Turning human rights into a bad joke

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If you want to understand just how outrageous the U.N. blacklist of businesses operating in Israeli “settlements” really is, forget for a moment about its anti-Israel bias and its warping of international law, important though these issues are. Instead, simply evaluate it on its own terms, as a compilation of companies engaged in “activities that raised particular human rights concerns.”

So what horrendous activities do these 112 companies engage in? Well, there are several supermarket chains, which sell groceries to both Israelis and Palestinians in the West Bank, Golan Heights and eastern Jerusalem. There are several fuel companies, which operate gas stations where both Israelis and Palestinians fill up their cars.

There are several bus and rail companies, which provide public transportation used by Israelis and Palestinians alike. There are phone companies (cell and landline) that provide general communications services. There are banks, which provide basic banking services. There’s a water company, which provides potable drinking water and sewage solutions.

There are also several food and clothing manufacturers, like General Mills, Angel Bakeries and Delta Galil, whose crime seems to consist of nothing but the fact that their cereals, bread and underwear can be found on supermarket shelves in the West Bank, Golan Heights and eastern Jerusalem.

In short, almost all the companies on the blacklist simply provide the most fundamental human necessities—food, water, transportation, communication. Some of these are defined by the United Nations itself as inalienable rights: Article 25 of the Universal Declaration of Human Rights states that “everyone” has a right to “food, clothing, housing and medical care and necessary social services”; there’s no asterisk saying “except for settlers.” Others, like transportation and communication, aren’t considered rights, but they are considered positive goods in any other context.

In contrast, the United Nations couldn’t find a single company engaged in “captivity of the Palestinian financial and economic markets” or “practices that disadvantage Palestinian enterprises, including through restrictions on movement, administrative and legal constraints”—something that might actually raise human-rights concerns. And only three were involved in providing “surveillance and identification equipment for settlements, the wall and checkpoints directly linked with settlements,” which at least sounds sinister if you don’t realize that such equipment is merely intended to prevent terrorists from slaughtering children in their beds (see the Fogel family, Hallel Ariel and many others).

To realize how absurd this list is, try a simple thought experiment. Syrian and Russian soldiers have been slaughtering civilians in Syria on an almost daily basis for nine years now; the death toll is more than half a million and counting. But does anyone think the supermarkets that sell these soldiers food or the water company that supplies their bases with running water are engaged in “activities that raised particular human rights concerns”? Of course not; we believe that even the worst murderers are entitled to food, water and clothing. That’s precisely why all countries provide such basics to criminals in jail.

Human-rights violations used to refer to grave crimes like murder, rape and ethnic cleansing. But now, along comes the U.N. Human Rights Council and says that actually, even the most essential human activities—food, water, transportation, communication—raise “particular human rights concerns.” This turns the very idea of “human rights concerns” into a bad joke: If every human activity is a “human rights concern,” then nothing is.

But the absurdity doesn’t end there. In a press statement accompanying the blacklist, the Office of the U.N. High Commissioner for Human Rights wrote, “While the settlements as such are regarded as illegal under international law, this report does not provide a legal characterization of the activities in question, or of business enterprises’ involvement in them.” Or in plain English, the activities in question aren’t illegal, nor are businesses violating international law by engaging them (since I’m analyzing the document strictly on its own terms, I’ll ignore its mischaracterization of the settlements themselves as illegal).

Hitherto, human-rights violations have been illegal under both international law and the legal codes of all Western countries (think murder, torture or rape). But it’s impossible to criminalize every ordinary human activity. That’s precisely why, as legal scholar Eugene Kontorovich has noted, international law doesn’t actually prohibit doing business in occupied territory—a position repeatedly upheld by European courts.

But now along comes the United Nations and says that actually, many things can be perfectly legal despite raising “particular human rights concerns.” So go ahead and violate human rights to your heart’s content.

There has been a lot of concern among Israel and its supporters that the blacklist will lead to boycotts and sanctions on the included companies. That’s one reason for the wall-to-wall condemnation it has elicited in Israel (the other being its patently discriminatory targeting of Israel; somehow, the United Nations hasn’t bothered publishing blacklists of companies operating in occupied northern Cyprus, occupied Western Sahara or any other occupied territory). Even the most left-wing of Israel’s Jewish parties, the Labor-Gesher-Meretz joint ticket, assailed the list’s publication unequivocally (to the dismay of Israel’s radical leftists).

Yet precisely because most of the targeted companies are basic service providers, the economic impact will likely be small. Most of these companies neither export and nor attract much foreign investment. And since their businesses depend almost exclusively on selling or providing services to Israelis (and Palestinians), the only way to boycott them would be for the boycotters to actually move to Israel.

Rather, the real danger comes from the way this blacklist cheapens the very idea of human rights. According to the U.N. Human Rights Council, there is effectively no difference between mass murder and selling groceries; both raise “particular human rights concerns.” That’s a standard that no minimally moral human being could take seriously. It turns “human rights concerns” into a laughingstock, and thereby undermines respect for all human rights, even the genuine ones.

And, as always, the biggest losers will be all the people worldwide suffering murder, torture, rape and other genuine abuses. For their cries will be drowned out by the din of the U.N.’s lofty crusade against supermarkets and gas stations.