Department of State Guidance to U.S. Companies Regarding the UN Office of the High Commissioner for Human Rights Database Report Release

March 2, 2020

U.S. Department of State

<https://www.state.gov/department-of-state-guidance-to-u-s-companies-regarding-the-un-office-of-the-high-commissioner-for-human-rights-database-report-release/>

On February 12, 2020, High Commissioner for Human Rights Michelle Bachelet published a database of companies operating in Israeli-controlled territories. The United States has long opposed the creation of a database of companies operating in Israeli-controlled territories which facilitates the discriminatory boycott, divestment, and sanction (BDS) campaign and delegitimizes Israel.

As I made clear on February 13, we will stand up for our companies, and we will stand by our ally Israel. The United States will continue to engage UN officials and member states on this matter and take necessary steps to counter efforts related to the list. We are urging UN member states to join us in repudiating publication of the database and to oppose any expansion of the mandate. The State Department will monitor the reaction of the United Nations and member states closely and will firmly oppose any efforts to use this list against U.S. companies.

As a follow-on measure to my February 13 announcement, specifically, U.S. companies referenced in the February 12 database are urged to take note of the following guidance by the Department of State:

The United States Government continues to promote and support U.S. businesses abroad, including U.S. companies listed in the February 12, 2020, database.

The United States Government denounces efforts by any states or international organizations to downgrade ties with U.S. companies as a result of being listed in the database.

The United States Government continues to strongly encourage U.S. businesses to work with, trade with, and invest in Israel.

The United States has not provided, and will never provide, any information to the Office of the High Commissioner to support compilation of this database.

Neither the Human Rights Council nor the Office of the High Commissioner for Human Rights has the power to dictate to U.S. companies where they can and cannot do business, and the United States views any effort to use the database for such purposes as baseless.

In the event a U.S. company becomes the target of attempts to intimidate or harass it on the basis of inclusion in this database, the Department of State urges that U.S. company to:

Contact the Department of State, Bureau of Economic and Business Affairs, Office of Commercial and Business Affairs [USBusiness@state.gov] to communicate the substance and nature of such attempt, including, where appropriate, the U.S. company’s intended response.

This information is crucial to enabling the Department of State to examine the use of available legal and policy tools to counter such efforts against any U.S. companies.

We share our companies’ frustration with the decision to create and release this database. The United States will not tolerate the reckless mistreatment of U.S. companies, and will respond to actions harmful to our business community.