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Corporate Occupations: The UN Business “Black List” and Israel’s Settlements

Mikhail Bakunin, in that charming anarchist tradition, regarded the state as an evil to be done away with. Such collective formations were criminal, oppressive, eviscerating to the individual. The corporation might be regarded as a similar collective, adopting and aping elements of the state with, in some cases, greater latitude to achieve its object. At times, they collude with states to advance their interests, which rarely deviate from the profit motive; in other cases, they seek to overthrow state regimes in favour of more compliant ones.

For that reason, bringing corporate behaviour within the realm of human rights can be a tad tricky. You can take corporate managers to witness grave abuses, but you can’t make them feel. The cynicism in this field is so profound that it produces such views as those of Milton Friedman, who suggested with monetarist glee that corporations are only burdened by one task in the field of social responsibility: using their “resources and engage in activities designed to increase [their] profits so long as it stays in the rules of the game, which is to say, engages in open and free competition, without deception or fraud.”

In his New York Times Magazine piece from 1970, he took issue with those businessmen who spoke of having a “social conscience”, or sought to achieve “social” ends, be it limiting pollution, ensuring secure employment or eliminating discrimination.

Friedman’s piece was as much a distillation of a business condition as a philosophy. Invariably, the corporate condition is one-dimensional and bound to the aims of

maximising share dividends and gaining market share. Every other goal tends to be subordinated to that end.

Publishing the names of various companies reaping in proceeds from occupied Palestinian lands while supporting their structural integrity would hardly shock a follower of Friedman. The follower would argue that such companies have only one moral, ethical purpose in mind, something which would preclude advancing a human rights agenda, or greater accommodation with Palestinians. But a company operating on such soil cannot entirely escape the orbit of ethical implications. The dispute hinges on the implicit assumption on Israel's part that such businesses are, supposedly, legitimate in their operations; the counter to that is that the United Nations, and most of its members, see the settlements as illegal in international law.

Last week, the United Nations Human Rights office revealed a database of some 112 businesses connected with Israeli settlements, 94 of which are Israeli. The report was a response to a 2016 UNHRC resolution (31/36) calling for a “database for all businesses engaged in specific activities related to Israeli settlements in the occupied Palestinian territory.” US companies include Airbnb, Trip Advisor, Expedia, Motorola and General Mills. The UK's Greenkote and France's Alstom also feature in the list. The special rapporteur Michael Lynk saw them as essential components of economic activity within the settlements. “Without these investments, wineries, factories, corporate supply and purchase agreements, banking operations and support services, many of the settlements would not be financially and operationally sustainable. And without the settlements, the five-decade-long Israeli occupation would lose its colonial raison d'être.”

Lynk felt that publishing details of those businesses did constitute some measure of rebuke, however small. “While the release of the database will not, by itself, bring an end to the illegal settlements and their serious impact upon human rights, it does signal that sustained defiance by an occupying power will not go unanswered.”

One notable qualifier on the list has gone unnoticed. In a statement from the UN Human Rights Office of the High Commissioner, the point was made that identifying the companies had not been a judicial or quasi-judicial exercise. The settlements were illegal, but the report did not furnish a “legal characterization of the activities in question, or of business enterprises' involvement in them.” One senses that an opportunity might have gone begging there.

The response from Israeli Prime Minister Benjamin Netanyahu was one deviation and re-attribution. The UN Human Rights Council, he charged, “is a biased and uninfluential body.” Rather than dealing with human rights “this body is trying to blacken Israel’s name. We reject any such attempt in the strongest terms and with disgust.”

Despite dismissing the Human Rights Council as uninfluential, Netanyahu took the matter seriously enough to suspend ties with the UN Commissioner for Human Rights. The basis for doing so had nothing to do with addressing any criteria of human rights, but whether companies would be protected in conducting their business. Commissioner Michelle Bachelet’s office, Foreign Minister Israel Katz accused, had fallen into the service of the Boycott, Divestment and Sanctions Movement.

In a statement on the issue, Katz was keen to take a principled stance. The Human Rights Council was ignorant of human rights. “Since its establishment, the Council has not taken a single meaningful step towards the preservation of human rights, but has rather served to protect some of the most discriminatory regimes in the world.” The Commissioner had “wasted an opportunity to preserve the dignity of the UN and salvage what was left of the Council and the Commission’s integrity.”

President Reuven Rivlin, as if to prove the point made by special rapporteur Lynk, read out the names of those Israeli companies that had made the list in an address from his Jerusalem residence, calling them “patriots who contribute to Israeli society, to economy and to peace.”

Israel’s Strategic Affairs Minister Gilad Erdan even went so far as to claim that such lists violated the rights of those subjects living under occupation. In the language befitting a colonial governor’s reproach to an independence activist, Erdan suggested that the UN publication “will hurt the livelihoods of thousands of Palestinians who coexist and cooperate with Israelis on a daily basis in Judea and Samaria.”

Had Netanyahu simply claimed to be a Friedmanite, that might have made some brutal, if shallow sense. But as occupations, territorial consolidation and Israeli identity remain ideological and religious matters, ethics becomes a matter of observance and abuse. Occupations and matters of conquest tend to be disturbingly moral pursuits, pursued fanatically and with lethal resolve. Best keep corporations on your side, if that is the case.

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