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Global and regional issues**Israeli occupation of Palestine: social and economic repercussions
and violation of international law****Summary**

The present document was prepared by the secretariat of the United Nations Economic and Social Commission for Western Asia (ESCWA) pursuant to resolution [316 \(XXVIII\)](#) adopted at the twenty-eighth ESCWA session held in September 2014, in which member States requested the ESCWA secretariat to prepare periodic reports on the practices of the Israeli occupation that violate the economic and social rights of the Palestinian people and other rights guaranteed by international law, charters and conventions.

Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1–3	3
<i>Chapter</i>		
I. Israeli policies and practices.....	4–15	3
II. Economic and social repercussions.....	16–25	5
III. Violations of international law	26–33	7
IV. Recommendations		9

Introduction

1. In resolution [316 \(XXVIII\)](#) on support for the Palestinian people, adopted at the twenty-eighth session of the Economic and Social Commission for Western Asia (ESCWA) (Tunis, 15–18 September 2014), member States condemned the practices and policies of the Israeli occupation in the occupied Palestinian territory, which amounted to apartheid, caused a continuous deterioration of their economic and social conditions, and violated the collective and individual rights of the Palestinian people. Member States also requested the ESCWA secretariat to prepare periodic reports on the practices of the Israeli occupation that violate the economic and social rights of the Palestinian people and other rights guaranteed by international law, charters and conventions.
2. At its first meeting, held in Amman on 8 and 9 June 2015, the ESCWA Executive Committee issued a recommendation requesting that the ESCWA secretariat prepare periodic reports on Israeli violations of international treaties and charters and their economic and social repercussions for the Palestinian people, and to submit the reports at meetings of the Executive Committee.
3. The present report examines violations of international law by Israeli authorities, including the possibility that the occupation's policies and practices may constitute crimes of apartheid.

I. Israeli policies and practices

4. The Israeli occupation of the Palestinian territory since 1967 has entailed policies and practices that violate various aspects of international law and have come to constitute a comprehensive matrix that has, over the decades, led to the deterioration of the Palestinian people's living conditions and to the obstruction of Palestinian economic and social development, thus obstructing and even reversing development .¹
5. This comes as part of a strategy that Israel has employed to consolidate its control and create new facts on the ground in the occupied Palestinian territory, primarily by displacing Palestinians and seizing their land, while systematically suppressing any resistance thereto.
6. In this context, Israeli policies and practices can be classified under the following three categories: systematic oppression, which includes collective punishment, targeting civilians and civilian facilities, arbitrary detention, and torture and ill-treatment of detainees; population displacement, which includes revocation of residency permits, restrictions on construction and the resulting demolition of homes and other structures, harassment, threats and terrorizing of Palestinians, and deprivation from basic services; and land grab, which includes *de jure* annexation (annexation of East Jerusalem) and *de facto* annexation (settlements and areas isolated by the wall), and direct land confiscation.²
7. Israeli settlement activity, including the transfer of Israelis into the occupied territory, constitutes a flagrant violation of international humanitarian law³ and deprives Palestinians from the enjoyment of rights, including the right to development and the right to self-determination.⁴ Figure 1 shows population growth in Israeli settlements since 1989, and how this growth greatly surpasses population growth within the Green Line, which implies that it is not part of natural growth, and is most likely due to the incentives and assistance provided by successive Israeli Governments to encourage their citizens to reside in these settlements.⁵

¹ A/70/82-E/2015/13, para. 121.

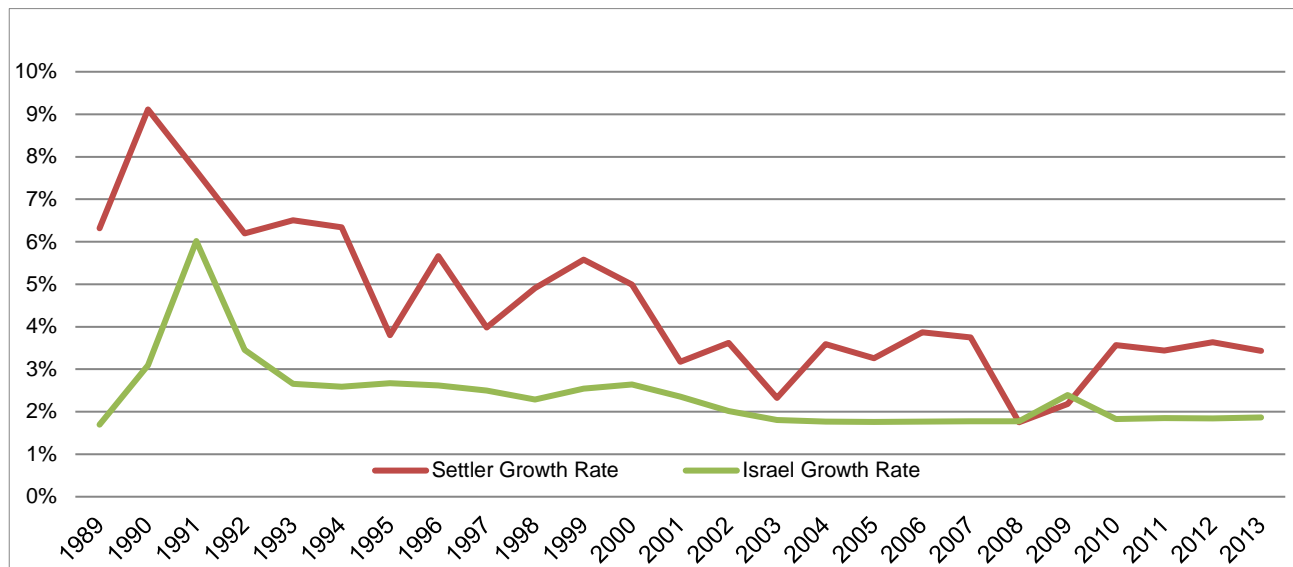
² [E/ESCWA/2015/EC.1/5\(Part I\)](#), paras. 3 and 4.

³ A/70/82-E/2015/13, para. 45.

⁴ *Ibid.*, para. 44.

⁵ [A/69/81-E/2014/13](#), para. 40.

Figure 1. Population growth in Israeli settlements compared with Israeli population growth within the Green Line



Source: Palestinian Central Bureau of Statistics and World Bank.

8. The Israeli authorities have established two regimes in the occupied Palestinian territory which discriminate between residents based on religion: a system for Israeli settlers (predominantly Jewish) under which they enjoy all rights, and a harsh military system for Palestinians (often not Jewish). This regime discriminates between Palestinians and Israeli settlers with regard to legal systems, freedom of movement, residency status, and planning and construction mechanisms.⁶

9. The total area where Palestinians are allowed to build represents approximately 0.5 per cent of Area C (62 per cent of the West Bank), compared with 26 per cent allocated to the construction of Israeli settlements. The same applies to East Jerusalem, where Israeli authorities have restricted Palestinian construction to 13 per cent of the city, which is already heavily built-up and densely populated, while allocating about 35 per cent of the city to settlement activity. Consequently, Palestinians are forced to build without Israeli permits, leaving their homes and facilities at risk of demolition and their occupants vulnerable to displacement.⁷

10. Around 33 per cent of homes in East Jerusalem are at risk of demolition, which means that 93,100 Palestinian Jerusalemites are vulnerable to displacement. More than 2,000 Palestinian homes in East Jerusalem had been demolished by Israeli authorities as at August 2014.⁸

11. Israeli authorities have also imposed restrictions on the movement of Palestinians within the occupied Palestinian territory, while Israelis can move freely in most of the occupied territory, and have allocated more than 65 km of West Bank roads to the exclusive or semi-exclusive use of Israelis.⁹

12. The blockade imposed on 1.7 million Palestinians in the Gaza Strip since 2007 is possibly the most severe form of movement restriction. This blockade on the movement of people and goods has led to an

⁶ A/70/82-E/2015/13, paras 6–9.

⁷ Ibid., paras. 16–18.

⁸ Ibid., para. 19.

⁹ Ibid., paras. 1–11.

unprecedented deterioration in living conditions in Gaza, coupled with recurrent military operations and their repercussions.¹⁰

13. Systematic oppression includes excessive use of force, arbitrary detention, torture and ill-treatment of detainees. The year 2014 was the most violent since 1967, particularly in the Gaza Strip as a result of the 2014 summer offensive. On the other hand, 2015 witnessed significant escalation in the West Bank and East Jerusalem, where Israeli security and military forces had killed more than 97 Palestinians and injured 9,648 as at 9 November 2015.¹¹

14. The number of Palestinians detained in Israeli prisons reached 6,700 in October 2015, including 450 administrative detainees, 320 children, and five members of the Palestinian Legislative Council.¹² Israeli authorities practise widespread systematic torture and ill-treatment of Palestinian prisoners, including children, with impunity. More than 800 torture complaints have been filed since 2001. None, however, were investigated by the relevant Israeli authorities.¹³

15. Israeli settler attacks on Palestinians, their property and places of worship have continued with impunity, with over 210 attacks resulting in casualties and material damage as at 9 November 2015.¹⁴ On 31 July 2015, settlers burned down the Dawabsheh family home in the village of Duma in the West Bank while the occupants were sleeping, killing an infant and his parents. However, the perpetrators were not held accountable.¹⁵

II. Economic and social repercussions

16. Israeli policies and practices have led to a deterioration in living conditions of Palestinians, stunted economic and social development in the occupied Palestinian territory, and compounded humanitarian crises and increased dependence of Palestinian families on aid. Repeated military offensives, especially in Gaza, the most recent and violent of which was in the summer of 2014, have caused a significant deterioration in living conditions. Furthermore, continued Israeli measures, notably the Gaza blockade, prevent economic recovery and hinder reconstruction efforts.

17. In the West Bank, economic development remains hostage to Israeli measures that restrict movement, including hundreds of roadblocks, the wall being built by Israel in the West Bank, Israeli-only roads, and a strict movement permit regime.¹⁶ In addition, Israeli restrictions on Palestinian construction and access to land in Area C are major impediments to Palestinian economic development.¹⁷

18. Overall, Palestinian economic performance has continued to decline: per capita income has been decreasing, whereas unemployment, poverty and food insecurity rates have continued to rise. Unemployment has recorded alarming rates in recent years (figure 2). By the first quarter of 2015, unemployment in Gaza stood at 41.6 per cent compared with 16.3 per cent in the West Bank.¹⁸ Regarding poverty, the latest statistics available at the time of writing date back to 2011, with a poverty rate of 18 per cent in the West Bank and 39

¹⁰ Ibid., paras. 56 and 57.

¹¹ <https://www.ochaopt.org/content/protection-civilians-weekly-report-3-9-november-2015>.

¹² <http://www.addameer.org/statistics>. Accessed on 1 December 2015.

¹³ A/70/82-E/2015/13, para. 37.

¹⁴ <https://www.ochaopt.org/content/protection-civilians-weekly-report-3-9-november-2015>.

¹⁵ Ibid.

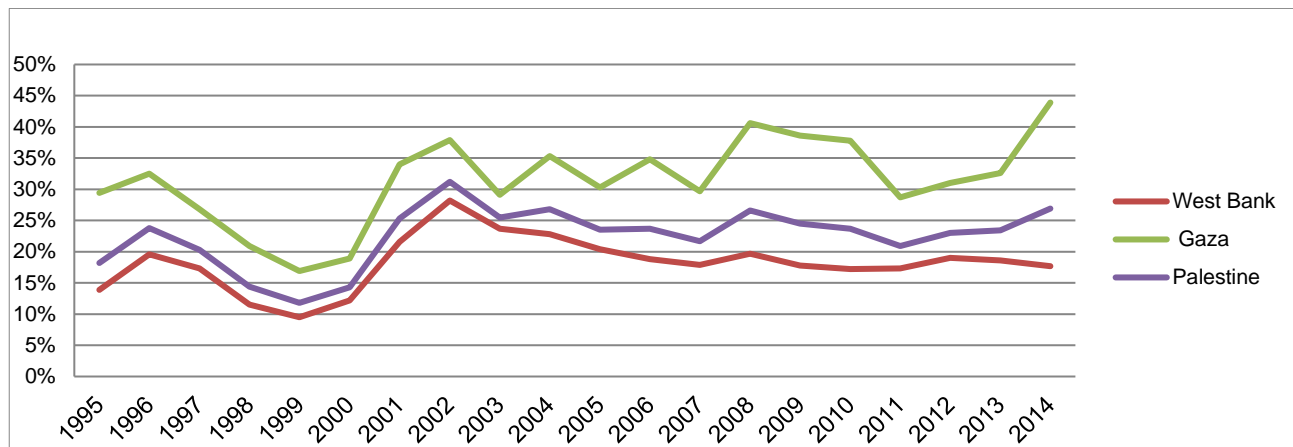
¹⁶ International Labour Organization, Report of the Director-General – Appendix: The situation of workers of the occupied Arab territories, 103rd Session, 2014.

¹⁷ Area C is under full Israeli administrative and security control, and includes 60 per cent of the West Bank.

¹⁸ State of Palestine Palestinian Central Bureau of Statistics, Labour force survey, 2015.

per cent in Gaza. Given the economic stagnation and continued deterioration of conditions in Gaza, poverty levels are certain to have risen since 2011 as more families slide below the poverty line.

Figure 2. Unemployment levels in the occupied Palestinian territory, 1994–2014



Source: Palestinian Central Bureau of Statistics.

19. Similarly, by May 2015, real GDP in Gaza was only slightly higher than in 1994. With Gaza's population growing by about 230 per cent between 1994 and 2015, real per capita income in May 2015 was 31 per cent lower than in 1994.¹⁹

20. Another indicator of the deterioration in economic and social conditions in Gaza is a steady increase in the number of recipients of food assistance from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA),²⁰ which rose from 72,000 (10 per cent of the population) in 2000 to 868,000 (50 per cent of the population) in 2015.²¹

21. Food insecurity rates in the occupied Palestinian territory overall have remained very high. As at 2013, one in three families, or about 1.6 million Palestinians, were food insecure,²² and another 635,000 were vulnerable to food insecurity.²³

22. A direct material loss resulting from Israeli policies and practices are the 26,800 Palestinian structures demolished by Israel between 1967 and 2014.²⁴ This figure does not include 25,581 housing units destroyed in Gaza during the summer 2014 military offensive, or the thousands of homes destroyed in previous military attacks.²⁵

23. In terms of natural resources, Israel has seized a total of about 40 per cent of the West Bank for settlements and regional councils.²⁶ It has also declared about 13 per cent of the West Bank as nature reserves,

¹⁹ World Bank, Economic monitoring report to the Ad Hoc Liaison Committee, 27 May 2015, p. 15.

²⁰ UNRWA provides assistance to registered refugees only.

²¹ Information available from UNRWA.

²² UNRWA, Food insecurity in Palestine remains high, 2014.

²³ Ibid.

²⁴ A/67/91-E/2012/13, para. 16.

²⁵ OCHA, Fragmented lives: humanitarian overview, 2014, p. 8.

²⁶ A/68/77-E/2013/13, para. 63.

where no Palestinian economic activity is allowed.²⁷ The current route of the wall in the West Bank will isolate and sever about 9.4 per cent of its land.²⁸

24. In Gaza, in addition to the blockade, Israel has imposed a buffer zone hundreds-of-metres-wide along the demarcation line, preventing Palestinians from using their agricultural land. Israeli forces also prevent Palestinian fishermen from entering two thirds of the fishing areas identified in the Oslo Accords.²⁹

25. Israel retains full control over water resources in the West Bank and implements discriminatory policies with regard to water distribution. For example, the daily ration of an Israeli individual is more than seven times that of a Palestinian individual.³⁰ About 70 Palestinian communities in Area C lack access to water networks, forcing them to buy water from Israeli companies at exorbitant prices. As a result of these measures, water consumption has decreased in some areas of the West Bank to about 20 litres per person per day, equivalent to one fifth of the quantity recommended by the World Health Organization.³¹

III. Violations of international law

26. In addition to Israeli violations of the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War (summarized by ESCWA in a previous report),³² a number of reports have indicated that Israeli practices and policies in the occupied Palestinian territory amount to apartheid,³³ which constitutes a crime against humanity according to the Rome Statute of the International Criminal Court.³⁴

27. The 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” (article 7).

28. In the same spirit, article II of the International Convention on the Suppression and Punishment of the Crime of Apartheid stipulates that: “the term ‘the crime of apartheid’, which shall include similar policies and practices of racial segregation and discrimination as practised in southern Africa, shall apply to the following 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.”

29. The same article of the Convention defines the practices and policies that constitute apartheid, including:

Article 2 (a)

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

1. By murder of members of a racial group or groups

The Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 has noted that “the taking of lives — outside the limited circumstances in which international

²⁷ UNCTAD, Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the Occupied Palestinian Territory, para. 36, 2014.

²⁸ OCHA, 10 years since the International Court of Justice (ICJ) Advisory Opinion, 2014, p. 3.

²⁹ OCHA, Gaza Strip: The Humanitarian Impact of the Blockade, July 2015.

³⁰ Palestinian Central Bureau of Statistics, The Palestinian Central Bureau of Statistics (PCBS) and the Palestinian Water Authority (PWA) Issue a press release on the Occasion of World Water Day, 22 March 2015.

³¹ OCHA, Area C of the West Bank: Key Humanitarian Concerns Update, August 2014.

³² E/ESCWA/2015/EC.1/5(Part I).

³³ A/HRC/25/67; Russel Tribunal on Palestine, 2012; The Human Sciences Research Council of South Africa, Occupation, colonialism, apartheid? A Re-assessment of Israel’s practices in the Occupied Palestinian Territories under international law, 2009.

³⁴ Rome Statute of the International Criminal Court, Article 7.

humanitarian law and international human rights law do not absolutely prohibit this — potentially constitutes an element of apartheid, in the context of a systematic and institutional regime in which these unlawful killings form part of acts carried out in order to maintain dominance over Palestinians. The relatively high proportion of civilian casualties caused by [Israeli security forces] in occupied Palestine is notable in this respect.”³⁵

2. 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

The blockade and repeated military offensives on the Gaza Strip, restrictions on movement in the occupied West Bank and East Jerusalem, and the torture and ill-treatment of prisoners are highlighted in this regard.

3. By arbitrary detention and illegal imprisonment of the members of a racial group or groups

The Committee on the Elimination of Racial Discrimination (CERD) has urged Israel to end administrative detention, which is “discriminatory detention that constitutes a form of arbitrary detention under international human rights law.” In the course of discussion, the Committee referred to article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, which deals with apartheid.

Article 2 (c)

[A]ny 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

A number of Israeli policies and practices are highlighted in this regard, foremost of which is the prohibition of Palestinian refugees from returning to their homeland, since the Law of Return in Israel grants this right exclusively to individuals of Jewish origin.³⁶ Furthermore, Military Order 101 by the Israeli army prohibits the gathering of more than 10 Palestinians for political reasons or what may be considered political reasons without the permission of the military governor.³⁷

Article 2 (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

The confiscation of Palestinian land for the benefit of Israeli settlements and the construction of the wall, isolating Palestinian areas from each other are highlighted in this regard. This is in addition to the designation by the Israeli authorities of Israeli-only roads, discrimination in water distribution, and restriction of movement of Palestinians only.

³⁵ A/HRC/25/67, para. 59.

³⁶ Israeli Law of Return 5710–1950.

³⁷ See Amnesty International, *Trigger-happy: Israel’s use of excessive force in the West Bank*, 2014, p. 9.

30. In its concluding observations in March 2012, CERD expressed serious concern about “the consequences of policies and practices which amount to de facto segregation, such as the implementation by the State party in the occupied Palestinian territory of two entirely separate legal systems and sets of institutions for Jewish communities grouped in illegal settlements on the one hand and Palestinian populations living in Palestinian towns and villages on the other hand”.³⁸

31. Similarly, after examining the above-mentioned definitions of apartheid, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, concluded in his January 2014 report that Israeli policies and practices in the context of its long-term occupation of the Palestinian territory constituted “segregation and apartheid”.³⁹

32. The principal bodies for the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid were the Group of Three, the Special Committee against Apartheid, and the United Nations Centre against Apartheid, each of which was suspended following the collapse of apartheid in South Africa.

33. Consequently, there is no longer an international body to monitor and suppress the crime of apartheid, although the possibility of reactivating these bodies remains.

IV. Recommendations

(1) Intensify the support of member States and the ESCWA secretariat to Palestinian efforts aimed at raising awareness of illegal Israeli practices and their repercussions on economic and social development in the occupied Palestinian territory;

(2) Strengthen ESCWA efforts to calculate the overall economic cost of the occupation and its practices;

(3) Intensify efforts to hold Israel accountable for its violations of international law and the rights of the Palestinian people, in accordance with international conventions, treaties and human rights law.

³⁸ CERD/C/ISR/CO/14–16, para. 24.

³⁹ A/HRC/25/67, para. 78.