Project Overview

Al-Haq is an independent Palestinian non-governmental human rights organisation established in 1979 to protect and promote human rights and the rule of law in the Occupied Palestinian Territory (OPT). Al-Haq documents violations of the individual and collective rights of Palestinians in the OPT, irrespective of the identity of the perpetrator, and seeks to end such breaches by way of advocacy before national and international mechanisms and by holding the violators accountable. Since 2012, Al-Haq has particularly focused on corporate and State responsibility for unlawful conduct of business in the OPT. Our research shows that corporate actors play an instrumental role in the perpetuation of unlawful Israeli policies and practices as part of an occupation that thrives on continued exploitation of Palestinian land and natural resources contrary to international law.

Set up in 1922, FIDH is an international not-for-profit non-governmental organization with 178 member organizations throughout the world, including Al-Haq. FIDH acts worldwide to promote respect for human rights as stated in the Universal Declaration of Human Rights. One of its main priorities is to advocate for the protection of economic, social and cultural rights against a background of economic globalization. Together with its member organisations, FIDH works with communities throughout the world to ensure corporate accountability and improve victims’ access to justice through documentation, advocacy and litigation. FIDH calls for the strengthening of standards at the national, regional and international level. FIDH has consultative status with the UN Economic and Social Council.

This proposed project aims at developing a legal brief that looks at States’ obligations and corporate responsibilities in the context of business relationships and activities carried out in conflict-affected areas, highlighting the applicability of international human rights law and the UN Guiding Principles on Business and Human Rights (UNGPs), and significantly international humanitarian law (IHL) as well.

More specifically, the brief should aim at highlighting in depth what is meant by due diligence as addressed in the UNGPs, the OECD guidelines and the different voluntary guidelines and reports issued on the matter. The brief is expected to be a critical analysis of due diligence carried out in conflict-affected areas in identifying the lack of clarity – in existing standards - in what it demands and requires of States and corporations. It should also look at challenges in the implementation of such due diligence resulting from an absence of clear requirements as part of the responsibility for enhanced due diligence.

1 To encompass both risk-diligence as in OECD guidelines and enhanced diligence as in UNGPs
Accordingly, the brief should also reflect on the voluntary nature of due diligence - keeping in mind the IGWG treaty process on the responsibility of multinational corporations as a forum for addressing some of the difficulties in carrying out due diligence, particularly extraterritorially in conflict-affected areas. And finally, the brief should look in depth at due diligence in light of IHL and IHRL obligations in conflict-affected areas.

This project is intended to be part of a larger position paper to be put together by Al-Haq, FIDH and possibly - partner organisations of FIDH in conflict-affected areas, such as the DRC. A third phase of this project could look at including specific case studies from Palestine, the DRC and potentially a third country.

**Project Outline**

**Phase one (October - December)**

- Read a selection of Al-Haq’s publications and become familiar with organisational language and messaging;
- Read through the project reading list;
- Map out how UNGP due diligence has been understood and applied by 1. Corporations 2. States
- Research what IHL and IHRL requires additionally for protection against unlawful business conduct in conflict-affected areas - look at what groups who work on BHR in conflict-affected areas have already done on this;
- Prepare outline for legal brief.

**Phase Two (January - June)**

- Draft a legal brief on what enhanced due diligence should require based on the research done in phase one and is it feasible/possible in certain situations of conflict-affected areas;
- Undertake a review process between students, Al-Haq and Clinic supervisors;
- Finalise and submitted the submission.

**Project Bibliography**


2 Look at Palestine and DRC
• Mary E Footer in Jernej Letnar Cernic & Tara Van Ho (eds.), 'Human Rights and Business' (Wolf, 2015), Human Rights Due Diligence and the Responsible Supply of Minerals from Conflict-affected Areas: Towards a Normative Framework?

Bibliography to be developed further...