonald's became a boycott target after its restaurants in Israel announced that they would offer free meals to Israeli soldiers. McDonald's Corporation quickly issued statements underscoring that the company was not supporting any side, and that any local actions by franchisees were made independently.²⁷² Boycotts persisted, leading to a significant drop in profits. In April 2024, McDonald's Corporation bought back its restaurants in Israel from the company that operated them and subsequently canceled the benefit to Israeli soldiers.²⁷³

Reputational Risks: Unilever

The Vermont-based ice cream company Ben & Jerry's became the subject of a local campaign in 2011, because of its sale in illegal Israeli settlements. While it is owned by global food giant Unilever, it retains an independent board of directors, with a mandate to oversee the company's social mission and advocacy efforts. Having a declared "progressive" social mission and

wanting to collaborate with U.S. racial justice groups that were in solidarity with Palestinian society, Ben & Jerry's decided in 2021 to stop selling its ice cream in illegal Israeli settlements. This decision sparked a dispute with its parent company, Unilever, which led to the sale of its Israeli business to a local licensee. Disagreements between Unilever and Ben & Jerry's board have continued, where the latter has alleged that Unilever has attempted to silence its support for social issues, including related to Palestine.²⁷⁴

Conclusion

Israel's settler-colonial apartheid regime has been established and implemented by the State as a whole, with each government authority playing a role in its maintenance and reinforcement. Even prior to 1948, Zionist institutions were laying the foundations for a State that upholds Jewish supremacy and imposes second class citizenship status to the Palestinian population therein.²⁷⁵

As part of this regime, and in servicing Israel's colonial expansionist aims, it has maintained a 58-year prolonged occupation of the West Bank, including Jerusalem, and Gaza, which also faced an ongoing 18-year closure. It has also launched a genocidal campaign to destroy Palestinians in Gaza, with the restated and longstanding aim to empty the area via unlawful mass displacement and impose its sovereignty.²⁷⁶

This context of land fragmentation and territorial takeover, alongside other inhuman acts imposed on the Palestinian population, is part of Israel's apartheid regime. It is comprised of layer upon layer of policies and practices, that have been developed and refined over decades, to ensure the functioning and maintenance of apartheid. It is this minefield of discrimination and inhuman acts that businesses and investors must take into account when considering the impacts of their activities and operations.

Importantly, clear red lines for businesses and investors have already been established. This not only includes widespread consensus on the illegality of Israel's settlement enterprise, but also the illegality of the occupation as a whole as found by the ICJ. This recalls and gives further weight to OHCHR's 2018 Database report which underscored the immitigability of the human rights impacts of settlements, and the infeasibility of businesses to engage in settlement related activities (as described in the FFM report) in a manner that is consistent with international law and the UNGPs.²⁷⁷

Given the Court's observation that Israel has taken measures to ensure the integration of settlements and annexed East Jerusalem into its own territory,²⁷⁸ the opinion also implicates government authorities and the Israeli economy. Accordingly, businesses and investors should consider if there can be any untangling or screening from a seamless "unlawful presence" irrespective of where the business itself operates or has activities. Such questions are further magnified when considering the role of Israeli authorities in ensuring domination over Palestinians, regardless of their ID status, to uphold the apartheid regime.

In total, the gravity of impacts—posed by Israeli apartheid, the unlawful occupation, and genocide—should move businesses and investors to not only exercise an abundance of caution when entering into operations and

activities in any territory under Israel's jurisdiction, but should also move them to examine current operations and their supply chains to ensure that they are in no way causing, contributing or are directly linked to the aforementioned international crimes.

Businesses that are engaged in such operations and/or activities should divest and disengage, followed by providing restitution for their harmful acts towards the Palestinian people and their property. Importantly, these steps are separate from actions that States should take to ensure full accountability, which includes sanctions and prosecution of those complicit in international crimes.

Endnotes

- 1 This report uses the term complicity broadly, and as described in the UN Guiding Principles on Business and Human Rights (UNGPs), where it has “both non-legal and legal meanings.” This includes where a business “may be perceived as being ‘complicit’ in the acts of another party where, for example, they are seen to benefit from an abuse committed by that party.” Commentary to Principle 17. Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect, Remedy” Framework, 2011, https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf
- 2 It is important to note that the UN Fact-Finding Mission on Israeli settlements introduced this framework (of “enabled, facilitated, and profited”) in regard to how businesses may be tied to Israeli settlements. Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, 7 February 2013, A/HRC/22/63.
- 3 See: From the economy of occupation to the economy of genocide, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, 30 June 2025, A/HRC/59/23
- 4 For example, a 1982 UN Commission on Human Rights report noted speakers drawing parallels “between Zionism and apartheid, and condemned the co-operation existing between Israel and the racist regime of South Africa.” Commission on Human Rights, Report on the Thirty-Eighth Session (1 February–12 March 1982), E/1982/12, p.13, <https://digitallibrary.un.org/record/74618?ln=en&v=pdf>
- 5 See for example: Gender apartheid must be recognized as a crime against humanity, UN experts say, UNOHCHR, 20 February 2024, <https://www.ohchr.org/en/press-releases/2024/02/gender-apartheid-must-be-recognised-crime-against-humanity-un-experts-say>; “World faces ‘climate apartheid’ risk, 120 more million in poverty: UN expert,” UN News, 25 June 2019, <https://news.un.org/en/story/2019/06/1041261>
- 6 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Article 85(4)(c).
- 7 A year after the International Convention on the Elimination of Racial Discrimination (ICERD) entered into force, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity defined apartheid as a crime against humanity.
- 8 States may not derogate from such norms. In cases of serious breaches of peremptory norms, such as apartheid, States should not “recognize as lawful a situation created by” the serious breach, “nor render aid or assistance” in maintaining the unlawful situation, and must cooperate to bring the situation to an end. This principle has specifically been reiterated in regard to Israel’s unlawful settlement enterprise in UN Security Council and General Assembly resolutions as well as by the International Court of Justice in its two advisory opinions related to the OPT. See: Conclusion 3 and 19,

Draft conclusions on identification and legal consequences of peremptory norms of general international law (jus cogens), International Law Commission (ILC), 2022, https://legal.un.org/ilc/texts/instruments/english/draft_articles/1_14_2022.pdf

- 9 Israel ratified the ICERD in 1979.
- 10 The 1948 Universal Declaration of Human Rights underscored the entitlement of all to the rights and freedoms laid out in the Declaration, “without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”
- 11 The Rome Statute was adopted 17 July 1998 and entered into force 1 July 2002. Israel has not ratified the Rome Statute, but the State of Palestine did, and it entered into force there in 2015.
- 12 ILC, *Draft conclusions*, Conclusion 17.
- 13 Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, International Law Commission, 2001, Article 15, https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf
- 14 A breach is considered serious “if it involves a gross or systematic failure by the responsible State to fulfill that obligation.” ILC, *Draft conclusions*, Conclusion 19.

See also: Violations of peremptory norms “give rise to obligations *erga omnes*” (towards all) requiring all States to cooperate. Position Paper of the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, Legal analysis and recommendations on implementation of the International Court of Justice, Advisory Opinion, *Legal Consequences arising from the Policies and Practice of Israel in the Occupied Palestinian Territory, including East Jerusalem*, 18 October 2024, para. 33, https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiopt/2024-10-18-COI-position-paper_co-israel.pdf

- 15 Obligations of Third States and Corporations to Prevent and Punish Genocide in Gaza, Dr. Irene Pietropaoli, 5 June 2024, p.14, <https://www.somo.nl/wp-content/uploads/2024/06/Obligations-of-Third-States-and-Corporations-to-Prevent-and-Punish-Genocide-in-Gaza-3.pdf>
- 16 Under the Apartheid Convention, individual criminal responsibility may be applied to “individuals, members of organizations and institutions and representatives of the State” when they “commit, participate in, directly incite or conspire in the commission of” the Convention’s Acts, or directly abet, encourage or cooperate in the crime.
- 17 This includes if they commit; order, solicit or induce the commission of the crime, or attempt to do so; facilitate the commission by, aiding, abetting or otherwise assisting in the commission or attempted commission; in any way intentionally contribute to the commission or attempted commission by a “group of persons acting with a common purpose;” or take a substantial step towards execution of the crime. Article 25 of the Rome Statute

Under the Rome Statute, the Court would have jurisdiction over crimes after the State became a Party to the Statute, or if not a Party, the Court could exercise jurisdiction following a declaration by the State. Articles 11 and 12.

- 18 Business and International Humanitarian Law: An Introduction to the Rights and Obligations of Business Enterprises under International Humanitarian Law, ICRC, p.15.
- 19 For example, the OECD has issued guidance on responsible business conduct, including sector specific guidance. In 2024, the EU's Corporate Sustainability Due Diligence Directive went into effect and marked 10-years since the start of a UN process towards a legally binding instrument on business and human rights.
- 20 Principle 13 of the UNGPs.
- 21 Businesses must also respect IHL in situations of conflict. See: Principle 18, Commentary to Principles 7 & 12 of UNGPs.
- 22 Commentary to Principle 11 of UNGPs.
- 23 Principles 7, 17 and 23 and Commentaries of UNGPs.
- 24 The Commentary for Principle 23 of the UNGPs notes the "expanding web of corporate legal liability" and that "corporate directors, officers and employees may be subject to individual liability for acts that amount to gross human rights abuses." See also: Commentary to Principle 17 of UNGPs. Accountability as part of Mandatory Human Rights Due Diligence, Fall 2020, SHIFT, p.3, https://shiftproject.org/wp-content/uploads/2020/10/Shift_mHRDD_Accountability_October2020.pdf
- 25 In line with the UNGPs, businesses should give particular attention to how their operations or activities impact "individuals from groups or populations that may be at heightened risk of vulnerability or marginalization ...," including their access to justice. UNGP 18 & 26 and Commentaries.
- 26 Truth and Reconciliation Commission of South Africa, Report of the Reparation and Rehabilitation Committee (RRC), Volume 6, Section 2, Chapter 5, p.140, https://www.justice.gov.za/trc/report/finalreport/vol6_s2.pdf
- 27 Id. at p.140-141.
- 28 The ILC underscored that "Composite acts give rise to continuing breaches, which extend in time from the first of the actions or omissions in the series of acts making up the wrongful conduct." ILC, *Draft articles*, Commentary to Article 15.
- 29 Individual instances of human rights abuses and violations, as acts or omissions, can in their aggregate amount to a system of apartheid. The ILC affirmed "While composite acts are made up of a series of actions or omissions defined in aggregate as wrongful, this does not exclude the possibility that every single act in the series could be wrongful in accordance with another obligation." Id.
- 30 Article 26 of the ICCPR. Adopted 16 December 1966.
- 31 Article 2(2) of ICESCR underscores the principle of non-discrimination to the guarantee of rights in the Covenant. The enjoyment of just and favorable working conditions includes "fair wages and equal remuneration of work without distinction of any kind," and equal opportunity for promotions. See Articles 6-8 of the ICESCR. Adopted 16 December 1966.

States Parties have obligations of immediate effect, including upholding the principle of non-discrimination, abstaining from taking retrogressive measures, and fulfilling "minimum essential levels of each of the rights" in

- the Covenant. Report of the United Nations High Commissioner for Human Rights, 25 June 2007, E/2007/82, paras. 15–20, https://www.ohchr.org/sites/default/files/Documents/Issues/ESCR/E_2007_82_en.pdf
- 32 ILO Convention No. 111 is one of the eight core ILO conventions, which the UNGPs calls on businesses to respect the principles of alongside internationally recognized human rights. UNGP 12 and commentary.
 - 33 Article 2 of ILO Convention No. 111. This is also cited in The Right to Work, General Comment No. 18 of the Committee on Economic, Social and Cultural Rights, adopted on 24 November 2005, para. 12.
 - 34 Id. at para. 32.
 - 35 Id. at para. 33.
 - 36 Discrimination, Business & Human Rights Navigator, United Nations Global Compact, <https://bhr-navigator.unglobalcompact.org/issues/discrimination/>
 - 37 Truth and Reconciliation, *RRC Report*, p.140–141.
 - 38 In examining the external context, businesses should consider: whether there is a “history of divisiveness” or discrimination on religious, ethnic, or national grounds; laws related to equal opportunity and non-discrimination, as well as their effectiveness; reports by civil society and others in regard to discrimination, amongst other factors. Businesses should consider their internal contexts i.e. their own operations and procedures, including their workforce composition, and any internal policies to address discrimination. Last, the BHR Navigator calls on businesses to examine their relationships, including by looking at the makeup of their suppliers’ workforces and their own customers, as well as assessing the policies of businesses in their value chain, including as related to employment. See: BHR Navigator, *Discrimination*.
 - 39 The PRI includes 6 principles that center fiduciary responsibilities and the incorporation of environmental, social, and governance (ESG) issues; it underscores that asset owners should respect and protect human rights. The PRI notes that asset owners are compelled to respect and protect human rights for a variety of reasons, including: legal responsibilities, which can be fulfilled by upholding the UNGPs; financial materiality; beneficiaries’ sustainability and ethical preferences; and reputational risk. See: An introduction to responsible investment: Human rights, PRI, 9 January 2024, <https://www.unpri.org/introductory-guides-to-responsible-investment/an-introduction-to-responsible-investment-human-rights/12026.article>
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