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**Report of the Director-General**

**Appendix**

# **The situation of workers of the occupied Arab territories**

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## Preface

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This year, in accordance with the resolution concerning the implications of Israeli settlements in Palestine and other occupied Arab territories in connection with the situation of Arab workers, adopted by the International Labour Conference at its 66th Session (1980), I again sent a high-level mission to Israel, the occupied Arab territories, the Syrian Arab Republic, and the Arab Labour Organization and the League of Arab States in Cairo. Once again, the delegation enjoyed the full cooperation of all concerned parties, for which I am very grateful. It reaffirms the broad support to the values embodied by the ILO in situations of conflict.

The ILO mission held in-depth discussions with a wide range of interlocutors from the Palestinian Authority and employers' and workers' organizations in the occupied Arab territories, constituents in Israel and in the Syrian Arab Republic, representatives from the United Nations and a variety of international and non-governmental organizations (NGOs). All provided valuable information and insights on the situation of workers in the occupied Arab territories which have guided the preparation of this Report.

The Report depicts a much degraded employment and labour situation. The plight of the Palestinian people has not improved in any fundamental way. Indeed, in a number of respects it has deteriorated alarmingly. With the near total closure of the Gaza Strip following the break up of the national unity government and the continuing impediments to the movement of persons and goods in the West Bank and in East Jerusalem, economic and political life is highly fragmented. One in three persons of working age is employed. Enterprises are either closing or operating at well below their capacity. New investments are deferred. About half of the Palestinian population is dependent on international food assistance, a situation which has become even more critical with the rise in food prices. And there is persistent high unemployment among the skilled younger generation, particularly women.

Working poverty is rising, genuine employment is declining, and frustration is growing.

Only the situation of civil servants has improved with respect to last year, thanks to the combined efforts of the Palestinian Authority, the Middle East Quartet and donors. With new injections of cash a mild improvement can be traced in economic and social indicators through the latter half of 2007.

Repeated military incursions and exchanges of fire have dramatically raised the toll of civilian life, Palestinian and Israeli children included, in the Gaza Strip, the West Bank and Israel.

With the devastation of military action, and the continuing fine net of restrictions on movement, there is no doubt that economic and social hardship is mounting in the occupied Arab territories.

The year 2008 has been signalled as pivotal for peace. The pace of direct negotiations between the parties has picked up with a commitment to conclude an agreement before the end of this year.

In Annapolis, President Abbas and Prime Minister Olmert in a Joint Understanding expressed their “determination to bring an end to bloodshed, suffering and decades of conflict between our peoples; to usher in a new era of peace, based on freedom, security, justice, dignity, respect and mutual recognition” (The White House, 27 November 2007).

In Damascus in March 2008, Arab Heads of State renewed their offer, originally formulated in 2002, of an Arab Peace Initiative, and have asked for a review in the light of ongoing negotiations.

UN Secretary-General Ban Ki-moon, in his message to the League of Arab States Summit, again pledged his commitment to “a just, lasting and comprehensive peace, the end of occupation, and the establishment of a Palestinian State which will live side by side in peace and security with Israel” whilst calling for a “different and more positive strategy for Gaza” (UN, 2008a).

In March 2008 the European Union Presidency expressed its full support to the Annapolis peace negotiations. It stressed the need for “swift and tangible results on the ground in order to sustain negotiations. Action from both sides to implement their Road Map obligations is vital in order to retain the confidence and support of the Israeli and Palestinian populations, the region and the wider international community” (Council of the European Union, 14 March 2008).

All these efforts and the mobilization of international backing are to be welcomed.

Yet as this Report makes clear, many interlocutors shared the concerns of the ILO mission about the danger of a growing gap between peace talks, which have achieved little progress so far, and the continuing “facts on the ground” as reflected in closures, military incursions, checkpoints, the permits regime, the endless patience required to cross the Separation Barrier, the continuing construction within settlements, and “settlers-only” roads, including the growing separation of East Jerusalem from the Palestinian territory. The feeling of collective punishment continues to be generalized throughout the occupied Arab territories.

There is a huge gulf between the daily plight of Palestinians living under occupation, which they endure with so much resilience and dignity, and the normal life they aspire to. We should not lose sight of the fact that at the heart of the resolution of this long-standing conflict lie the aspirations of women and men, children, parents and the elderly, to live a normal life and apply their skills and energy to improving their conditions.

These aspirations are not unique to the Palestinian situation. They are universal. This is reflected in the Constitution of the ILO and what we call “decent work”, or work in conditions of freedom, dignity, equity and security enabling all human beings, irrespective of race, creed or sex, to pursue both their material well-being and their spiritual development. It is these values that guide the ILO in preparing its annual assessment of the situation of workers of the occupied Arab territories.

The ILO will continue to draw on these universal values to contribute, within its mandate, to a just and lasting settlement of the conflict in the firm conviction that decent work for all in the occupied Arab territories and Israel is a fundamental ingredient of peace.

April 2008

Juan Somavia  
Director-General

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## 1. Introduction

1. In accordance with the resolution concerning the implications of Israeli settlements in Palestine and other occupied Arab territories in connection with the situation of Arab workers, adopted by the International Labour Conference (ILC) at its 66th Session (1980), the Director-General again this year sent a mission to Israel and the occupied Arab territories in order to make as full an assessment as possible of the situation of workers of the territories (the West Bank, including East Jerusalem, the Gaza Strip and the occupied Syrian Golan).<sup>1</sup> Another mission was sent to the Syrian Arab Republic and Egypt to deepen the regional perspectives on the situation.

2. The Director-General's representatives were guided by the principles and objectives laid down in the Constitution of the International Labour Organization, including the Declaration of Philadelphia, by the standards and resolutions adopted by the ILC, and by the principles enunciated by the supervisory bodies of the ILO. As indicated in the 1980 resolution, the substantive matters at issue include equality of opportunity and treatment of workers of the occupied Arab territories, the trade union freedoms and rights of those workers, and the psychological, spiritual and material damage caused to Arab workers in Palestine and other occupied Arab territories by the Israeli settlement policy. This approach gives all due weight to principles and rights at work, which, together with employment, social protection and social dialogue, form the pillars of the Decent Work Agenda. The present Report thus takes account of relevant legislation and the information obtained concerning the realities on the ground in respect of the situation of the workers of the occupied Arab territories.

3. In examining all the issues involved, both during the mission and in the preparation of this Report, the Director-General's representatives bore in mind, as they have always done, the relevant standards of international law, in particular, the Hague Convention of 1907 (respecting the laws and customs of war on land) and the Fourth Geneva Convention of 1949 (relative to the protection of civilian persons in time of war), of which Israel is a co-signatory. They were also mindful of the conclusion reached by the International Court of Justice in an Advisory Opinion of 9 July 2004, namely, that the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child, all ratified by Israel, are applicable to acts done by the State in exercise of its jurisdiction outside its own territory (ICJ, 2004).<sup>2</sup>

4. As in previous years, the missions were also guided by the relevant resolutions of the Security Council and the General Assembly of the United Nations, in particular Security Council resolutions 242 (1967) and 338 (1973).

5. The Director-General entrusted Friedrich Buttler, as his Special Representative, Philippe Egger, Deputy Director of the Office of the Director-General, Tariq Haq, Employment Specialist at the Regional Office for the Arab States in Beirut, and Martin

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<sup>1</sup> As has been pointed out in previous reports, the Golan has been occupied by Israel since 1967 and was unilaterally annexed by Israel in 1981. The position of the Israeli Government regarding the Golan was stated in the following terms: "The ILO mission is meant to collect material for the Director-General's Report on the occupied Arab territories. It is the position of the Government of Israel that the Golan, to which Israeli law, jurisdiction and administration have been applied, is not now such an area. In view of this consideration, approval for a visit of the ILO mission to the Golan was given as a gesture of goodwill and without prejudice. The decision to facilitate such an informal visit shall not serve as a precedent and does not contravene the Israeli Government's position." On 17 December 1981, the United Nations Security Council adopted resolution 497 calling on Israel to rescind its decision to annex the Golan, which has never been recognized by the United Nations.

<sup>2</sup> See paragraphs 111–113 of the Advisory Opinion.

Oelz, Legal Officer in the International Labour Standards Department, with the mission to Israel and the occupied Arab territories, from 29 March to 5 April 2008.<sup>3</sup> Rasha El Shurafa, Acting ILO Representative for the West Bank and Gaza, undertook all the preparations for the mission, of which she was a full member.

6. In the course of the mission, the Director-General's representatives held numerous discussions and meetings with Israeli, Palestinian and Syrian interlocutors.<sup>4</sup> They met with representatives of various ministries of the Palestinian Authority and the Government of Israel, workers' and employers' organizations, non-governmental organizations (NGOs) and research institutions, women's organizations and community leaders. The mission also consulted representatives of the donor community, the United Nations and other international organizations.

7. Friedrich Buttler, Nada Al Nashif, Regional Director for the Arab States, and Philippe Egger were entrusted with the mission to the Syrian Arab Republic on 6 April 2008 for consultations with the Syrian Government and with workers' and employers' organizations, and to Egypt on 7 April 2008 to meet with representatives of the League of Arab States and the Arab Labour Organization.

8. The Director-General is most grateful to all the parties involved, and wishes to acknowledge that his representatives enjoyed, as they have always done, the full cooperation of all parties, both Arab and Israeli, as well as of the representatives of organizations of the United Nations system in obtaining the factual information on which this Report is based. He also acknowledges the full cooperation extended to his representatives by the authorities of the Syrian Arab Republic, the League of Arab States and the International Confederation of Arab Trade Unions (ICATU), which submitted reports.

9. This Report takes account of information obtained on the spot by the missions mentioned above, as well as the documentation submitted by the missions' interlocutors and other documentation that is publicly available. In examining the situation of Arab workers of the occupied territories, the mission conducted its work with impartiality and objectivity.

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<sup>3</sup> Ümit Efendioğlu, member of the Office of the Director-General, was appointed as a member of the mission. She participated in the preparations for the Report, although she could not participate in the mission as planned.

<sup>4</sup> A list of interlocutors is contained in the annex to this Report.



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## 2. Renewed peace negotiations in a depressed employment and social situation

10. In early 2008 the annual mission of the Director-General was again witness to a very depressed employment and social situation in the occupied Arab territories. The Palestinian people, the labour market and the economy have been battered by eight years of ever tighter closures and restrictions on the movement of persons and goods. Palestinian and Israeli citizens continue to be subjected to regular attacks and killings. The almost total isolation of Gaza since 15 June 2007 in response to the effective seizure of control by Hamas has brought the population to the verge of a humanitarian crisis. The international community is providing strong political and financial support to the Palestinian Authority. The Annapolis Conference of 27 November 2007 has given new impetus to direct negotiations between President Abbas and Prime Minister Olmert.

11. The key question is whether these negotiations can deliver results that will significantly change daily living conditions of Palestinians, and rekindle their faith in the capacity of their leaders and institutions to take them towards an independent and democratic State living in peace with its neighbours and dedicated to furthering the well-being of its people, as outlined in the Road Map of 30 April 2003.

### A depressed labour market

12. The employment, social and labour conditions of workers in the occupied Arab territories remained depressed in April 2008 when the ILO mission visited the region. The latest available data show that one person of working age (15 years and above) in three was employed (following the ILO standard definition of employment) for all or part of the time, with unemployment hovering above 20 per cent. The number of Palestinian workers employed in Israel and in Israeli settlements on a daily or temporary basis edged up slightly to reach 66,000 at the end of 2007. Per capita GDP stabilized in 2007 at the low level of at US\$1,178, some 27 per cent below its historical peak of 1999.

### Poverty and food dependency

13. The incidence of extreme poverty was 40 per cent of the population in Gaza and 19 per cent in the West Bank in November 2007, showing some improvement compared to November 2006 levels (owing mostly to the resumption of wage payments to civil servants) but still remaining high (Near East Consulting, 2007).

14. Approximately half of all Palestinian households are dependent on food assistance provided by the international community. For want of adequate income and employment, some 80 per cent of households in Gaza, or 1.3 million people, and 33 per cent in the West Bank (0.7 million people), are today dependent on international food assistance. In 2006 donors disbursed US\$1.4 billion of assistance to the occupied Palestinian territories, equivalent to 34.6 per cent of Palestinian gross national income (OECD, 2008), one of the highest ratios in the world.

### The isolation of Gaza

15. Gaza has been subject to total isolation since Hamas took effective control of the Strip in June 2007. A calibrated trickle of humanitarian aid is intermittently allowed in so as to avert a severe humanitarian crisis. Private sector employment and activity have ceased almost entirely. Payment of wages of Palestinian Authority employees has

resumed, although civil servants have been asked not to report for duty if reporting directly to Hamas. The facilities and activities of the Palestine General Federation of Trade Unions (PGFTU) have been taken over by Hamas, so the ILO mission was informed, and the PGFTU headquarters has since been destroyed by the Israel Defense Forces (IDF) during Israeli incursions into Gaza.

16. The UN Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General, Robert Serry, with whom the mission held talks in Jerusalem, called for “a different and more positive strategy for Gaza” concentrating on the “resumption of normal economic life for the people of Gaza, while pursuing arrangements that ensure the security of Israel, Egypt and the Palestinians, and support the legitimate Palestinian Authority. Conditions need to be established to allow the reopening of crossings” (UNSC, 2008).

## Continuing insecurity for Palestinian and Israeli citizens

17. Insecurity is a continuing feature for Palestinian and Israeli civilians, although with far more widespread consequences in the daily life of Palestinians as described in this Report. Repeated incursions by the IDF in Gaza and in the West Bank leave an almost daily toll of victims. In the first quarter of 2008 the Palestinian death toll reached 296, an almost sixfold increase as compared to the first quarter of 2007. There have been continuing mortar and rocket attacks from Gaza into Israel, causing casualties and material damage. There were 11 Israeli fatalities during the first three months of 2008. The use of more sophisticated military weaponry is placing about 135,000 Israeli civilians within a radius of 25 km around northern Gaza under threat of bombardment. The UN Special Coordinator for the Middle East Peace Process has condemned the indiscriminate targeting of civilian populations in Israel and in the occupied territories. The Palestinian Authority is rebuilding the security forces in order to re-establish law and order in areas under its direct authority.

## The tight grip of closures

18. The proximate cause of the depressed economy and labour market lies in the pervasive restrictions imposed by the occupying power on movement and access. Almost 600 physical barriers to the movement of persons across roads were in effect in early 2008, and were complemented by the continued construction of the Separation Barrier (now approximately 57 per cent completed) and a comprehensive permits regime for all aspects of life (residency, movement, employment, family unification). Waiting long hours at checkpoints manned by the IDF is the daily face of occupation for most Palestinians in the West Bank, which is increasingly fragmented into isolated and economically unviable areas separated by checkpoints and “settlers-only” roads.

## Continued growth in settlements

19. Settlements and the resulting fragmentation of the West Bank have serious consequences for Palestinian access to productive resources and employment as well as for movement of persons and goods. At the end of 2006 some 450,000 Israeli citizens lived in settlements established in the occupied Palestinian territories, including East Jerusalem and the West Bank, and some 17,000 in the occupied Syrian Golan. Construction of infrastructure and housing in settlements was pursued actively in 2007

and early 2008, despite repeated calls by the international community to stop construction in and settlement of occupied territories.

## Improvement in the fiscal situation

20. The caretaker Government appointed by President Abbas in June 2007 and led by Prime Minister Salam Fayyad has received the support of the Middle East Quartet. Direct donor support to the Palestinian Authority resumed in July 2007, as did the transfer of revenues levied by Israel on behalf of the Palestinian Authority. In early 2008 the Palestinian Authority was regularly paying the salaries of civil servants, including arrears accumulated in 2006 and early 2007. With renewed donor support the Government has taken decisive steps towards gradually reducing the fiscal deficit (projected at 24.5 per cent of GDP in 2008) and achieving better control of the wage bill.

## A Palestinian reform and development plan

21. The Palestinian Authority has prepared a three-year Palestinian Reform and Development Plan (PRDP) (2008–10) entitled *Building a Palestinian State: Towards peace and prosperity* (PNA, 2007b). The Plan is organized around three main themes, namely: governance and security; fiscal measures to reduce the deficit and increase development expenditure; and private sector development. The Chair (France) and Co-Chairs (European Community, Norway, and Tony Blair) of the International Donors' Conference convened in Paris on 17 December 2007 commended the plan and received pledges of US\$7.4 billion from 87 countries and international organizations. The pledges combine various categories of resources, including new commitments and conditional ones. The document underscores the need for “tangible and immediate action on the ground in the spirit of the joint understanding reached at Annapolis”. The Palestinian Authority is applying the plan as its overall policy framework. A major Palestine Investment Conference is to be held in May 2008 in Bethlehem to discuss investment opportunities and forge partnerships between the Palestinian and international business communities.

## The Annapolis momentum

22. Following the Annapolis Conference convened by President Bush on 27 November 2007, Prime Minister Ehud Olmert and President Mahmoud Abbas have agreed to “engage in vigorous, ongoing and continuous negotiations, and ... make every effort to conclude an agreement before the end of 2008” (The White House, 2007).

23. The parties have engaged in intensive discussions and negotiations at the highest level along three tracks: security matters; the easing of conditions for Palestinians; and political negotiations. On 30 March 2008, US Secretary of State Condoleezza Rice completed her 14th trip to the region in 15 months. On that occasion, Israel announced a series of measures to ease conditions for Palestinians, including the removal of 50 earth obstacles blocking road access and an increase in the number of Palestinian workers admitted to Israel. The Secretary of State declared that the United States would monitor developments more closely (Cooper, 2008). On 7 April 2008 Prime Minister Olmert and President Abbas met again to step up the pace of negotiations.

## Public opinion supports peace negotiations but is pessimistic regarding the outcome

24. Public opinion among Palestinians is sounded out by regular opinion polls. The Palestinian Center for Policy and Survey Research (PCPSR) conducted its latest poll between 13 and 15 March 2008. A large majority (66 per cent) continues to support peace negotiations, normalization of relations with Israel, the end of occupation of the Palestinian territories and the establishment of a Palestinian State. At the same time 80 per cent of those questioned believe that the negotiations under way following the Annapolis Conference will not succeed. A large majority (68 per cent) rejects the violent takeover of Gaza by Hamas, although 49 per cent of persons interviewed continue to support a national unity government headed by Prime Minister Haniyeh, while 38 per cent support the Government headed by Prime Minister Fayyad. Satisfaction with the performance of President Abbas has declined to 41 per cent, from 50 per cent in December 2007.

25. Saeb Erakat, a Palestinian Authority negotiator, told the ILO mission: “I really believe 2008 can be a year of peace. The time of decisions has come. The Palestinian Authority needs to regain the trust of its people. Palestinians want to see with their eyes rather than hear with their ears.”

26. According to Ghassan Khatib, a Palestinian political analyst and former Minister of Labour and of Planning, referring to the measures announced by Israeli on 30 March 2008, there is great danger in making gestures that have no impact on people’s lives (Khatib, 2008).

## The League of Arab States

27. At the 35th Session of the Arab Labour Conference held in Sharm El Sheikh on 23–24 February 2008, the Ministers of Labour and representatives of workers and employers of the Arab world expressed their solidarity with Palestine and called for respect of international legitimacy as the foundation for solving the Palestinian question based on the principles laid down by the Arab summit conferences and out of the Arab countries’ determination to continue to work by all means for the establishment of peace based on justice (Arab Labour Conference, 2008).

28. At the Summit of the League of Arab States held in Damascus on 29–30 March 2008, the member States declared that the offer of the Arab Peace Initiative extended to Israel in 2002 “is tied to Israel executing its commitments in the framework of international resolutions to achieve peace in the region” (Al Jazeera, 2008). The Arab leaders indicated that they would reconsider the peace offer, given that there had been little progress on the Israeli side regarding its commitments, and decided to begin a review of the situation in mid-2008 to establish whether the offer should be withdrawn or not.

29. During his speech to the Summit, Palestinian President Mahmoud Abbas expressed his pessimism over the Israeli–Palestinian peace negotiations launched in November 2007, which, he said, “cannot continue under the Israeli bulldozers swallowing our land and building settlements and under the daily Israeli military operations”. He warned that if “we don’t reach a solution by the end of this year, it means the whole region will be on the verge of a new era of tension and loss of confidence in peace” (Haaretz, 2008).

30. In his meeting with the ILO mission, Ambassador Sobeih, Assistant Secretary-General of the League of Arab States, recalled the international legal

framework within which peace negotiations should be conducted, as opposed to the use of force and the “rule of the stronger” prevailing in the occupied territories. He condemned the targeting of civilians, whether Israeli or Palestinian, and emphasized that the ongoing negotiations had to be carried out within the prevailing international legal framework that would foster the necessary respect and reconciliation. Injustice, he recalled, only bred further injustice. He called for an end to the collective punishment in the form of humanitarian hardships imposed on the Palestinian people. Talking peace while these hardships continued was extremely dangerous for all parties involved.

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### 3. Tight closures and control restrict movement and access

31. The movement of people and goods in and between the West Bank and Gaza is severely constrained by closure measures. Within the West Bank, restrictions include checkpoints, roadblocks, metal gates, earth mounds and walls, road barriers and trenches, in addition to the Separation Barrier, now under construction mainly to the east of the 1949 Armistice Line (the “Green Line”), inside the West Bank. External closure of the West Bank is being intensified, whilst Gaza is effectively sealed off from the rest of the world. Physical barriers are reinforced by intricate administrative procedures, including a highly restrictive system of permits.

32. The Government of Israel states that its regime of closures and restrictions on movement is necessary to protect Israeli citizens from Palestinian militant attacks, but the system is widely believed by Palestinians, the United Nations, donors and human rights organizations, to be both disproportionate to the threat posed and tantamount to collective punishment. Moreover, the World Bank points to the use of restrictions on movement and access as a means of expanding and protecting illegal settlement activity, and to the relatively unhindered movement of Israeli settlers in the West Bank (World Bank, 2007a). Restrictions on freedom of movement divide Palestinian communities and impede access to land, enterprises and places of work, as well as basic social services, while increasing Palestinian dependency on aid in the context of deteriorating socio-economic conditions.

33. The UN Committee on the Elimination of Racial Discrimination recently expressed deep concern over “the severe restrictions on the freedom of movement in the Occupied Palestinian Territories, targeting a particular national or ethnic group, especially through the wall, checkpoints, restricted roads and permit system, [which] have created hardship and have had a highly detrimental impact on the enjoyment of human rights by Palestinians, in particular their rights to freedom of movement, family life, work, education and health” (CERD, 2007).

34. Equality of opportunity and treatment in employment and occupation, irrespective of race, colour, sex, religion, national extraction, political opinion or social origin, is a key aspect of the right to work and one of the ILO’s fundamental principles and rights. In the light of the information gathered and the discussions held, the mission is bound to express its concern that closures and permit requirements continue to limit the equal opportunities of Palestinian men and women to look for jobs, to exercise their occupations and run businesses in an economically sustainable manner, and to participate in the education and training to which they aspire. The supervisory bodies of the ILO have consistently maintained that, when measures affecting access to employment and occupation are adopted for reasons of state security, they must not apply simply by reason of membership to a particular group or community, otherwise they are discriminatory (ILO, 1996).

35. For many observers, the restrictions in place go beyond what can be justified on grounds of necessity and proportionality under international law. They are also regarded as being inconsistent with the occupying power’s obligations to ensure that the needs of the population in the occupied territory are met and to refrain from imposing collective punishments (UNHRC, 2008a; B’Tselem, 2007a). With regard to closures resulting from the construction of the Separation Barrier, the International Court of Justice concluded that Israel does not meet its obligations under Article 12 of the International Covenant on Civil and Political Rights, which sets out the right to freedom of movement and

residence (ICJ, 2004). For B'Tselem, "Palestinian freedom of movement has turned from a fundamental human right to a privilege that Israel grants or withholds as it deems fit" (B'Tselem, 2007b).

## Internal closure intensifies in the West Bank

36. The Annapolis Conference and ensuing peace talks emphasized the need for Israel to ease restrictions on the freedom of movement of people and goods in the West Bank and Gaza. The Palestinian Reform and Development Plan (PRDP) for 2008–10, as endorsed at the December 2007 Paris Donors' Conference, is strongly embedded in the lifting of closures. Table 3.1 shows the numbers of closure measures in West Bank districts at various intervals since October 2006, and the size of the labour force affected by these measures in each district.

**Table 3.1. Internal closure measures (physical obstacles) and estimated workforce by West Bank district**

No. of closure measures in:	Bethlehem	Hebron	Jenin	Jericho	Jerusalem	Nablus	Qalqilya	Ramallah	Salfit	Tubas	Tulkarem	Total
October 2006	39	203	17	12	36	78	16	62	30	8	22	523
April 2007	37	218	14	15	36	84	14	70	30	8	21	547
September 2007	29	188	17	12	40	106	20	83	32	9	27	563
December 2007	30	191	17	11	40	102	20	82	33	10	22	558
Labour force (2007)	44 712	125 893	63 710	11 064	91 529	80 836	22 155	66 735	15 623	11 005	43 036	576 298

Source: OCHA: West Bank Closure maps, 2007a, at [www.ochaopt.org](http://www.ochaopt.org); labour force data from PCBS, 2008.

37. Internal closure measures increased over the course of 2007, reaching a total of 558 by December. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reports that these obstacles had further increased in number to 580 by February 2008 (OCHA, 2008a), contrary to the spirit of a revived peace process. Hebron in the South and Nablus in the North, which contain two of the largest labour forces, remain subject to the highest levels of closure and isolation in the West Bank.

38. As at December 2007, the old city of Hebron ("H2 zone")<sup>5</sup> contained an additional 76 checkpoints and obstacles that are not included in the above count. According to a B'Tselem report, 1,829 Palestinian businesses, representing roughly 77 per cent of those that used to exist in the area, have been forced to close (most since the second Intifada), leaving only 559 businesses operating (B'Tselem, 2007a).

39. According to representatives of the Nablus Chamber of Commerce, the stringent closure measures imposed around the city of Nablus have driven away many businesses and factories. Trade is estimated to have declined by up to 40 per cent, and industry and

<sup>5</sup> The special Hebron Protocol signed between Israel and the Palestinian Authority on 17 January 1997 created a separate zone, H2, covering roughly 20 per cent of Hebron City, for which the Palestinian Authority would provide administrative services, but Israel would retain full security control. An estimated 400 Israeli settlers reside in this area, in the midst of 35,000 Palestinians (and roughly 170,000 Palestinians in Hebron City as a whole). These settlers are protected by 1,500 IDF troops.

construction by up to 60 per cent. The enforcement of “back-to-back” trucking <sup>6</sup> at Awarta checkpoint, for transportation of all commercial goods into and out of the city, was declared to be “strangling Nablusi enterprises”.

40. Incidences of additional random or “flying” checkpoints, which stop Palestinian vehicles on key transit routes (often during peak travelling times), appear to have fallen from weekly averages in excess of 150 in early 2007 to roughly half that number a year later (OCHA, 2008b).

**Box 3.1  
Strategic checkpoints**

On 30 March 2008, during the visit of US Secretary of State Condoleezza Rice to the region, the Israeli Defence Minister, Ehud Barak, announced the removal of 50 obstacles (mainly unmanned roadblocks/earth mounds) and one checkpoint in the West Bank. Whilst all efforts to improve movement and access are to be encouraged, neither the locations of these 50 obstacles nor the mechanisms for enforcing this decision were immediately apparent. All obstacles are a hindrance to Palestinian movement, but it is the manned checkpoints that tend to present the greatest difficulties and longest delays. The Palestinian Authority’s Ministry of National Economy presented the ILO mission with a list of 11 particularly “strategic” checkpoints that are situated at critical access points and create the greatest impediments to movement and trade in the West Bank; none of these were being dismantled. They are the following:

Checkpoint name	Location (city/village)	Governorate
District Coordination Office (DCO) checkpoint	Qalqilya City	Qalqilya
Inab checkpoint	Nablus Entrance	Nablus
Der Sharaf checkpoint	Nablus Entrance	Nablus
Huwwara checkpoint	Nablus Entrance	Nablus
Za’atara checkpoint	Between Nablus/Ramallah	Nablus
Beit Iba checkpoint	Between Nablus/Tulkarem/Jenin	Nablus
Jabaa’ checkpoint	Between Ramallah/Jericho	Ramallah
Al-Kuntainer checkpoint	Bethlehem Entrance	Bethlehem
Al-Hamra checkpoint	Between Jericho/the North	Jericho
Al-Jisser checkpoint	Hebron City	Hebron
Al-Fahs checkpoint	Between Hebron/Tarqumiya	Hebron

Source: Ministry of National Economy, Palestinian National Authority, 2008a.

## The West Bank Separation Barrier

41. The current projected route of the West Bank Separation Barrier extends 723 km, of which 57 per cent had been constructed by January 2008 (OCHA, 2008a). The advisory opinion of the International Court of Justice delivered on 9 July 2004 called for an immediate cessation and reversal of the construction activity and reparations for all damage that had been caused by it. This was endorsed by a subsequent United Nations General Assembly resolution. <sup>7</sup>

<sup>6</sup> The “back-to-back” system, originally developed at the Karni crossing between Gaza and Israel, entails checking and transfer of the contents of one truck into an empty truck waiting at the other side of the checkpoint, for onward delivery.

<sup>7</sup> UN General Assembly resolution A/RES/ES-10/15 of 20 July 2004.



42. Only 20 per cent of the Separation Barrier's route lies on the Green Line, while approximately 9.5 per cent of West Bank land, including much of its fertile farmland and water resources, as well as East Jerusalem, will fall in the "seam zone" between the Separation Barrier and the Green Line, and will thus be isolated from the rest of the West Bank. Over 80 per cent of Israeli settlers will be incorporated in the same area and will thus be connected to Israel (ibid.).

43. All Palestinians aged 16 and above who live inside the seam zone require "long-term" or "permanent resident" permits to continue residing in their own homes, whilst farmers living to the east of the Separation Barrier require "visitor" permits to access their seam zone lands through designated gates. These Separation Barrier gates tend to be open for only a few hours a day and can be closed by the IDF without prior warning. No vehicles are allowed through the gates and heavy restrictions apply with regard to the agricultural equipment and materials (implements, fertilizer and so on) that can be taken across. The OCHA reports that, in the northern West Bank, only 18 per cent of farmers who used to work the land in the seam zone before completion of the Separation Barrier actually receive the required "visitor" permits, and many are discouraged from even applying after repeated refusals (OCHA, 2007b).

44. While the Separation Barrier is progressively sealing off much of the West Bank from Israel, some 12 crossing points have been built to date for movement of goods and people. Eleven of these allow Palestinian workers with permits to cross<sup>8</sup> and five are back-to-back trucking platforms for the transportation of goods into and out of the West Bank. The Separation Barrier crossings are frequently referred to by Israel as "border terminals", although only five of them actually lie on the Green Line. Management of the crossings is increasingly being handed over by the IDF to the Israeli Customs Authorities, civil police and civilian security companies.

45. Representatives of the Palestinian private sector raised a number of concerns with the ILO mission about the efficacy of the commercial crossings. Transaction times and costs, and the risk of damage to goods, have risen substantially since full implementation of the terminal back-to-back system.<sup>9</sup> Moreover, the lengthy waiting, inspection and transfer times associated with the back-to-back system threaten perishable agricultural produce, which needs to move quickly to retain its value. In addition, the whole terminal system is currently processing only a very small number of trucks (relative to commercial goods movements before the onset of the second Intifada), and there appears to be very limited capacity for any further growth.

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<sup>8</sup> Four of these crossings, situated around Jerusalem, allow Palestinians with permits to enter East Jerusalem for work, medical care, education or religious reasons.

<sup>9</sup> Whilst Israeli intermediaries now send their trucks shorter distances (only as far as the terminals), their charges to Palestinian businesses have remained the same. Palestinian trucks have to travel longer distances, through a multitude of internal West Bank checkpoints and obstacles; hence their costs have risen substantially. This predicament is further amplified as certain terminals only accept certain types of goods. As a result, a stone producer situated in the northern West Bank would need to travel all the way to one of the Hebron district terminals in the South in order to export the product.

**Box 3.2**  
**The Sha'ar Ephraim/Taybeh crossing: Controlling movement through the Separation Barrier**

Situated at the southern edge of Tulkarem city in the northern West Bank, the Sha'ar Ephraim terminal, established in 2006, is the first and largest Civilian Administration crossing point for people and goods along the West Bank Separation Barrier.

In principle, the crossing for persons operates six days a week, from 4.30 a.m. to 7 p.m. (opening at 5 a.m. on Fridays), with a current capacity to process up to 1,400 people an hour. High-technology security checking means that there is no direct contact between the Israeli security officers and Palestinians using the passage. Palestinians in possession of a magnetic ID card and the necessary work permit to cross into Israel pass through a corridor of automated security and biometric identification checks, whilst security officers located in closed booths between the corridors observe the process and issue instructions over loudspeakers. The Israeli Head of the Crossing Sector of the Civilian Administration at Sha'ar Ephraim maintained that the whole crossing process takes only 5–7 minutes, from entry to exit; however, if human intervention is required at any stage then the process is likely to slow down substantially. Moreover, this assessment does not take into account the time spent waiting in long queues before entering the terminal at the early morning peak.

The “back-to-back” commercial crossing requires all goods being transported to be palletized according to type of commodity, with the pallets limited in size to 1.6 square metres. Trucks enter the terminal and are manually searched by armed private security officers. They then proceed to an industrial X-ray scanner, which has the capacity to scan 20–25 trucks each hour, before the pallets are loaded onto the waiting truck on the other side for onward delivery. The average processing time is meant to be in the region of 25–45 minutes; however delays can occur, as the scanners are unable to handle certain types of goods, including mattresses. Moreover, much time can be spent waiting to enter the crossing yard, as only a few trucks can be processed at a time – the response of the Civilian Administration to this problem was to state that Palestinian truck drivers should try not to converge on the crossing at the same time. The mission was informed that the terminal had the capacity to process about 175 incoming and a similar number of outgoing truckloads per day. The following table presents monitoring statistics collected by PALTRADE over the period January to March 2008, indicating that the crossing process in practice is far removed from the theory.

**Mobility of goods at Sha'ar Ephraim/Taybeh terminal between the West Bank (Tulkarem) and Israel**

	Average outgoing truckloads per day	Average incoming truckloads per day	Average truck turnover time (hrs)			Minimum turnover time (hrs)	Maximum turnover time (hrs)
			Waiting	Processing	Total		
January 2008	31.0	52.0	01:13	01:20	02:33	00:35	05:40
February 2008	49.5	57.0	01:09	01:09	02:18	00:55	05:15
March 2008	47.0	58.0	00:56	00:55	01:51	00:40	02:50

Source: PALTRADE, West Bank Terminals Movement Monitoring Report, various editions.

46. The construction of the Separation Barrier around occupied East Jerusalem has made it much more difficult for Palestinians from other parts of the West Bank to seek employment, do business, or attend school or university in the city. Longer distances to workplaces, delays at crossings and uncertainties as to the granting or renewal of permits, are aspects of these difficulties. Crowding at the crossing has discouraged women workers from seeking employment in East Jerusalem (OCHA, 2008b). Trade permits are

required to bring goods, including agricultural produce, through Israeli checkpoints. The economic decline of East Jerusalem since the construction of the Separation Barrier is well documented (OCHA, 2008c). Some of the ILO mission's Palestinian interlocutors have expressed fears that Palestinians resident in villages situated within the municipal areas of Jerusalem as unilaterally declared by Israel, which are situated on the eastern side of the Separation Barrier, may see their residency status withdrawn.

## A systematically arbitrary permits regime exacerbates physical closures

47. The plethora of physical obstacles to Palestinian movement is compounded by a complex and opaque regime of permits, controlling most movement of Palestinians beyond their municipal areas. Movement to and from certain cities, such as Nablus, often requires a permit; Palestinian non-residents of the Jordan Valley need a permit to enter that area. Similarly, all Palestinians, other than East Jerusalem ID-holders, require a separate permit to enter the city. Gazan residents need permits to enter the West Bank, as do West Bank residents to enter Gaza. There are numerous categories of permits, and restrictions and regulations change frequently and without notice. This regime is clearly not designed to achieve a just equilibrium of socio-economic coexistence.

48. A particular quota and work permit system controls Palestinian access to Israeli labour markets, which are reached through one of the 11 West Bank Separation Barrier pedestrian crossing terminals. Work in Israeli settlements is similarly controlled by quotas and permits. Permits for workers from Gaza to enter Israel have dried up altogether since April 2006. As table 3.2 shows, the total number of permits issued tends to fall short of the quota. Moreover, receipt of a permit, which is valid for three months at a time, is no guarantee of actually being able to get to work, as IDF-imposed curfews and/or ad hoc closures of crossings may prevent access.

**Table 3.2. Quotas and permits for Palestinian workers to access Israel and the settlements**

	Quota	Permits issued			Total
		Israel	Jerusalem	Settlements	
07 April 2005	38 035	17 905	1 787	16 135	35 827
13 March 2006	37 771	20 096	2 414	13 371	35 881
22 March 2007	45 510	18 873	2 770	18 410	40 053
16 March 2008	47 062	20 280	3 036	21 162	44 478

Source: COGAT, various presentations to the ILO, 2006–08.

49. Although there has been a massive decrease in the number of work permits issued since the pre-Intifada peak in 1999, when over 140,000 Palestinians worked in Israel (with or without a permit), the quota and number of permits issued for Palestinian workers to enter Israel and the settlements has actually increased since 2005 by roughly 9,000.<sup>10</sup> In addition, it is estimated that approximately 15,000 Palestinians currently work in Israel without a permit (COGAT, 2008). They are able to do this by undertaking increasingly long and dangerous journeys to cross certain areas where the Separation

<sup>10</sup> Additionally, a number of permits continue to be issued to merchants and 1,500 “VIP” business people (“businessmen cards”) to enter Israel in order to conduct their business. Whether or not these permits can actually be used remains contingent on Israel's security considerations.

Barrier is incomplete. The mission was also informed of instances of Palestinian workers being smuggled through checkpoints for a fee by Israeli settlers.

50. Notably, there appears to be a steady increase in the number of permits issued to work in the settlements. For example, by March 2008, more permits were issued for work in the settlements than for work in Israel. Although all settlements in occupied territory are illegal under international law and represent a major obstacle to peace, a growing number of Palestinians have no income-earning opportunities other than working there. Another matter of concern to the mission was the information it was repeatedly given that the IDF are increasingly using the issuance or renewal of permits – and thus the promise of a livelihood – as a means of recruiting informants.

51. The Israeli Coordinator of Government Activities in the Territories informed the mission that 2,000 workers and their families had recently been allowed to enter Israel from the West Bank for the olive harvest, and a further 600 for the cucumber harvest. Moreover, the quota for Palestinian workers in the construction industry was increased by 5,000 in mid-April 2008. These ad hoc measures were adopted to meet the demands of the Israeli economy.

## Total isolation of Gaza leads to socio-economic breakdown

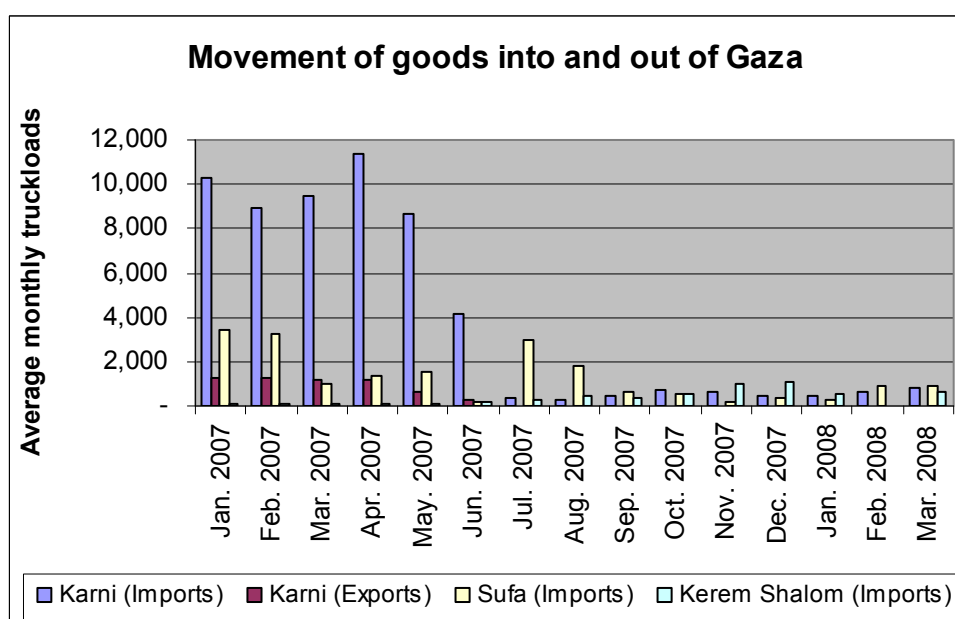
52. The economic siege imposed on Gaza since the Hamas electoral victory in January 2006 was further intensified after it effectively took control of the Strip in June 2007. Israel, which already controlled Gaza's borders, coastline and airspace, declared Gaza a "hostile entity" and further tightened closure of the borders, curtailing all movement of people<sup>11</sup> and most goods, with the exception of imports of the most basic humanitarian supplies.<sup>12</sup> This seemingly calibrated movement of goods into Gaza ensured that a total humanitarian catastrophe was averted, although the heavy sanctions caused Gaza's economy – and private sector activity in particular – to grind almost to a halt. Representatives of Israel's Coordination of Government Activities in the Territories (COGAT) explained to the ILO mission their policy of achieving a fine balance between the protection of Israel's security and the pursuit of humanitarian aid to Gaza.

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<sup>11</sup> The Erez crossing to Israel was closed to all Palestinians, other than for emergency medical evacuations, from June to December 2007. Some businessmen have been allowed to cross into Israel through Erez since January 2008, but the flow has been low and irregular. The flow of workers to Israel via Erez ceased altogether after April 2006. The Rafah crossing to Egypt has technically remained closed since June 2007.

<sup>12</sup> Permitted imports include essentials such as wheat, flour, sugar, frozen foods, dairy products, rice, vegetables, fruits, vegetable oil, medicines and fuel supplies.

Figure 3.1. Movement of goods into and out of Gaza



Source: PALTRADE, Gaza Terminals Movement Report, various editions

53. Figure 3.1 shows the patterns of goods movements into and out of Gaza since January 2007. At the start of that year, the main commercial crossing point – the back-to-back trucking platform at Karni – was already operating substantially below the target levels elaborated in the negotiated Agreement on Movement and Access (AMA) of 15 November 2005.<sup>13</sup> Since mid-June 2007, all exports (outgoing truck movements) from Karni have ceased and only a slow trickle of humanitarian imports has been allowed in. The secondary crossing points of Sufa and Kerem Shalom have also been used to allow in some humanitarian goods, but all other imports have stopped. Banned items include cement and any other raw materials for construction and industry, spare parts, computers, cars and clothes, among many others.

54. The consequences of this total closure have been devastating. The World Bank (2007b) reveals that of the 3,900 industrial establishments that existed in June 2007, employing 35,000 workers, 96 per cent have been forced to close. By March 2008, only 130 working establishments remained, employing 1,300 workers and operating at a fraction of regular capacity. Similarly, Gaza's 120 construction businesses, which were fully dependent on cement and aggregates imports from Israel, have all closed, displacing an estimated 42,000 workers. All construction projects, including the development projects of the United Nations Relief and Works Agency (UNRWA) and the United Nations Development Programme (UNDP), have ceased.

55. The inability to export has also had a disastrous impact on the commercial transport, furniture, garment and cash crop sectors. According to data provided by COGAT, some agricultural produce was allowed out of Kerem Shalom terminal between November 2007 and January 2008. This included 133 tonnes of potatoes, 112 tonnes of strawberries, and 7.6 tonnes of cut flowers (carnations). However, the terminal facilities proved to be inadequate for treatment of agricultural produce and the export of crops stopped in January, falling well below the season's output (COGAT, 2008).

<sup>13</sup> The AMA called for a daily flow of 400 truck movements by the end of 2006, a level of trade which itself was already much lower than that witnessed before the outbreak of the second Intifada.

56. The lack of materials and equipment has started to affect the provision of education and medical care in Gaza, although employees in these sectors are continuing to work. This is in contrast to other Palestinian Authority employees, mainly in the security forces and most ministries, who have been asked by the Palestinian Authority in Ramallah not to report for work, although their salary payments were reinstated following the inauguration of the Fayyad administration and resumption of external budget support.

57. This desperate situation led to an 11-day breach of the Rafah crossing in January 2008, through the use of militant force, during which many goods, from cigarettes to cement, re-entered Gaza's markets, albeit at much higher prices. Whilst the effects of the temporary opening were clearly visible, they have also been short-lived. As the blockade continues, ever more jobs are being lost; previous "coping mechanisms", including reliance on diminishing assets, are being eroded; and dependence on food aid is reaching alarming new levels (some 80 per cent of the population). Few, if any, prospects for socio-economic recovery are currently on the horizon.

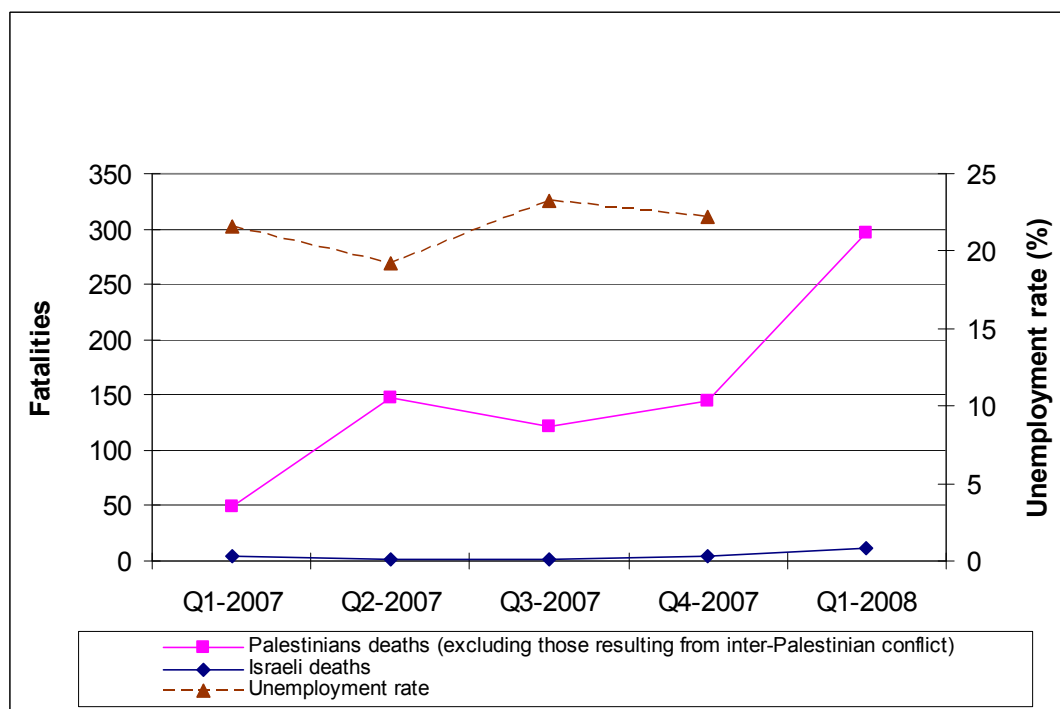
## Violence, security concerns and their impact on economic activity

58. The renewal of peace talks between Israel and the Palestinian Authority has taken place against a backdrop of heightened violence. With the Hamas takeover of Gaza in June 2007, parts of southern Israel in proximity to Gaza have been subjected to an increased indiscriminate barrage of Qassam rockets. A number of these rockets have been fired by Palestinian militants at Gaza's crossing points, which are the only humanitarian routes into and out of the territory. In early 2008, more advanced, longer-range Grad 122 rockets were fired from Gaza onto the Israeli port city of Ashkelon.

59. Israel has intensified the use of military force against the Palestinians in the form of more frequent and destructive air assaults on Gaza and ground incursions into both Gaza and the West Bank, resulting in damage to public and private property, arrests, injuries and killings. The UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 asserts that the IDF "has frequently failed to distinguish clearly between military targets and civilians" (UNHRC, 2008a).

60. The United Nations continues to view Gaza as territory occupied by Israel. As suggested by its Special Rapporteur on the situation of human rights in the Palestinian territories, the Human Rights Council considered Israel to be responsible under international humanitarian and human rights law for its actions in respect of Gaza (UNHRC, 2008a, 2008b). The UN Secretary-General has repeatedly condemned the loss of life among the civilian population resulting from both Israeli military action against Gaza and violent acts by militant groups, and has called on all parties to comply with their respective obligations under international law.

61. Figure 3.2 charts both the human losses resulting from the conflict and the official rate of Palestinian unemployment. The high level of conflict, resulting in 296 Palestinian deaths in the first three months of 2008 (and 11 Israeli deaths in the same period), perpetuates the low levels of Palestinian economic activity, which are not conducive to any substantial reduction in unemployment.

**Figure 3.2. Human losses resulting from the conflict, and Palestinian unemployment**

Source: OCHA, oPt Protection of Civilians database, 2008; unemployment data from PCBS, 2008.

62. Furthermore, inter-Palestinian violence intensified in the first six months of 2007, resulting in 400 additional Palestinian deaths by the end of June, by which time Hamas had taken full control of Gaza. Subsequently, internal violence in both Gaza and the West Bank fell markedly, with 25 casualties reported between January and March 2008. The Palestinian Authority has redoubled efforts to improve security in West Bank territory under its jurisdiction, in accordance with its commitments under the renewed peace process. This has been achieved with some success through the enhanced training and deployment of Palestinian Authority police forces.

### More Israeli settlers in occupied Palestinian territories

63. Israeli settlements in occupied Arab territories use land, water and other resources that are not available to Palestinian farmers, workers and enterprises. The continuous expansion of settlement areas, infrastructure and settlement populations leads to direct competition for resources. Over 80 per cent of settlements are established fully or partially on private Palestinian land.

64. The routing of the Separation Barrier, which meanders around major settlements in the West Bank and East Jerusalem, the network of “settlers-only” roads, and the extensive military barriers and checkpoints across the West Bank severely restricting the movement of Palestinians, are all presented as measures to protect Israeli settlers and their free movement to and from Israel. For many observers, however, the greatest impediment to meeting Israel’s legitimate security concerns is precisely the continuing expansion of the settlements (Alpher, 2008).

65. The International Court of Justice and the United Nations General Assembly have both concluded that Israeli settlements in the occupied Palestinian territory, including

East Jerusalem, are illegal under international law and an obstacle to peace and economic and social development (United Nations, 2008b). Despite the Road Map's call in 2003 for an immediate freeze of all settlement activities, such activities continue.

66. Inevitably there is conflicting information on the exact number of settlements and settlers. What is undisputed is that the settler population and the size and number of settlements have grown continuously since the early 1970s. This trend continued in 2007 and early 2008.

67. The Central Bureau of Statistics (CBS) of Israel records 261,600 Israelis in 119 "Jewish localities" in the West Bank at the end of 2006, an increase of 5.8 per cent over 2005. Between 1995 and 2006 the settler population increased by over 127,000, at an average annual rate of 5.7 per cent, compared to 2 per cent for the total population of Israel (CBS, 2007). In relative terms, the settler population is equivalent to 3.7 per cent of Israel's total population.

**Table 3.3. Counting settlers and settlements**

	West Bank		East Jerusalem	
	Settler population	Number of settlements	Settler population	Number of settlements
CBS	261 600	119	n.a.	n.a.
PCBS	274 621	118	201 139	26
			(West Bank and East Jerusalem combined)	
OCHA	450 000	149	–	–
JIIS	n.a.	n.a.	186 800	–

Sources: CBS, Statistical Abstract of Israel, 2007, table 2.7; PCBS, 2007a; OCHA, 2007c; Jerusalem Institute of Israel Studies, 2008.

68. The Palestinian Central Bureau of Statistics (PCBS) counts 144 settlements, of which 26 are in East Jerusalem, with a total population at the end of 2006 of 475,760. In East Jerusalem the settler population is estimated at 201,139. The settler population was equivalent to 16.1 per cent of the total population in the West Bank, and 44 per cent of the East Jerusalem population (PCBS, 2007).

69. The OCHA counts 149 settlements in the West Bank and East Jerusalem, with a population of approximately 450,000 settlers (OCHA, 2007c).

70. According to another source, at the end of 2006 the Israeli settler population in East Jerusalem annexed by Israel in 1967 was estimated at 186,800, living alongside a Palestinian population estimated at 247,400 (JIIS, 2008). Between 1987 and 2005 the area covered by settlements within East Jerusalem increased by 143 per cent, from 890 to 2,170 hectares (OCHA, 2007c).

71. In discussions with the ILO mission, Dr Mahdi Abdul Hadi of the Palestinian Academic Society for the Study of International Affairs (PASSIA) stated that East Jerusalem was being transformed into an Israeli city through a series of measures targeted at the Palestinian population. He referred to the Jerusalem Statement of November 2007 signed by over 100 Palestinians citizens appealing for the preservation of Jerusalem, its institutions, properties and economy, as an inseparable part of the Palestinian home and political entity (see PASSIA, 2007).

72. Peace Now reports that construction in settlements continued apace in 2007 and early 2008. Construction was ongoing in 101 settlements, with over 500 buildings under way, each comprising several housing units (Ofra, 2008).



73. In East Jerusalem, tenders for the construction of 750 housing units were issued between December 2007 and March 2008 (Ofra, 2008). In December 2007, the General Assembly expressed particular concern about “Israel’s construction and expansion of settlements in and around East Jerusalem ... aimed at connecting its illegal settlements around and further isolating Occupied East Jerusalem, and in the Jordan Valley.” (United Nations, 2008b).

74. Saeb Erakat, a Palestinian National Authority negotiator, recently declared that Israel’s continued settlement activity was “undermining our efforts to revive the credibility of the peace process in the minds of our people” (Kershner, 2008).

75. In addition there are some 105 outposts composed mostly of temporary housing and trailers that are considered illegal even from the point of view of the Israeli authorities, including the military. Israeli attorney Talia Sasson recently reported (*The Jerusalem Post*, 31 March 2008) that none of the 105 “unauthorized West Bank outposts” she identified in 2005 had in fact been removed. On 17 March 2008 the Israeli Government announced the evacuation of two illegal outposts but Peace Now was able to verify only one of them (Ofra, 2008).

76. According to the OCHA some 38 per cent of the West Bank area is taken up by settlement areas, infrastructure and military areas closed to Palestinians. Movement of Palestinians on roads in areas B and C as classified by the Oslo agreements of 1993 is either prohibited or restricted (OCHA, 2007a). B’Tselem estimates that there are about 311 km of such roads throughout the West Bank (B’Tselem, 2007b). Highway 443 leading to Jerusalem is a case in point. Built originally, according to the army, for the Palestinians, the highway is now used only by Israelis. Roadblocks prevent Palestinian vehicles from entering the highway, as the ILO mission observed. In an interim decision, the Supreme Court of Israel endorsed the principle of separate roads for Palestinians in occupied areas (Bronner, 2008).

77. In conclusion, settlements and the resulting fragmentation of the West Bank have severe consequences for Palestinian access to productive resources, employment and movement of persons and goods.

## Implications for socio-economic recovery

78. The intensifying internal closure in the West Bank is resulting in fragmentation of the territory into isolated population centres, in a manner that protects Israeli settlements and the free movement of settlers. East Jerusalem and the Jordan Valley are becoming increasingly inaccessible to Palestinians. This “cantonization” of the West Bank is highly detrimental to economies of scale. In parallel, the intensified external closure of Gaza and the West Bank inhibits trade of goods and access to the Israeli labour market. The economic and social fabric of Gaza under siege is being torn apart.

79. Although in the longer term Palestinians should not be merely a pool of labour for the Israeli market, access to employment in Israel remains an important source of income in the absence of a well-developed Palestinian economy. The PRDP is a clear statement of intent on behalf of the Palestinian Authority to establish such an economic base, primarily through the development of the private sector, and this has been strongly supported by the international community.

80. In this regard, the Palestinian Authority has taken important steps to control its fiscal position and reform internal security. A substantial easing of restrictions on movement is, however, an absolute prerequisite for private investment and trade to take place. As the World Bank has declared, economic recovery and sustainable growth will

require “a fundamental reassessment of closure, and a restoration of the *presumption of movement*” (World Bank, 2007c).

81. Reversible incremental gestures and concessions, small increases in the number of work permits and “businessmen cards” issued, or the removal of a few earth mounds leaving critical checkpoints in place, will fail to improve Palestinian livelihoods. Unless the suffocating closure regime is truly lifted in both the West Bank and Gaza, the recent efforts of the Palestinian Authority are unlikely to lead to any sustained socio-economic recovery and the outlook will remain bleak.

## Discrimination and the identity crisis in the occupied Syrian Golan

82. The Syrian citizens living in the occupied Syrian Golan have cultivated their lands and fruit orchards over generations. It is this particular aspect of their social and economic life that is also at the heart of their cultural and national identity. “The land and the trees are our souls”, a member of the local community of Majdal Shams told the mission this year.

83. There is no doubt that the Israeli occupation’s most detrimental impact on the livelihoods of the local population stems from the restrictions to land cultivation and farming. The confiscation of land of Syrian citizens, the uprooting and destruction of trees and seedlings, and discrimination with regard to access to water and construction permits, continue to affect the Syrian citizens living in the occupied Golan. In addition, a particularly harsh winter destroyed much of the 2007 harvest, aggravating the difficult economic situation of the farmers. Land that is left uncultivated is confiscated by the Israeli authorities.

84. According to the Arab community of Majdal Shams, the Israeli water authority had initially allocated 750 m<sup>3</sup> of water per dunam of land to Israeli settlers (1 dunam equals 0.1 hectares), while Arab farmers had a quota of 150 m<sup>3</sup> per dunam. Recently the two quotas have been reduced to 450 m<sup>3</sup> and 90 m<sup>3</sup> respectively. As a direct result of these unequal quotas, the Syrian citizens cannot produce the same quantity of high-quality apples per dunam of land as Israeli settlers in the region. In addition, Syrian citizens pay more for water as a result of an indirectly discriminatory tariff system.<sup>14</sup> Such practices are contrary to the ILO’s standards and principles concerning equality of opportunity and treatment in employment and occupation, which include the right to equal access to natural and other resources, including subsidies, without discrimination.

85. The Government of the Syrian Arab Republic regards the practices carried out by Israel against the property and natural resources of Syrian citizens in the occupied Syrian Golan as breaches of international humanitarian law and contrary to the International Covenant on Economic, Social and Cultural Rights (UNSC, 2007). In his report to the mission, the Syrian Minister of Labour and Social Affairs asked the ILO to investigate the discriminatory practices of Israel in the occupied Syrian Golan, particularly with regard to those ILO instruments ratified by Israel.

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<sup>14</sup> According to the mission’s interlocutors, the first 20 per cent of the allocated water quota costs 1.2 new Israeli shekels (NIS) per m<sup>3</sup> (tariff A). The following 60 per cent costs 2.4 NIS per m<sup>3</sup> (tariff B) and the last 20 per cent are charged at 3.6 NIS per m<sup>3</sup> (tariff C). Owing to their much smaller water quota, Syrian citizens are obliged to use it entirely. They must thus use more water charged at tariffs B and C than Israeli settlers, and, as consequence, pay more on average for water.

86. The employment prospects of the Arab population in the occupied Syrian Golan remain bleak. This was confirmed by all the interlocutors and is also described in the report submitted by the Syrian Minister of Labour and Social Affairs and the Governor of Quneitra Province in the Syrian Arab Republic. Students benefiting from university education in Damascus are concentrated in fields offering few employment prospects in the occupied Syrian Golan, such as law, pharmacy or medicine. Employment opportunities in the Israeli administration are limited and Syrian citizens reportedly face discrimination in access to such jobs because of their political opinions and rejection of Israeli citizenship. Owing to the uncertain situation caused by the occupation, investment that would lead to the creation of new jobs is lacking. A Histadrut representative informed the mission that the union is undertaking skills training for some of its members in the occupied Syrian Golan to encourage job creation in the tourism and service sectors, particularly targeting low-skilled women.

87. Access to the Israeli labour market is possible for those who renounce Syrian citizenship, according to the Syrian Government. Employment in Israel for young graduates of the Syrian occupied Golan also depends on the passing of equivalence tests. Highly educated young men and women are frequently employed in Israel below their level of qualification. Women often find themselves unable to take up jobs in Israel, as this usually involves overnight stays. Out migration is another option. Some 80 young men and women from Majdal Shams alone have emigrated in the last two years.

88. Under conditions of occupation, including discrimination with regard to water and subsidies granted to Israeli producers, combined with a high dependency on the Israeli market, cultivation becomes increasingly difficult for the Syrian citizens of the Golan. The group met by the mission in Majdal Shams appealed to the Syrian Government to assist them in marketing apples through arrangements that would at least enable them to recoup their production costs. For the local population this is primarily a political matter. The community leaders also launched an appeal for an end to restrictions on travel from the occupied Syrian Golan to other parts of the Syrian Arab Republic. Addressing these concerns would allow the Syrian citizens of the occupied Syrian Golan to strengthen their ties with the Syrian Arab Republic and to maintain their Syrian Arab identity, as they insist they have a right to do.

## 4. The employment crisis of Arab workers in the occupied territories

89. A profound employment crisis is affecting Arab workers throughout the occupied territories. Enterprises operate far below potential capacity, businesses routinely shut down, and new investment projects are deferred or shelved. Workers work less than full time, lose their jobs and search for alternatives that are unpredictable or inadequately remunerated, leaving families to struggle on with various coping strategies. The proximate cause lies in the occupation and the severe restrictions on the movement of goods and persons – the very antithesis of a market economy.

### Falling average incomes

90. In 2007 average GDP per capita in the occupied Palestinian territories stood at US\$1,178 (base year 1997), which was 27 per cent lower than in 1999, although a slight increase of 4.3 per cent was registered relative to the low of 2006. This resulted from the combination of a rapidly increasing working-age population (at 2.8 per cent per year) and a declining economy. In 2006 combined average incomes in Egypt, Jordan and the Syrian Arab Republic were 40 per cent higher than in the occupied Palestinian territories; in 1997 they were almost on a par. Neighbouring countries have moved on while the occupied territories have lost ground. In 2006 average income in Israel was 19 times higher than in the occupied territories.

### More people employed but more poverty

91. In order to grasp fully the extent of the employment and income crisis affecting Palestinians, both women and men, in the occupied territories, it is not sufficient to look at employment figures only. It is necessary to combine labour market data with information on incomes and poverty. Paradoxically, labour market data show a slight improvement in 2007 as compared with 2006, which was also a year of acute crisis. Total employment increased slightly in the first two quarters of 2007 and then declined again, both in the West Bank and in Gaza. Unemployment reached 22 per cent in 2007 compared to 24 per cent in 2006. In 2007, unemployment was 18 per cent in the West Bank and 30 per cent in Gaza. Table 4.1 provides more detail on the labour market trends in 2007.

**Table 4.1. Labour market trends, 2006 and 2007**

	2006	2007				2007 Year average	2007/2006 % change
		First quarter	Second quarter	Third quarter	Fourth quarter		
Population aged 15+ ('000)	1 969	2 003	2 017	2 031	2 045	2 024	2.8
Labour force ('000)	814	825	856	867	846	849	4.2
Employment ('000)	621	647	691	666	658	666	7.2
West Bank	399	395	432	416	403	412	3.1
Gaza	163	189	200	188	189	192	17.5
Israel and settlements	59	63	59	62	66	63	5.9
Unemployment ('000)	190	178	164	201	188	183	-3.8

	2006	2007				2007 Year average	2007/2006 % change
		First quarter	Second quarter	Third quarter	Fourth quarter		
Labour force participation rate (%)	41.3	41.2	42.4	42.7	41.4	41.9	1.5
Employment rate (%)	31.5	32.3	34.3	32.8	32.2	32.9	4.2
Unemployment rate (%)	23.7	21.6	19.2	23.2	22.2	21.5	-9.0
West Bank (%)	18.6	17.3	15.8	18.6	19.2	17.7	-4.7
Gaza (%)	34.8	30.4	26.4	32.9	28.9	29.7	-14.8

Source: PCBS, 2008; Labour Force Surveys, 2006–07 database.

92. Unemployment is highest among young people, especially in the 15–24 years age bracket. Total female unemployment was 17 per cent, lower than the male unemployment rate of 23.4 per cent, in the last quarter of 2007. The lower rate of women's unemployment should be seen in the light of the low labour force participation rate of women (15.5 per cent).

93. It is worth noting that female unemployment is significant only for women with higher education. Women with lower levels of education are not counted in the labour force as they do not declare themselves unemployed. In October–December 2007 the average duration of unemployment was seven months in the West Bank and 16.3 months in Gaza.

94. The data reflect changes in the number of persons reporting employed, according to the ILO standard definition. But higher employment or lower unemployment, as the data for 2007 suggest compared to 2006, should not in itself be interpreted as pointing to an improvement in well-being – indeed, the opposite is the case.

95. Private enterprises in Gaza have ground to a halt because of the total closure imposed by Israel since July 2007. As private sector employment is approximately half of total employment (51.8 per cent in July–September 2007), this should have translated into a significant rise in unemployment, although the above data point to a decline in the rate of unemployment in Gaza in 2007. This apparent contradiction can be explained only by assuming that more people are working in low-quality jobs as a coping mechanism.

96. That is why it is important to complement such data with information on poverty. Table 4.2 shows trends in extreme poverty defined as household income of 1,000 new Israeli shekels (NIS) for a family of two adults and four children.

**Table 4.2. Trends in extreme poverty (percentage of the population)**

	2006		2007	
	March	November	March	November
West Bank	22.0	28.0	23.0	19.3
Gaza Strip	21.0	51.0	43.0	40.1

Source: Near East Consulting, 2006–07.

97. The data point to a slight improvement in 2007 in West Bank and in the Gaza Strip, if we compare November 2007 with November 2006. The trend is consistent with the slight recovery in the economic situation observed in the second half of 2007 with the resumption in the payment of wages to civil servants. However, extreme poverty remains very high in the Gaza Strip.

98. These figures are broadly similar to those reported by the ILO (in its 2007 Report) for 2005 when the percentage of households in “consumption poverty” was 22.3 per cent in the West Bank and 43.7 per cent in Gaza. One reason lies in the very high dependency ratios, with one person employed for every five persons in the West Bank and for every 7.5 persons in the Gaza Strip.

99. Available data on poverty and employment can be cross-tabulated. Details are shown in table 4.3.

**Table 4.3. Poverty and status in employment: November 2007**

In percentages	Employed full time	Employed part time	Not employed	Homemaker	Student	Retired	Total
Below the poverty line	37.1	82.4	79.6	61.5	68.4	50.0	56.6
Above the poverty line	62.9	17.6	20.4	38.5	31.6	50.0	43.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Note: The poverty threshold used here is NIS2,000 for a family of two adults and four children. This higher threshold, double the threshold used in table 4.2, is closer to median income in the occupied territories.

Source: Near East Consulting, Palestine Poverty Monitor, 2007.

100. The unemployed and part-time workers face an incidence of poverty of approximately 80 per cent, while 37 per cent of the full-time employed are poor.

101. These figures explain why large numbers of Palestinians are working and declare themselves employed but have incomes placing them below the poverty line. High levels of poverty and employment coexist. This is a common feature in low-income countries, but a new development in the occupied Palestinian territories, with their substantial economic ties to Israel’s high-income economy.

102. The results of the 2007 work conditions survey of the PCBS indicate that 4.6 per cent of children aged 7–17 years are employed in either paid or unpaid work in the occupied territories. The ILO mission repeatedly heard from several interlocutors about the rising incidence of child labour, especially in Gaza.

103. The combination of high levels of poverty and employment can be explained by three factors: a low employment to population ratio; a low number of days worked during the month; or low returns from self-employment. All three factors are at work. One in three persons of working age is employed. This share has historically been low, mainly because of the very low participation of women in the labour force. However, other countries in the region have seen increases in the ratio of employment to population, whereas the occupied territories have seen declines.

## More employment in low-productivity occupations

104. Employment in services has consistently increased while employment in industry and construction has declined. This long-term trend is especially clear in Gaza, where employment in construction and in manufacturing declined precipitously from 21 per cent of total employment in 2000 to 7 per cent by the end of 2007. This decline can be attributed directly to the closure imposed on Gaza (see table 4.4).

105. Historically, employment of women has been concentrated in agriculture, often as unpaid family helpers, and in services, mostly in public administration. The crisis has accentuated this pattern. In the last quarter of 2007 employment of women was 48.9 per cent in services and 33.7 per cent in agriculture.

**Table 4.4. Employment by economic activity, in percentages**

	West Bank		Gaza	
	Third quarter 2000	Fourth quarter 2007	Third quarter 2000	Fourth quarter 2007
Agriculture, fishing and forestry	12.5	15.9	16.8	13.9
Mining, quarrying and manufacturing	16.8	15.0	11.4	5.5
Construction	13.3	13.9	9.6	1.5
Commerce, restaurants and hotels	19.8	20.0	14.4	19.0
Transportation and communication	6.2	5.0	4.9	7.9
Services	31.4	30.2	42.9	52.2
Total	100.0	100.0	100.0	100.0

Source: PCBS, Labour force surveys, 2008.

106. Together with a concentration of employment in low-productivity services, there are significant shifts in the status in employment, with a decrease in wage employment and an increase in self-employment. The proportion of wage employment stood at 60.5 per cent at the end of 2007, down from 67.6 per cent in the third quarter of 2000. In addition, many women are self-employed in informal small business activities, with the support of microfinance institutions. These activities are not reflected in labour force surveys and women see few reasons to formalize their businesses.

## Employment in Israel and the settlements

107. Some 63,000 Palestinians were working in Israel and in Israeli settlements in 2007, with a slight increase towards the end of 2007. This is equivalent to 9.5 per cent of the employed population of the occupied Palestinian territories. Construction alone absorbs close to 50 per cent of all Palestinian workers working in Israel. Work in Israel and the settlements is associated with significantly higher wages than in the West Bank (on average 1.7 times higher).

108. The Palestinian Authority's Minister of Labour and of Planning, Samir Abdullah, explained to the ILO mission that the policy of the Palestinian Authority was to invest in skills to promote higher value added activities. In his opinion closures should be used as an opportunity to end the dependence on the Israeli labour market. He stressed in particular the importance of investment in vocational training as a way of upgrading quality and reorienting towards higher skills. On the other hand, the ILO mission heard from General Mishlev, head of the COGAT, that his policy was to gradually increase the number of Palestinians working in Israel, particularly in the construction sector, and this included replacing foreign migrant labour attracted to Israel in recent years. Between the potential prospects for tomorrow, with a strong private sector and vibrant export-oriented enterprises, and the constraints of today, there is quite a distance. Public employment, employment in Israel, what remains of private sector employment, and informal employment, are today the main buffers against rising poverty and unemployment.

## Loss of competitiveness

109. In a report on the investment climate in the occupied territories, the World Bank notes that most Palestinian enterprises are no longer internationally competitive in the low-value goods they have specialized in. The Israeli economy and the world economy have undergone significant changes, while the Palestinian economy has been unable to

adapt to the changing environment. Enterprises employ on average fewer than five workers, average capacity utilization in manufacturing is around 50 per cent, machinery tends to be over ten years old with little new investment, and few enterprises finance any worker training (World Bank, 2007d).

110. The World Bank attributes this loss of competitiveness mainly to the closures regime and occupation which close off markets, raise transaction costs and make it very difficult for producers to meet delivery schedules. Closures have contributed to shrinking markets, with more enterprises selling goods in their immediate vicinity.

111. The Palestinian Authority has addressed this challenge head on in its PRDP. Private sector development is one of the three main pillars of the plan, together with improved governance and a sounder fiscal base. The plan states: “The Palestinian private sector must be the engine of sustainable economic growth. It needs to generate productive employment, produce high value added goods and services, and to enhance national prosperity.” (PNA, 2007b).

### Steep rise in consumer prices and lower purchasing power of wages

112. On average in 2007 inflation and consumer prices increased in the occupied Palestinian territories by 2.7 per cent relative to 2006. Food prices in particular increased at a higher rate of 4.75 per cent. The average increase in consumer prices in Israel in 2007 was slightly higher, at 3.5 per cent. The current appreciation of the Israeli currency (NIS) against the US dollar has softened the increase in international prices.

113. On a year-on-year basis, comparing consumer prices in February 2008 to those of February 2007, a starker picture emerges (see table 4.5).

**Table 4.5. Percentage change in consumer prices (February 2008 over February 2007)**

	Jerusalem	Gaza Strip	West Bank
Food	12.4	16.9	20.0
Housing	5.0	10.9	11.5
Transport	7.1	4.5	3.3
Education	2.9	4.1	-1.2
All	7.1	11.8	9.3

Source: PCBS, Monthly consumer prices, 2008.

114. Consumer prices increased strongly in Jerusalem, in the Gaza Strip and in the West Bank. Food prices in particular have soared, with increases of about 12 per cent, 17 per cent and 20 per cent, respectively, in those areas. While the prices of basic commodities such as wheat flour and bread curved upward worldwide in early 2008, and oil and energy prices soared throughout 2007, there are specific reasons behind the steep increases observed in the occupied Palestinian territories. These reasons relate to the occupation and the hindrances imposed on the movement of persons and goods.

115. The closure of the Gaza Strip and the trickle of authorized humanitarian assistance explain the rise in the price of food. In the West Bank and in Jerusalem, the difficulties producers face in reaching markets and the additional costs of transportation linked to multiple checkpoints and long delays add to the distortions in prices.



116. The steep increase in prices registered between February 2007 and February 2008, particularly of food commodities consumed daily, which has outpaced any changes in average wages, implies a significant drop in the purchasing power of consumers and a decline in workers' real wages. This is a double blow to Palestinian workers and families, who face higher prices for basic commodities and falling incomes and employment opportunities. It is one of the reasons for the civil service strikes that occurred in early April 2008.

### The employment challenges of a rapidly growing young labour force

117. The Palestinian population is in the midst of a demographic transition, with lower levels of fertility and a projected rate of population growth up to 2020 of around 2.8 per cent. The newly released initial data of the 2007 census suggest a total population of 3.8 million, with 45 per cent of the population aged 14 years and below. The working-age population is growing much more rapidly than the total population, at 3.8 per cent per year on average up to 2020.

118. Educational standards are relatively high, with net enrolment rates in basic education of 84 per cent and in secondary education of 64 per cent in 2006/07. Some 11,000 students are enrolled in universities, and one third of the population aged 15 years and over is outside the labour force studying or in training. The quality of current vocational training, the linkages to labour market trends, and future demand for skilled labour, are points of concern raised by several interlocutors.

119. Some 35,000 young people join the labour force annually. Unemployment among young people is already very high, at 50 per cent in the Gaza Strip and 30 per cent in the West Bank in 2007. A critical priority for policy is to bridge the gap between studies and training and the labour market, particularly among women, so as to raise the number of young people in employment. This is as much a technical as a political issue.

### Precarious working conditions and labour rights

120. Working in Israel or in an Israeli settlement in the occupied territories enables Palestinian workers to secure employment and income for their families that would not otherwise be available. Nevertheless the conditions under which men and women are admitted to work are described by many as cumbersome, arbitrary and humiliating. Palestinians under 35 years of age are excluded from employment in Israel for security reasons, whether or not they have a security record. The minimum age limit for employment in Israeli industrial zones in the West Bank is currently 25 years. In addition to a valid work permit, security clearance is required and this may be denied or withdrawn at any moment without explanation. Al-Haq provided the mission with information suggesting that the practice of exerting pressure on Palestinian workers to collaborate with the Israeli intelligence service in return for security clearance is on the increase. The opaque permits system breeds illegal practices in the trafficking of workers, involving collusion between Palestinian middlemen and individual Israeli employers (Kav LaOved, 2007).

121. The mission again heard accounts of weak protection from work hazards in Israeli settlements and industrial zones. Chemical factories, such as those in the Tulkarem and Barkan zones, reportedly expose workers to hazardous conditions. Workers' health is reportedly not monitored and safety equipment is often missing. A number of strikes have been noted over health-threatening working conditions and wages below the

minimum wage level. The mission was also told by civil society interlocutors that child labour in Israeli settlements continued, including in quarries and date plantations.

122. As of 1 January 2008, pension coverage in Israel has been extended to all workers, including Palestinian workers. The Israeli National Insurance Law provides for compensation in the event of work accidents, but Palestinian workers face difficulties in practice when claiming such compensation because medical reports from the occupied territories are not recognized in Israel. In addition, the Israeli permits regime may simply prevent a worker's access to a medical facility in Israel in the event of a work accident.

## Legal protection of Palestinian workers: Settlements and industrial zones

123. On several occasions, the Director-General's previous Reports have pointed to legal uncertainties as to the relevant labour legislation in Israeli settlements and industrial zones in the West Bank and Gaza. With an increasing number of Palestinian workers employed by Israeli employers in settlements and in industrial zones established within them, this issue remains pressing.

124. As a general rule, Palestinians living in areas under Israeli control are governed by the law in force before the occupation, as amended by subsequent Israeli military orders (that is, Egyptian law in the Gaza strip and Jordanian law in the West Bank). By contrast, Israel has made large portions of Israeli law, including labour laws, applicable to Israelis in the settlements through military orders (Benvenisti, 1989).

125. In a landmark decision of 10 October 2007, the Israeli High Court of Justice, in Case 5666/03, held that Israeli labour law is applicable to labour contracts between Palestinian workers and Israeli employers for work carried out in Israeli settlements. As one judge emphasized, applying Jordanian law to labour contracts with Palestinian workers while applying Israeli law to Israeli workers would violate the Palestinian workers' basic rights and subject them to discrimination (see Kav LaOved, 2008, and Izenberg, 2007).

126. While this development is immaterial to the illegal status of Israeli settlements under international law, it appears to open up channels for Palestinian workers to claim rights and benefits in Israeli courts, including with regard to minimum wages, severance pay, compensation for work-related accidents and other social benefits. Palestinian women may be able to rely on Israeli anti-discrimination legislation, including protection from sexual harassment. The significance of the decision for the protection of workers' rights was acknowledged by most of the mission's interlocutors. The representatives of the Manufacturers Association of Israel stated to the ILO mission their readiness to implement the High Court's ruling.

127. It is too early to reach a conclusion on the practical effects and implementation of the High Court's decision. There is as yet little awareness among Palestinian workers and Israeli employers of this development and its implications. In addition, going to court in Israel may not be a realistic option for many workers, despite the dedicated efforts of trade unions and legal aid NGOs to assist them. Palestinian workers, frequently employed on a daily basis, may choose to endure labour discrimination for fear of losing their jobs. Officials from Israel's Ministry of Industry, Trade and Labour have stated to the mission that the ruling will be given effect, even though it remains unclear how compliance with the legislation will be monitored on a regular basis.

128. Following the High Court decision, Kav LaOved and the PGFTU organized a conference in Jericho on the rights of Palestinian workers employed in Israeli settlements (Kav LaOved, 2008). Histadrut published a booklet reproducing relevant parts of Israeli labour legislation in Arabic, which were translated with the financial support of the ILO, and expressed its commitment to help Palestinian workers to enforce their rights in Israeli courts.

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## 5. Freedom of association and social dialogue

129. Freedom of association and the right to collective bargaining are fundamental principles and rights at work that remain under constant threat in the occupied Arab territories. Restrictions on movement put in place by the military authorities limit the ability of Palestinian workers and business people to organize and to freely carry on their activities. Particularly dramatic is the situation of workers' and employers' organizations in Gaza, which the mission consulted via a video link. The president of the Chamber of Commerce of Gaza was unable to obtain a permit to meet with the ILO mission in Ramallah.

130. The mission learned that the closure of the East Jerusalem office of the Federation of Palestinian Chambers of Commerce, Industry and Agriculture (FPCCIA) has been extended for another year, further prolonging this serious interference in its activities. Furthermore, the mission was informed that the offices of the Chamber of Commerce in Ramallah had been searched and damaged during the night of 2 April 2008. A computer hard drive and a camera were confiscated. The mission hopes that the authorities will fully investigate this incident.

131. Events since June 2007, when Hamas took control in Gaza, have resulted in serious infringements of trade unions' rights. The PGFTU informed the ILO on 17 July 2007 that Hamas had attacked and occupied PGFTU offices in Khan Younis and Gaza City. During their discussions with the ILO mission, PGFTU leaders in Gaza stated that all PGFTU offices and facilities, including a kindergarten, had been taken over by Hamas. Islamic Workers' Committees set up by Hamas are now using PGFTU offices, documents, files and letterheads. In the meantime, the PGFTU has rented a number of small flats with a view to continuing its activities. The International Trade Union Confederation (ITUC) called for the withdrawal by Hamas from PGFTU offices and buildings (ITUC, 2007). The mission reaffirms that such attacks against trade unionists and trade union premises and property constitute serious interference with trade union rights, and calls for the immediate return to the PGFTU of its offices, facilities and equipment.

132. The mission was further informed by the PGFTU that, during the night of 28 February 2008, the IDF bombed and destroyed the PGFTU Folk House in Gaza City, a five-storey building constructed in 1997 with the financial assistance of the Norwegian trade union movement. The mission raised this matter with the Israeli authorities.

133. Against this difficult background, Palestinian employers' and workers' organizations are continuing their efforts to promote their members' rights and interests. The PGFTU held its national congress in May 2007. Four of the 25 newly elected executive committee members are women. Noting that strengthening the legal framework for freedom of association and collective bargaining is one of its priorities, the PGFTU referred to plans by the authorities to amend existing legislation in a manner that may undermine ILO principles and standards. They noted positively that a number of new collective agreements had been concluded in the textile, construction and telecommunication sectors. The PGFTU also continued to administer a health insurance scheme and was working towards the establishment of a national council on occupational safety and health. The women's department is active in the area of training and skills development for women, and addresses discrimination against women at the workplace.

134. The PGFTU and Histadrut both told the ILO mission that they looked forward to reinforcing their collaboration. Histadrut is defending the interests of Palestinian workers

as a contribution to the fragile peace process. As a concrete example, it referred to a planned joint initiative with the PGFTU and the International Transport Workers' Federation (ITF) to set up a telephone hotline for Palestinian truck drivers facing difficulties at Israeli checkpoints or crossings. When contacted by a Palestinian driver, hotline staff would establish direct contacts with the military authorities to clarify the situation and to advise the truck driver accordingly.

135. The provision of legal assistance to Palestinian workers is high on the agenda of the PGFTU in the West Bank and in Gaza and will be supported accordingly by the ILO. The PGFTU expressed its keen interest in renewing dialogue with Histadrut, and in reviewing the implementation of the agreement between the two organizations concerning the transfer to the PGFTU of membership dues collected from Palestinian workers employed in Israel. The PGFTU in Gaza called for urgent assistance to rebuild its facilities in Gaza and to deal with claims made by Palestinian workers against Israeli employers following the total closure of Gaza.

136. Palestinian employers' organizations help their members to cope with the closure and permits regime, for example by obtaining "businessmen cards" from the Israeli authorities. A new initiative, the Business Women's Forum, has become active and supports women starting up their own enterprises. The Chamber of Commerce in Nablus has continued to issue "rules of origin" certificates to enterprises producing for the export market. It is also involved in assisting future women entrepreneurs.

137. Despite the constraints, the ILO mission found opportunities and a willingness to strengthen tripartism and social dialogue. The mission welcomes the commitment of the Minister of Labour and Planning of the Palestinian Authority to include the social partners in consultations on the Palestinian Reconstruction and Development Plan. The establishment of a representative advisory council is planned. The mission considers that tripartite consultations are particularly vital in relation to the programmes concerning employment policy.

138. In early April 2008, at the time of the ILO mission, civil servants in the West Bank went on strike over wages. The mission is aware of the extreme budgetary constraints faced by the Palestinian Authority but calls for full respect of the right of public sector employees to press their legitimate concerns, including through exercising their right to strike. The ILO has always defended solutions based on dialogue.

139. Finally, the mission considers that regular tripartite consultations must be held, as soon as circumstances permit, on measures to strengthen Palestinian labour laws and institutions, in areas including freedom of association and collective bargaining, gender equality and social security. The ILO believes that relevant international labour standards provide a sound basis for guidance and consultations.

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## 6. Conclusions

140. The ILO mission which visited the occupied Arab territories in early April 2008 found a much degraded employment, labour and social situation. Living standards have been declining for several years, poverty remains at very high levels and the quality of employment is deteriorating. Productive and freely chosen employment is increasingly the exception, not the rule. The unfolding employment crisis is mirrored by systematic disregard of the fundamental right of Arab workers to equality of opportunity and treatment in employment and occupation. Discrimination in movement, in access to employment and productive resources, and in the exercise of basic freedoms, is pervasive.

141. Institutions representing free and democratic employers and workers are facing interference in their right to organize, leading to considerable difficulties in carrying out their basic functions.

142. The regime of tight closures and permits throughout the West Bank, isolating the Gaza Strip and increasingly cutting off East Jerusalem, is doing nothing for the security either of Israel or of the Palestinians. The movement of people and goods is severely restricted where it is not halted altogether. Palestinians survive with the aid of donor assistance, family remittances and irregular jobs.

143. The Palestinian Authority has regained the financial support and political backing of the Middle East Quartet and the international community at large. This has enabled the new Prime Minister to start redressing the severe fiscal deficit that prevailed up to June 2007. Payments of salaries to civil servants and of arrears to private suppliers, as well as renewed donor support for investment and infrastructure projects, have injected much needed liquidity into the economy. This has been reflected in a slight recovery relative to 2006.

144. The much acclaimed Palestinian Reform and Development Plan (PRDP) has focused on strategic priorities: governance and security, fiscal redress, and private sector growth and investment.

145. In parallel, peace negotiations have acquired a new momentum following the Annapolis Conference, with continued face-to-face discussions between President Abbas and Prime Minister Olmert. The scenario should be a hopeful one: of hope for a stronger Palestinian Authority enjoying the full support of the international community, with a clear vision of its role and possible future directions along the lines of the 2003 Road Map. A central role is devolved to the private sector and the proven ability of the skilled Palestinian entrepreneurs and their business associations.

146. Nevertheless, there is despair, frustration and anger below the surface. The much degraded employment and social situation observed in early April 2008 is nurturing widespread disbelief in the ability of the political negotiations to achieve real breakthroughs that would radically change the misery of daily life and outlook of Palestinians.

147. One observation many interlocutors shared with the ILO mission was the danger of a growing gap between the aims of the peace negotiations, with little to show so far, and the continuing facts on the ground embodied in closures, military incursions, checkpoints, the permits regime, the endless patience required to cross the Separation Barrier, the continuing construction in settlements, and “settlers-only” roads, including the growing separation of East Jerusalem from Palestinian territory.

148. Signs of weakening institutions and a severely strained social fabric are everywhere to be seen. There is more employment, but in “survival mode”, including child labour; there is persistent high unemployment nurturing frustration among a young and skilled generation, particularly women; and there is widespread poverty among the elderly and the weaker members of society, including large numbers of families with relatives held in Israeli jails or killed in the repeated “clashes”.

149. Pitting the claim “security first, then peace” against “peace as a condition for security” leads to an impasse. The ILO has long argued that employment and decent work are a necessary investment in the preparation for and consolidation of security and peace; this is one of the principles embodied in the Declaration of Philadelphia.

150. In parallel with the ongoing political negotiations, the ILO will continue to support employment and decent work policies and programmes. The ILO will make available its expertise and resources, in cooperation with its constituents and partners, both Palestinian and Israeli, and in neighbouring countries, in order to advance the consolidation of rights, employment, social protection and social dialogue in accordance with its mandate.

151. In August 2007, the ILO took important steps to revitalize its technical cooperation activities in the occupied Arab territories by fielding a multidisciplinary mission to develop the framework of a new ILO programme, which aims to combine short-term job creation with longer-term capacity development goals. Several other specialized missions have followed with the aim of articulating a programming framework centred on three core objectives, namely: strengthened labour market governance (including reactivation of the Palestinian Fund for Employment and Social Protection); improved employability through skills and local economic development; and an enhanced entrepreneurship culture for private sector and productivity growth. Detailed project proposals have been developed in each of these areas and prioritized, by agreement with the Minister of Labour and of Planning, for implementation in an initial phase.

152. One of the multidisciplinary missions visited the occupied Syrian Golan in order to review the situation with regard to the integration of women in the context of the existing unemployment challenges and possible support for cooperatives to enhance their contribution to the socio-economic growth of the area. Discussions are under way with the partners concerned to assess the optimal mechanisms for providing capacity-building support to these constituents as well as the extension of technical assistance to reduce their isolation from international community experience and knowledge.

153. As in previous years, a detailed update on the ILO enhanced programme of technical cooperation in the occupied Arab territories will be presented separately to the ILO Governing Body in November 2008.

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## Annex

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### List of interlocutors

#### Palestinian institutions

##### Palestinian National Authority

###### Ministry of Labour

Samir Abdullah, Minister of Labour and Minister of Planning

Hassan Al-Khatib, Deputy Minister

Nasser Katami, Deputy Assistant of Labour Administration Affairs

Samer Salameh, Director-General of Vocational Training

Asef Said Asa'd, General Directorate for Arab, International Cooperation and Public Relations

Hani Al-Shanti, Director of International Cooperation Department

Mahdi Kleibo, Special Adviser and Chief of Cabinet (Head of Minister's Office)

###### Ministry of Social Affairs

Najat Alaridi, Assistant Deputy Minister

Daoud Deek, General Director, Cabinet Affairs Unit

Basima Soboh, Director of Public Relations and Communications Department

Maisoon Wehaidi, Director-General for Social Care and Rehabilitation

Basima Abu-Sway, Director-General for Family and Childhood Department

###### Ministry of National Economy

Ziad Karablieh, Director-General, International Economic Relations

Reem Najjar, Minister Consultant for International Financial Assistance

Raafat Rayan, Director of the International Organizations Unit

Nofal Abdel-Hafiz, Assistant Under Secretary

###### Ministry of Planning

Cairo Arafat, Director-General of Aid Management and Coordination

###### Ministry of Women's Affairs

Khouloud Daibes-abu dayyeh, Minister of Women's Affairs

Salwa Hdeib/Qannam, Deputy Minister

Palestinian Economic Council for Development and Reconstruction (PECDAR)

Mohammad Shtayyeh, President

Palestine Liberation Organization (PLO)/Palestinian Legislative Council (PLC) members

Saeb Erakat, Head of Negotiation Department

Naser Al-Qudweh, Chairman of Yasser Arafat Foundation

#### Workers', employers' and other organizations

Palestine General Federation of Trade Unions (PGFTU), Nablus

Shaher Sae'd, Secretary-General

Nasser Younis, Head of Transportation Union in Palestine

Ghada Abu Ghalyoon, Coordinator of International Department

Fathi Naser, Public Affairs Department, Legal Adviser

Saed Jian, Member of Executive Board/Nablus

Suhail Khader, Member of Executive Board and President of Tourism Union

Manuel Abdel-Aal, Member of Executive Board and Secretary, Legal Unit

Amna A.J. Mafarja, Women's Department, Ramallah

Fawzan Eiwadah, Member of Executive Board

Ibrahim Thwaib, Member of Executive Board

Bayer Saeed, Member of Executive Board and Secretary, Youth Unit

Mustafa Jeni, Member of Executive Board

Palestine General Federation of Trade Unions (PGFTU), Gaza

Ayesh Ebaid, Deputy Secretary-General; Deputy Secretary-General of the General Union of Construction and Carpentry Workers

Tariq Al Hindi, Secretary of the PGFTU, Secretary-General of the General Union of Agriculture Workers

Salama Abu Zu'ater, Secretary-General of the General Union of Health Service Workers and Chairman of the Legal Department

Elias Al Jelda, Deputy of the Secretary-General of the General Union of Health Service Workers and Chairman of the Organizing Department in PGFTU

Baker Al Jamal, Deputy of the Secretary-General of the General Union of Employees in the Educational Service – Chairman of the Occupational Health and Safety Department

Fayez Lubad, Deputy of the Secretary-General of the General Union of Municipality Workers

Abdul Raouf Elyian, Treasurer of the General Union of Metal Workers

Abdul Raouf Mahdi, International Relations Secretary

Federation of Palestinian Chambers of Commerce, Industry and Agriculture (FPCCIA), Al-Ram

Ahmad Hashem Zoghayyer, President

Jamal Jawabreh, Director

Ali Mohanna, Director, SMEs Department of the Federation

Nazih Nardawi, Information Department

Gaza Chamber of Commerce

Mohammad Salem Qudwah, Governor and President of Gaza Chamber of Commerce

Mahmoud Yaziji, Chairman of the Public Relations Committee of Gaza Chamber of Commerce

Nablus Chamber of Commerce and Industry (NCCI)

Husam Hijjawi, Secretary-General

Omar Hashem, Deputy Chairman

Nameer T. Khayyat, General Director

Al-Haq, Ramallah

Shawan Jabarin, General Director

Wesam Ahmad, Programme Assistant

Naser Rayyes, Legal Researcher

Al-Quds University, Jerusalem

Fadwa Allabadi, Director of Insan Center for Gender and Women's Studies

Business Women's Forum

Samira Hulaileh, Secretary-General

Amal Moughrabi, Board Member

Jerusalem Women's Association

Nida Zalatimo, Manager

Palestinian Academic Society for the Study of International Affairs (PASSIA)

Mahdi Abdul Hadi, President

Palestinian Businessmen Association

Majed Maale, Director

Palestinian Business Women's Association (ASALA)

Reem Abboushi, Director

Palestinian Central Bureau of Statistics (PCBS)

Loay Shabaneh, President

Suha Kana'n, Labour Force Officer

Mahmoud Jaradat, Assistant of President for Statistical Affairs

Ameneh Khaseib, Director of National Accounts Department

Einayeh Ziydan, Director-General of Demographic and Social Statistics

Palestinian Federation of Industries, Ramallah

Bassim Subhi Khoury, Chairman of the Board

Palestine Investment Fund

Jamal Haddad, Director of Corporate Relations and Spokesperson

Palestine Trade Center (PALTRADE)

Amjad Al-Qasas, Trade Development Manager

## Israeli institutions

### Government of Israel

#### Ministry of Industry, Trade and Labour

Avner Amrani, Senior Research Coordinator, Labour Relations Division

Shlomo Ytzhaky, Chief Labour Relations Officer

#### Ministry of Foreign Affairs, Jerusalem

Aharon Leshno Yaar, Deputy Director-General, Head of United Nations and International Organizations Division

Rony Adam, Director, Department for United Nations Political Affairs

Orli Gil, Director, International Organizations Department

#### Coordination of Government Activities in the Territories (COGAT)

Maj. Gen. Yossef Mishlev, Coordinator of Government Activities in the Territories

Lt. Col. Baruch Dov Persky, Head, Economic Branch

Lt. Col. Daniel Beaudoin, Foreign Relations Branch

### Workers', employers' and other organizations

#### Histadrut – General Federation of Labour in Israel

Nawaf Massalha, Chairman, International Department

Avi Edri, Chairman, Transportation Workers' Union

Avital Shapira-Shabirow, Director of International Activity, International Department

Yousef Kara, Histadrut Representative to the International Labour Organization

Jado Farhat, Coordinator

Samar Break, Representative of Women's Activities

Haitham Abu-Awad, Teacher, Masa'dah High School

#### Manufacturers' Association of Israel

Avi Barak, Head of Labour and Human Resources Division

Dan Catarivas, Director, Division of Foreign Trade and International Relations;  
Director, World Trade Center, Israel

Pollack Ishai, Deputy Director, Farmers Federation of Israel

Uri Rubin, Chairman, Rubingroup; Chairman, Labour Committee; Chairman, Board of Directors H.K.B.

Yair Rotlevi, Chairman of the Board, Argaman Industries Ltd

Daphna Nitzan-Aviram, Director of Economics Research and Strategy Department,  
Economics Division

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## United Nations and international organizations

Office of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO)

Robert H. Serry, Special Coordinator

United Nations Development Programme (UNDP), Programme of Assistance to the Palestinian People

Jens Toyberg-Frandzen, Special Representative

United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Occupied Palestinian Territory

Manuel Bessler, Head of Office

Allegra Pacheco, Deputy Head of Office

Saad Abdel-Haq, Humanitarian Affairs Analysis, Field Coordination Unit in Nablus

Ray Dolphin, Consultant

Adeeb Salaman, Humanitarian Affairs Assistant

United Nations Office of the High Commissioner for Human Rights, Occupied Palestinian Territory (OHCHR)

Giuseppe Caladruccio, Head of Office

United Nations World Food Programme (WFP)

Christine van Nieuwenhuysse, WFP Representative and Country Director, West Bank and Gaza

United Nations Development Fund for Women (UNIFEM)

Alia El-Yassir, Programme Manager

United Nations Relief and Works Agency (UNRWA)

Karen Abu-Zayed, Commissioner-General

Food and Agriculture Organization of the United Nations (FAO)

Luigi Damiani, FAO Programme Coordinator

Office of the Quartet Representative, Jerusalem

Ana Gallo-Alvarez, Deputy Head of Mission

Henriette Kolb, Donor Coordination Adviser

International Committee of the Red Cross (ICRC)

Katharina Ritz, Head of Mission

Eloi Fillion, Protection Coordinator

European Commission Technical Assistance Office (West Bank, Gaza Strip)

Roy Dickinson, Head of Operations

The World Bank, West Bank and Gaza Country Office

A. David Craig, Director, West Bank and Gaza Department

## Representatives of national governments

Consulate General of the United States of America

Heather E. Kalmbach, Political Officer

Michael J. Schreuder, Economic Officer

Jonathan Carpenter, Chief of Economic Department

Representative Office of Norway to the Palestinian Authority

Ingrid Marie Mikkelsen, Second Secretary, Development

## Other meetings

B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories

Risa Zoll, Director of International Relations

Community, Habitat and Finance International (CHF)

Lana Abu Hijleh, Country Director, West Bank and Gaza

Gisha – Legal Center for Freedom of Movement

Sari Bashi, Executive Director

Kav LaOved

Hanna Zohar, Director

Salwa Alinat, Kav LaOved-West Bank

Roy Wagner, External Relations Department

Shishten Sedregan, Member of Steering Committee

Media

Simone Korkus, Journalist

## Occupied Syrian Golan

Majd Abu Saleh

Kanj Sleiman Abu Saleh

Mahmoud Sleiman Abu Saleh

Salah Moughrabi

Saeed Farhat

Thaer Abu Saleh

## Meetings in Damascus, Syrian Arab Republic

Diala Haj Aref, Minister of Social Affairs and Labour

Naouf Al Faris, Governor of Qunietara

Milad Ateieh, Director of the International Organizations, Ministry of Foreign Affairs



Ahmad Habbab, Secretary International and Arab Relations, General Federation of Trade Unions in the Syrian Arab Republic

Ahmad Al Hassan, Head of Labour Section, General Federation of Trade Unions

Rakan Ibrahim, Director of Labour, Ministry of Social Affairs and Labour

Amneh Al Rehban, Director of Arab Relations, Ministry of Social Affairs and Labour

Izat Al Saleh, Head of Information Unit, Ministry of Social Affairs and Labour

Yehia Al Din Al Suleq, Interpreter, Ministry of Social Affairs and Labour

International Confederation of Arab Trade Unions (ICATU)

Rajab M. Maatouk, Deputy General Secretary, Head of International Relations and Migration

Tohmeh Al Jawabra, Assistant Secretary-General for Arab Relations

Jamal Shmeisat, Assistant Secretary-General for Specialized Committees and Labour Legislation

Farouk Saad, Director of International Relations and Migration

### Meetings in Cairo, Egypt

Mohamed M Sobeih, Assistant Secretary-General, League of Arab States

Ahmed Mohamed Luqman, Director-General, Arab Labour Organization