

International Labour Conference, 100th Session, 2011

Report of the Director-General

Appendix

The situation of workers of the occupied Arab territories

ISBN 978-92-2-123093-9 (print)
ISBN 978-92-2-123094-6 (Web pdf)
ISSN 0074-6681

First edition 2011

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Preface

As for three decades now, this year I again sent a high-level mission to report on the situation of workers of the occupied Arab territories, in accordance with the mandate given by the International Labour Conference. The mission visited the occupied Arab territories, Israel and the Syrian Arab Republic. It enjoyed the full cooperation of all concerned parties, for which I again express my gratitude. This cooperation reaffirms the broad support for the values embodied by the ILO.

The mission held in-depth discussions with representatives of the Palestinian Authority, employers and workers in the Occupied Palestinian Territory, constituents in Israel and the Syrian Arab Republic, Syrian citizens of the occupied Syrian Golan, and representatives of the United Nations and international and non-governmental organizations. They have all provided information on the situation of workers of the occupied Arab territories, which has guided the preparation of this Report to the International Labour Conference. As always, the mission has conducted its fact-finding work with a deep sense of commitment and impartiality.

Much of the information shows that the main trends highlighted in last year's Report have continued. There has been further improvement in the economic situation in the Occupied Palestinian Territory. However, growth is not evenly distributed because of the continued closure of Gaza, and in large part it consists of catching up from a much-degraded base. The building of the institutions of a viable State of Palestine has continued to a point where this State is increasingly becoming a real option.

The recently released *National Development Plan 2011–13: Establishing the State, building our future* (PNA, 2011a) stresses that the future stability and prosperity of the State of Palestine must be underpinned by strong institutions that guarantee equality and opportunities for all. A range of sector strategies are set out in the National Development Plan, including with regard to employment, gender equality, education and training, social protection and empowerment, the achievement of which will be crucial for the development of a State founded on social justice and decent work. I trust that these strategies, along with the Employment Strategy, will receive the necessary support, that social dialogue will enrich the process, and that the laws that will be adopted and the practices that will be observed will be in line with fundamental principles and rights at work.

I would like to express particular appreciation to Prime Minister Salam Fayyad, who, in a very open exchange with the mission, shared his thoughts, concerns and aspirations for the future State. He confirmed his commitment to ensuring compliance with the fundamental ILO Conventions, even before these Conventions could be ratified. He called on ILO experience in this regard, in particular in addressing equality and tapping the full potential of women, whose participation in the labour market is at present staggeringly low.

With the process of state building, the need for Palestinian national unity is acute. The current disconnect between Ramallah and Gaza is a serious impediment which has

to be overcome. Reconciliation should take place in a manner which promotes peace and corresponds to the expectations of the Palestinian people.

The international community will have to be ready to assist the new State of Palestine when it comes into being. But it has to do more even before that. It has to intensify its engagement in the peace process in order to guarantee the framework in which decisive measures for peace can be taken. Conflict must be turned into cooperation, fear and uncertainty must be overcome by trust, and the obstacles to development must be removed.

It must be possible to find a balance between the legitimate need for security and human security, which can be enjoyed only in conditions of respect for human rights, the right to freely pursue employment and entrepreneurship, and the right to good governance and participation in such governance through social dialogue.

There is currently a security logic which must be replaced with a development logic, based on a long-term vision of the economic, employment and human security interests of all the women and men who hold a legitimate stake in this rich but troubled area. Can the divisions be overcome, physical and mental obstacles dismantled, and the human potential of the region's millions of inhabitants released for the purposes of development? Or will this potential remain frustrated, with hope denied by conflict and a real development effort reduced to administering continuous humanitarian first aid? The future of not only the workers but the entire population of the occupied Arab territories, as well as that of Israel, depends on the answers that the parties directly involved and the international community give to this question.

Regarding the situation of workers of the occupied Arab territories, no real improvement can take place unless the restrictions imposed by the Israeli occupation, and the occupation itself, are removed. As the Report indicates, the measures undertaken by the Palestinian Authority have brought it to a point beyond which economic and employment growth is not feasible if the conditions of occupation are not dismantled.

Preserving East Jerusalem as the capital of a viable Palestinian State remains a pressing concern. Palestinian presence in and access to the city continues to decline, while Palestinians are confronted with discrimination in areas such as urban planning, education and social services. Palestinian institutions and organizations, including employers' and workers' organizations, are still prevented from playing their important role. The Roadmap commitment to reopen the Palestinian Chamber of Commerce remains unfulfilled. As more parts of the Separation Barrier are being completed, the separation of East Jerusalem from the West Bank is becoming entrenched, with disastrous consequences for Palestinian social, economic, religious and cultural life.

The report of last year's mission recalled that settlements are the primary cause of the depletion of natural resources and confiscation of Arab land, restrictions on access and movement, territorial fragmentation, planning policies that impede Arab development, and violent acts by Israeli settlers. This year's Report shows that, regrettably, the situation has not changed. The multitude of restrictions faced by workers and entrepreneurs in the West Bank, including East Jerusalem, and the occupied Syrian Golan deprive the Palestinian people and the Syrian citizens of the occupied Syrian Golan of the opportunity to seek and obtain employment and prosperity in accordance with the freedom and rights enshrined in the Constitution of the ILO.

In Gaza, the closure has produced high unemployment and dependence on external aid and an informal "tunnel economy". Unless the complete closure of Gaza is lifted, the economic and social fabric of Gaza will further disintegrate. The prospects for a recovery of activities which can guarantee the livelihoods of women and men will become ever more elusive.

The current peace process has largely bypassed the situation of the occupied Syrian Golan. The rights of the Syrian citizens to employment and the full use of natural resources need to be recognized and guaranteed in conditions of full freedom and respect for human rights.

The changes taking place in the broader Arab world are extremely important, possibly even decisive, for all future developments in the occupied Arab territories. Yet it would be too early to speculate on what these changes, with all their contradictions, will mean for the policies of Egypt, the Syrian Arab Republic and other countries in the area.

These developments offer both threats and opportunities, and they might open up new opportunities where little or nothing has happened for a long time. There are at least two dangers. Some may seek to speculate on change to achieve short-term gains; others may wish to use the uncertainties of change as an argument for not doing anything. Change will affect the framework in which the issues of occupation and peace are discussed: it does not alter the need to work on the building blocks of a peaceful solution. If anything, the prospect of change in the wider Arab region towards more democracy and openness should be a serious encouragement for the peace process.

May 2011

Juan Somavia
Director-General

Contents

	<i>Page</i>
Preface.....	iii
Introduction	1
1. The context: Expectations and uncertainty	3
2. Growth without employment: An economy constrained under occupation	8
3. Separation, discrimination and displacement: Palestinian workers and the occupation.....	18
4. Social justice and decent work: The foundations of State building.....	25
5. Stalemate in the occupied Syrian Golan.....	31
Concluding observations	33
References.....	35
Annex.....	39

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, as well as to the Syrian Arab Republic, in order to make as full an assessment as possible of the situation of workers of the occupied Arab territories. As in previous years, the mission sought to gather and assess information on the situation of the workers of the Occupied Palestinian Territory (West Bank, including East Jerusalem, and Gaza) and the occupied Syrian Golan.¹
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, as well as the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization. The representatives were guided by the resolutions adopted by the ILC, as well as the principles laid down in the relevant international labour standards and those enunciated by the supervisory bodies of the ILO.
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 humanitarian and human rights 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. The mission was guided by the relevant resolutions of the United Nations General Assembly and the Security Council, including Security Council resolutions 242 (1967), 338 (1973), 497 (1981), 1397 (2002), 1515 (2003), 1850 (2008) and 1860 (2009). They were also mindful of the Advisory Opinion of 9 July 2004 of the International Court of Justice (ICJ, 2004).
4. The Director-General entrusted Kari Tapiola, as his Special Representative, Tariq Haq, Research Economist in the Economic and Labour Market Analysis Department, Martin Oelz, Legal Specialist in the Conditions of Work and Employment Programme, and Shauna Olney, Coordinator, Equality Team in the International Labour Standards Department, with the mission to Israel and the occupied Arab territories, which took

¹ As has been pointed out in previous reports, 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 good will 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." It is recalled that the Golan was unilaterally annexed by Israel in 1981 and that Security Council resolution 497 (1981) calls on Israel to rescind its decision to annex the Golan, which has never been recognized by the United Nations.

place from 2 to 9 April 2011. Mounir Kleibo, ILO Representative for the West Bank and Gaza, and Rasha El Shurafa, Programme Officer in the Office of the ILO Representative in Jerusalem, undertook all the preparations for the mission, of which they were full members.

5. The Director-General's Special Representative visited the Syrian Arab Republic on 10 April 2011 for consultations with the Syrian Government and with workers' and employers' organizations.

6. The Director-General's representatives held numerous discussions and meetings with Israeli, Palestinian and Syrian interlocutors.² They met with representatives of various ministries and institutions of the Palestinian Authority and the Government of Israel, Palestinian and Israeli workers' and employers' organizations, non-governmental organizations (NGOs), research institutions and community leaders. The mission also consulted representatives of the United Nations and other international organizations.

7. Once again the Director-General is most grateful to all the parties involved, and wishes to acknowledge that his representatives enjoyed 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 mission by the authorities of the Syrian Arab Republic and the International Confederation of Arab Trade Unions (ICATU).

8. In addition to data, studies and reports available in the public domain, this Report takes account of written and oral information obtained on the spot by the mission. The written submissions received from the Governments of Israel and the Syrian Arab Republic, the Palestinian Authority and the ICATU are acknowledged with thanks. Information obtained orally from the mission's various interlocutors was considered in a particularly thorough manner and checked as far as possible with other available information. In examining the situation of Palestinian and other Arab workers, the members of the mission conducted their work with impartiality and objectivity.

² A list of interlocutors is contained in the annex to this Report.

1. The context: Expectations and uncertainty

9. There has been no significant change for the better in the predicament of the Palestinian workers and people since the report to the 2010 session of the ILC. That report referred to stalled peace negotiations. In virtually all of the meetings held by the mission team this year, no one seemed to envisage an immediate result from the peace process. Yet it is evident that there are high expectations arising out of the Palestinian Authority's September 2011 target for institutions to be ready for statehood.

10. The award of permits for and construction of settlements continue in spite of virtually unanimous international calls for Israel to refrain from building them. Settlements and Israeli restrictive practices, particularly with regard to Area C as defined in the Oslo Accords, as well as the division of the areas into different categories, remain a major impediment to economic activity and employment. Institution building for a future Palestinian State has gathered momentum, but the persistent divide between Hamas and the legitimate Palestinian Authority has added to the isolation of Gaza, which now relies more and more heavily on an informal tunnel economy.

11. At the same time, developments in the Arab world are a factor which increasingly has to be taken into account. The way this process unfolds, especially in Egypt, will have an impact on the situation in Gaza in the short term, but it also forms the backdrop for future developments in all of the occupied Arab territories. As the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General, Robert Serry, pointed out to the UN Security Council, "the shifting regional dynamics have added uncertainty to the environment of an already difficult Middle East peace process" (United Nations Security Council, 2011). From an ILO standpoint, we must not lose sight of the fact that, throughout the region, this movement, largely driven by the Facebook generation, is essentially about social justice and fundamental rights.

12. Although certain positive elements can be noted, such as the effect of lifting some of the restrictions on the delivery of goods into Gaza, the increase in business confidence in the areas under the Palestinian Authority and easing of movement between urban areas in the West Bank, the improvements in the situation of workers are tentative. Even where they have occurred, they are highly incremental and remain severely curtailed by the constraints of occupation.

A myriad of controls and divisions

13. For the Palestinian workers, the space for economic activity and employment is severely constrained in all the parts of the Occupied Palestinian Territory, with different regimes in the West Bank, Gaza and East Jerusalem. The same is true for the Syrian citizens in the occupied Syrian Golan. The restrictions are physical and administrative, in terms of movement of people and goods. They range from the physical presence of checkpoints and the Separation Barrier to the effective control that the Government of Israel maintains over the West Bank. Restrictions prevent the establishment of Palestinian activities in some 70 per cent of Area C, which is indispensable for the viability of a future Palestinian State, and at the same time access to education, health and other services to the Palestinian communities is denied. The United Nations reports the highest number of demolitions of Palestinian structures in 2010 since recording began in 2005 (UNSCO, 2011).

14. In 2010 a partial ten-month moratorium on the construction of settlements was in place. According to the Peace Now organization, construction of 1,775 settlement

housing units, which was started before the moratorium was announced, was completed during this period, while work began on 114 new housing units (Peace Now, 2011). Since the end of the partial moratorium in September 2010, construction has started on more than 1,700 housing units (UNSCO, 2011) and new plans for additional settlement expansion continue to be announced, particularly in and around East Jerusalem. On 9 January 2011, the Shepherd Hotel in Sheikh Jarrah, a Palestinian neighbourhood in the heart of East Jerusalem, was destroyed as part of a plan to build new settlement units for Israelis. On 4 April 2011, Israel approved the construction of 942 new homes in Gilo settlement, following the approval of some 900 units in the same settlement in 2009 (BBC News, 2011). The International Court of Justice has held that construction in the territory occupied in 1967 is in breach of international law (ICJ, 2004), and the United Nations has consistently deplored such actions, which seriously jeopardize a negotiated solution to the conflict. As the Middle East Quartet stated on 5 February 2011, “unilateral actions by either party cannot prejudice the outcome of negotiations and will not be recognized by the international community” (UN, 2011a).

15. The Palestinian Authority firmly expresses the view that it has done what has been expected of it but that the reality and practices of the occupation will not permit it to go further. According to the statistical authorities, the economy cannot do any better unless there are political decisions about the future. If doing its best in the circumstances will not overcome the real obstacles to economic and employment growth, the legitimate question to the world is, what next? At the Ad Hoc Liaison Committee Meeting in Brussels on 13 April 2011, the UN Special Coordinator stated that “governmental functions are now sufficient for a functioning government of a State”. However, the report to that meeting found that the institutional achievements of the Palestinian State-building agenda are approaching their limits within the political and physical space currently available (UNSCO, 2011).

16. If the trend of further isolating East Jerusalem from other parts of the West Bank continues, it will end up being an area with increasingly prominent settlements and diminished space for the Palestinians. The Separation Barrier runs to a large extent east of the Green Line, and Palestinians who live on the “wrong” side of it are cut off from their livelihoods. Of the projected 142 kilometres of the Barrier, 103 either have been constructed or are being built (OCHA, 2010a). There is little scope for Palestinians to build in Jerusalem, and many continue to face the threat of demolition of their homes. Palestinians can obtain building permits only in 13 per cent of the annexed land, much of which is already built up (OCHA, 2009). Access to work, schools and services is limited, and the fabric of former Palestinian life is destroyed.

17. In the West Bank growth and development cannot be limited to Ramallah and its immediate surroundings. An easing of restrictions last year had led into a decrease in closure obstacles to 505, down 19 per cent from the total of 626 in March 2009. This resulted in an improvement in Palestinian movement between urban centres, but did not affect the constraints on access resulting from the Separation Barrier (85 per cent of which lies inside the West Bank), including restrictions on movement between East Jerusalem and other parts of the West Bank. Only three of the 16 checkpoints along the Barrier are accessible to Palestinians who have obtained an entry permit to East Jerusalem. Similarly, access to the Jordan Valley remains tightly restricted (OCHA, 2010a). As the OCHA report notes, “Israel is responsible under international humanitarian and human rights law for ensuring that the humanitarian needs of people under its occupation are met, and that these people are able to exercise their human rights, including the right to freedom of movement, work, housing, health, education, and to be free from discrimination” (ibid.).

18. If Palestinians could obtain more agricultural land and have adequate and secure access to water, they could farm more and generate more employment. The majority of the settlements in the West Bank are in hilly areas and water basins, thus making use of Palestinian natural resources, while for the Palestinian economy the cost of water and electricity is high. This also applies to the occupied Syrian Golan.

19. The discussion on the rights of Palestinian workers continues to take place in the context of occupation. Although statistics vary as to the number of Palestinian workers in Israeli settlements, their share of the Palestinian labour force remains significant. Palestinian workers in the settlements do not benefit from labour inspection or other services, and they are generally at the mercy of employers and middlemen. Israeli NGOs have continued to bring cases in Israeli labour courts on behalf of Palestinian workers who are or have been employed by enterprises in the settlements. However, the fundamental aspiration remains ending the situation of occupation rather than improving conditions under occupation.

20. The policy of the Palestinian Authority is that Palestinians should not work in Israeli settlements. But the practicalities of the situation are also recognized: if no viable alternatives are readily available, a certain number of people will continue to search for work where they can, even though they are highly vulnerable to exploitation. They enter a system with middlemen taking a large portion of their wages; with little job security or health care; with long working hours; and with a lack of the documentation necessary to claim their entitlements. While the application of Palestinian labour laws is excluded under the Oslo Accords, the legal and administrative system established by Israel to govern the settlements cannot satisfy the need to protect Palestinian workers' rights and interests, placing the cheap and unorganized labour of the Palestinian workers outside the scope of any meaningful protection. As regards Palestinian workers employed by Israeli employers, the General Federation of Labour in Israel (Histadrut) wishes to ensure that all workers in Israel are treated equally, and it underlines its commitment to cooperate with the Palestine General Federation of Trade Unions (PGFTU) on cases in which Palestinian workers have been denied their entitlements. One particularly difficult issue arises out of the entitlements of workers from Gaza, who have been unable to pursue their cases in Israeli courts. They are physically unable to go to the courts; as a result, the seven-year statutory period of limitation expires before they can file a case, and even when a case is filed for them they automatically lose it if they do not appear in person.

21. Violence is on the increase in the Occupied Palestinian Territory. In 2010, the number of Palestinian deaths was 87 (of which 72 were in Gaza). The figure for January–March 2011 was 30, all except seven of them in Gaza. Palestinian injuries totalled 1,539 in 2010, with the majority (1,256) in the West Bank. The monthly figures reached 204 in March 2011, of which 149 were in the West Bank. Thus, while fatal incidents are most common in Gaza, non-fatal ones outnumber them in the West Bank. Israeli deaths in 2010 amounted to eight and injuries 176 (OCHA, 2011a).

Gaza: The effects of the closure

22. The mission team noted a striking increase in construction and activity in general in Gaza, with much traffic on streets which in previous years had been relatively empty. With the continued restrictions on the movement of goods to and from Gaza, the “tunnel economy” has consolidated its position as the main driver of economic activity. Its role is so overwhelming that even established legitimate businesses have had to adapt to it to some extent. This is not a matter of choice but is dictated by circumstances. The effect

has been a distortion of normal enterprise activity and the acceptance of questionable and informal elements. This increasingly real prospect is a further argument for ending the closure in order to ensure that enterprise development and employment can take place with a minimum level of normality.

23. Many workers who have become unemployed owing to the collapse of other activities have turned to the opportunities that the tunnels provide. The recent increase in construction activity is due to more materials being brought in through the tunnels. All this not only promotes an underground economy in the literal sense of the word; it also takes its toll on the people working in this economy, with serious health problems and deaths caused by accidents as well as shelling by the Israeli forces. Tunnel work, along with the collection of rubble and garbage, is one of the “new” and hazardous occupations that have emerged with the closure, and widespread use of child labour is reported. In 2010, 46 workers died and a further 89 were injured in the tunnels (OCHA, 2011a).

24. All industries are seriously affected by the lack of materials that can be brought in through legitimate channels. With only one open border crossing, restrictions on cement and other construction materials continue to impede recovery and much-needed reconstruction. The economic activity that can take place may be sufficient for survival, but it will not allow for any meaningful expansion unless the restrictions on the access of goods to and from Gaza are completely lifted. It is a matter of particular concern that, contrary to the situation in the late 1990s, there do not appear to be any women running business activities in Gaza, not only owing to the blockade but also as a result of the restrictions on women imposed by the de facto authorities, limiting their mobility and behaviour, as well as the work that is considered acceptable for them.

25. Up to four-fifths of the population is dependent on humanitarian assistance (PNA, 2011a). With a high rate of unemployment, thousands of young graduates who cannot work and thousands of others who cannot go to universities, frustration will invariably grow unless the blockade of Gaza is brought to an end. There appears to be a good case for saying that, with a greater flow of goods in both directions, the economy could be put back on its feet in a short period of time. Failing that, the population in Gaza will continue to be supported by either humanitarian aid or the tunnel economy. As the mission already noted last year, the divide between employers and workers whose livelihoods have been crushed and those who profit from the underground economy is growing. It is further tearing apart what little is left of the social fabric.

26. Violence in the form of indiscriminate firing of rockets from Gaza into Israel and retaliation by the Israeli forces has been at a low level, although it has recently escalated. People who venture too close to the border in search of material or for agricultural work are being shot at and, in some cases, killed by the Israeli forces. Hamas remains in de facto control of the Gaza strip and has rejected basic principles of the peace process (UNSCO, 2011). Security concerns in Gaza are real, and they need to be acknowledged. However, the blockade has effectively strangled Gaza, and many civilians are paying a very high price in this context.

A leap of faith

27. Since 1967, the situation of workers, and of the whole population, in the occupied Arab territories has been described in many reports in minute detail. The facts of the situation on the ground are not unknown to anyone who has followed the conflict and the numerous attempts to find acceptable solutions. A vast majority of the population of the occupied Arab territories have known no other life than that under Israeli occupation. The occupation and its attendant restrictive policies and measures are contrary to

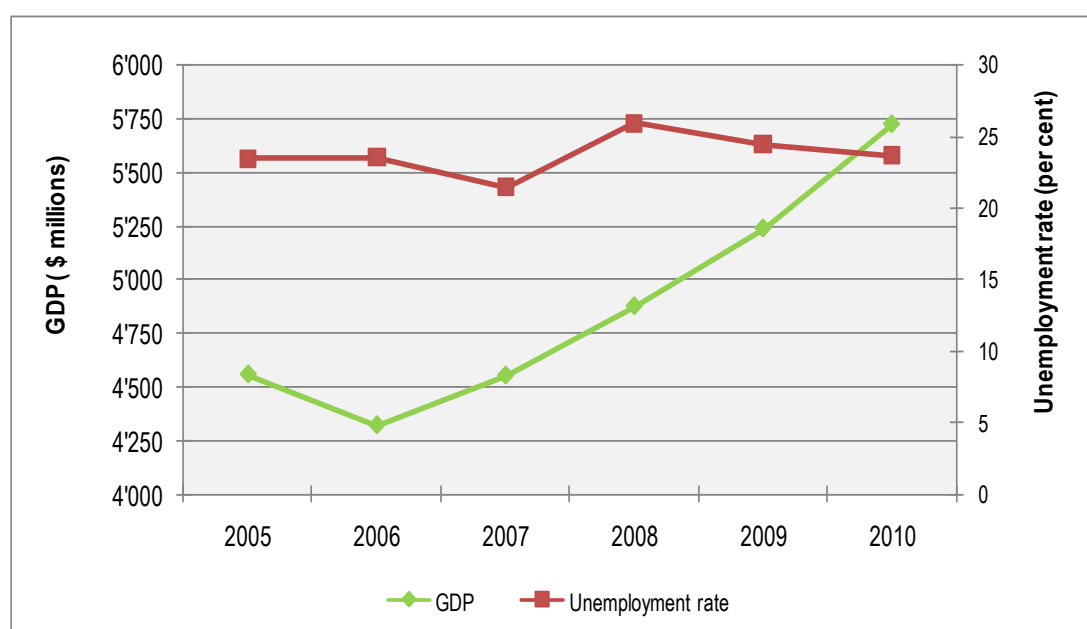
international law and numerous resolutions of the Security Council, the General Assembly and the Human Rights Council of the United Nations.

28. All parties have to come to a decision sooner or later on the next steps. The Palestinian economy has reached limits which cannot be overcome without agreement and action on the two major constraints it faces: occupation and separation. The potential of Palestinian State building should not be stifled and allowed to dissipate into frustration and discontent. The cost of failure is the continuing deterioration of an already unacceptable situation. Through negotiation and the resulting constructive action, a new situation can be created, in which Israel is not surrounded by disadvantaged and deprived neighbours, but by a strong and growing economy, making full use of the capacity of its working women and men. This calls for a leap of faith. But when the alternative is a continuation and degradation of a painful situation which is felt, in one way or another, by every inhabitant of the region, it is not only a leap: it is a way to restore and build a sound economic and human life.

2. Growth without employment: An economy constrained under occupation

29. The economy of the Occupied Palestinian Territory continued to grow in 2010. Overall gross domestic product (GDP) growth is estimated at approximately 9 per cent, composed of 8 per cent in the West Bank and 15 per cent in Gaza. While these growth rates may appear high, it should be noted that they represent improvements from a very low base. This is particularly so for Gaza, where, under siege, GDP had contracted by some 30 per cent over the period 2006–09. Moreover, the unemployment rate has eased only slightly to 23.7 per cent in 2010, as higher economic growth has failed to translate into significantly improved labour market outcomes (see figure 2.1).

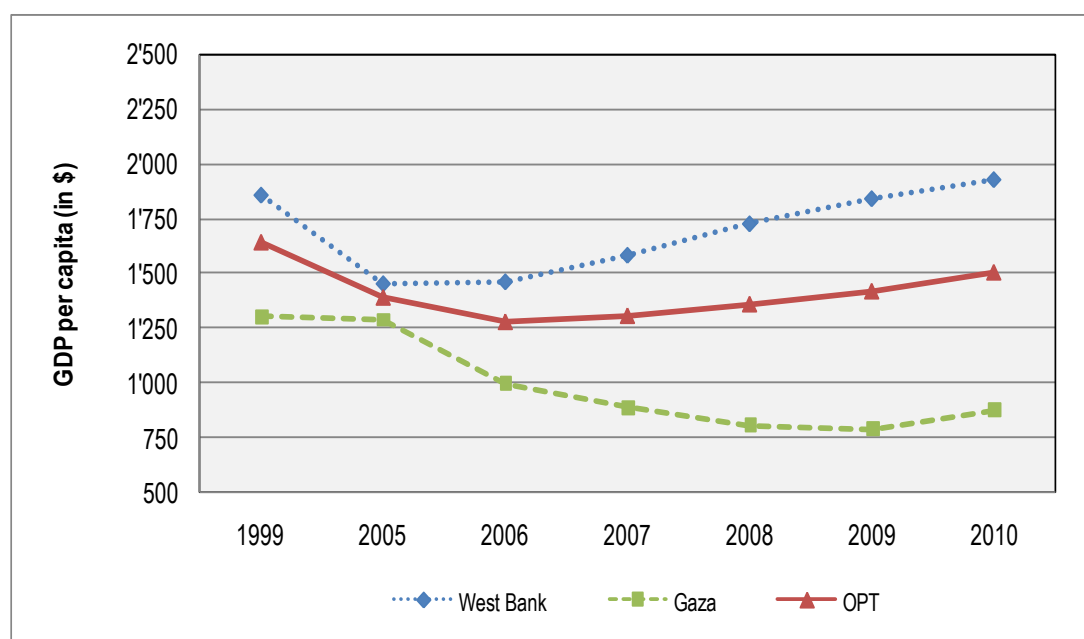
Figure 2.1. GDP and unemployment, 2005–10



Source: PCBS, National accounts (2011a and 2011b) and Labour Force Surveys (various years).

30. Higher overall GDP growth also resulted in a rise in real GDP per capita, to reach US\$1,502 in 2010. However, as figure 2.2 shows, this rate is still some 8.4 per cent lower than what it was in 1999, prior to the onset of the second intifada, further illustrating the fact that recent growth is a catch-up from a very deep contraction. The disparity between the trajectories and ensuing 2010 levels of per capita GDP in the West Bank (US\$1,925) and Gaza (US\$877) is stark.

Figure 2.2. GDP per capita at constant prices, 1999–2010



Source: PCBS, National accounts (various years) (2011b).

31. Higher rates of economic growth are attributable to different factors. In the West Bank, continued governance reforms by the Palestinian Authority (including improved domestic tax revenue mobilization) and the strengthening of the institutions (such as the Palestine Monetary Authority) required for an independent Palestinian State have been complemented by a relative relaxation of Israeli-imposed restrictions on movement in the first half of 2010. In Gaza, the easing of prohibitions by the Government of Israel on imports of consumer goods and inputs for some infrastructure projects led by international organizations in the second half of 2010 has allowed increased economic activity. The Palestinian Authority's institution-building efforts have resulted in a recent assessment to the effect that it is "well-positioned for the establishment of a state at any point in the near future" (World Bank, 2011). However, growth of the Palestinian economy continues to be underpinned by donor assistance, which amounted to US\$1.28 billion in 2010. Gaza remains particularly heavily dependent on aid. Consequently, this growth is not sustainable.

Labour market developments

32. Employment growth in 2010 did not keep pace with economic growth. Between the fourth quarter of 2009 and the fourth quarter of 2010, there was a 5.9 per cent increase in total employment (table 2.1). The resulting employment rate³ grew only very slightly from 31.2 per cent in the fourth quarter of 2009 to 31.8 per cent a year later, composed of 51.4 per cent for men, but a much lower 11.8 per cent for women. As the Palestinian Authority is capping new hiring in the public sector at 3,000 workers per year (IMF, 2011) in a bid to limit its wage bill, private sector expansion is critical to absorb the unemployed and new entrants to the labour market.

³ The employment rate is equal to total employment as a percentage of the population aged 15 and over.

Table 2.1. Labour market indicators, 2009–10

	2009	2010				2010	2010 Q4/2009 Q4
	Q4	Q1	Q2	Q3	Q4	Year average	(% change)
Population aged 15+ ('000)	2 321	2 342	2 365	2 387	2 410	2 376	3.8
Labour force ('000)	964	954	980	967	1 001	975.5	3.8
Employment ('000)	724	744	756	710	767	744.3	5.9
West Bank	466	458	488	449	490	471.3	5.2
Gaza	186	202	191	184	197	193.5	5.9
Israel and settlements	72	83	77	75	79	78.5	9.7
Unemployment ('000)	239	210	225	257	234	231.5	-2.1
Labour force participation rate (%)	41.5	40.7	41.5	40.5	41.5	41.1	0.0
Unemployment rate (%)	24.8	22	22.9	26.6	23.4	23.7	-5.6
West Bank (%)	18.1	16.5	15.2	20.1	16.9	17.2	-6.6
Gaza (%)	39.3	33.9	39.3	40.5	37.4	37.8	-4.8

Source: PCBS, Labour Force Survey, 2009–10.

33. The composition of employment in 2010 reveals that services and commerce make up nearly 60 per cent of Palestinian employment (table 2.2). The productive sectors of agriculture and manufacturing account for only 12.5 and 10.7 per cent of employment, respectively. Indeed, their share in GDP has virtually halved since 1994, so that manufacturing now accounts for a mere 11.6 per cent of GDP, and agriculture only 6.8 per cent. Construction, on the other hand, continues to increase its share of GDP (9.4 per cent) and employment (12.7 per cent). These trends indicate that the Palestinian economy lacks a strong productive base, which is a foundation for long-run sustainable growth and development. Higher overall GDP growth in 2010 must be viewed in this context.

Table 2.2. Sectoral distribution of GDP and employment, fourth quarter, 2010

	Share in GDP (%)	Share in employment (%)
Agriculture, fishing and forestry	6.8	12.5
Manufacturing, mining and quarrying	11.6	10.7
Construction	9.4	12.7
Commerce, restaurants and hotels	12.9	19.5
Transport, storage and communication	8	5.9
Services and other branches	51.3	38.7
Total	100.0	100.0

Source: PCBS, National accounts (2011b) and Labour Force Survey (2011c).

34. Employment in Israel and the settlements grew by 9.7 per cent, to reach an estimated 79,000 workers in the fourth quarter of 2010 (table 2.1). Palestinian workers in Israel and the settlements work primarily in construction, manufacturing and agriculture.

More Palestinian workers from the West Bank are benefiting from higher wages in the Israeli labour market across the Separation Barrier, and in the settlements on both sides of the Barrier; their incomes have in part fuelled the recent economic growth witnessed in the West Bank.

35. Labour flows to Israel and the settlements remain governed by a strict quota and permit regime for West Bank Palestinians who have been granted security clearance and are in possession of a magnetic ID card. According to the Israeli Coordinator of Government Activities in the Territories (COGAT), the number of permits issued to Palestinians in 2010 grew by 5.4 per cent to reach 50,600; 28,000 for work in Israel and 22,600 for work in the settlements (COGAT, 2011). The intrinsic value of a work permit for Israel or the settlements creates space for abuse by middlemen and employers. The mission has also repeatedly heard that the permit-issuing authorities often use the issuing or renewal of permits as a means to recruit collaborators. Approximately 30,000 workers without permits continue to find ways to cross the Separation Barrier in order to work in the Israeli labour market. These workers are extremely vulnerable to exploitation, and the mission once again learned about numerous cases of mistreatment and abuse.

36. In 2010, the Palestinian Authority declared its intention to withdraw Palestinian workers from the settlements, in conjunction with its initiative to ban the trade of settlement products in Palestinian markets. In the absence of sufficient alternative opportunities for comparably remunerative productive employment in the West Bank, Palestinian labour flows to the settlements continue. The Palestinian Authority is exploring the role that the Palestinian Fund for Employment and Social Protection could play in supporting the reintegration of settlement workers into the Palestinian economy, through possible training, placement and subsidy schemes.

37. Unemployment fell only slightly in 2010, from 239,000 in the fourth quarter of 2009 to 234,000 one year later. This resulted in a decline in the unemployment rate from 18.1 to 16.9 per cent in the West Bank, and from 39.3 to 37.4 per cent in Gaza over the same period (table 2.1). This relatively small decrease is evidence of pre-existing slack in the labour market, to the extent that businesses have been able to increase production (commensurate with the growth in GDP) without much new hiring.

38. The 2010 overall labour force participation rate of 41.1 per cent is already very low by international standards, while the unemployment rate, at 23.7 per cent, is among the highest in the world. Women and young people are particularly affected by low rates of labour force participation and high rates of unemployment. In the fourth quarter of 2010, women's labour force participation was a mere 15.3 per cent, compared to 67.2 per cent for men, and the unemployment rate of women was 23.2 per cent (PCBS, 2011c). While women have made significant gains in education, closing the gender gap in primary education enrolment and even exceeding male enrolment in secondary and tertiary education (World Bank, 2010), this has not translated into gains in the labour market, resulting in a great loss of economic potential. Employed women are mainly concentrated in the service and agricultural sectors, frequently in the informal economy, without any form of social protection. Moreover, a higher proportion of women are believed to be hidden workers, working as unpaid family members or in other low-skilled jobs such as cleaning, which they sometimes prefer not to declare, particularly if it involves working in Jerusalem or other Israeli markets across the Separation Barrier without permits. Women working in the formal economy frequently face other barriers, such as discrimination in terms of pay and benefits and lack of protection against arbitrary dismissal, which is reportedly not uncommon among pregnant women. Movement and access restrictions resulting from the military occupation further limit women's mobility, compounding the many barriers women face in finding decent work.

39. In 2010, only 25.8 per cent of young persons aged 15–24 were in the labour force, yet 38.8 per cent of them were unemployed. Young women participate far less in the labour force (8.4 per cent) than young men (42.5 per cent), yet the unemployment rate of those who do is far higher (see table 2.3). The situation is most pronounced in Gaza, where the prospects for economically active youth are dire: a staggering 61.2 per cent of young men and 75.8 per cent of young women in the labour force are unemployed. The Israeli labour market has been off-limits to all workers from Gaza since April 2006, leaving employed young men to work predominantly in low-wage, low-productivity services, agriculture and commerce. Since the blockade of Gaza started in 2007, many young men, including a substantial number of boys below the legal age of employment under the Palestinian Labour Law, have sought employment in hazardous conditions in the informal tunnel economy, for want of other viable alternatives.

Table 2.3. Youth labour force participation and unemployment rates, 15–24 age group, 2009 and 2010

	2009	2010		
	Total	Total	Male	Female
Youth labour force participation rate (%)	26.7	25.8	42.5	8.4
West Bank	29.6	29.1	47.7	9.6
Gaza	22.1	20.4	33.9	6.4
Youth unemployment rate (%)	38.9	38.8	36.8	49.6
West Bank	29.5	28.2	26.2	38.8
Gaza	59.2	63.4	61.2	75.8

Source: PCBS, Labour Force Survey database, 2009–10.

40. In 2010, the poverty rate in the Occupied Palestinian Territory, using consumption data based on a budget of basic needs expenditures, fell slightly to 25.7 per cent from 26.2 per cent in 2009 (PCBS, 2011d). Deep poverty, on the other hand, rose slightly from 13.7 per cent in 2009 to 14.1 per cent.⁴ There were significant differences between the West Bank and Gaza. In the West Bank, the poverty rate was 18.3 per cent and the deep poverty rate was 8.8 per cent in 2010, while for Gaza the figures were 38 and 23 per cent, respectively. These rates reflect actual consumption. However, if social assistance were left out of the equation, poverty in Gaza would rise to 48.2 per cent, and deep poverty to 33 per cent (ibid.). According to the World Bank, in 2009, as many as 71 per cent of Gazans benefited from at least one form of social assistance (World Bank, 2011). Donor aid has clearly kept poverty rates significantly lower than they would otherwise be, but large swathes of the population, especially in Gaza, remain particularly vulnerable.

Prices and wages

41. The year 2010 witnessed slightly higher inflation in the Occupied Palestinian Territory. Consumer prices, as measured by the PCBS Consumer Price Index, rose by 3.75 per cent in 2010, compared to a rise of 2.75 per cent in 2009 (PCBS, 2010

⁴ The deep poverty line, calculated to reflect a budget for food, clothing and housing, amounted to 1,783 new Israeli shekels (NIS) (US\$478), while the poverty line, which adds other necessities including health care, education, transportation, personal care and housekeeping supplies, stood at NIS2,237 (US\$609) in 2010 (PCBS, 2011d).

and 2011e). Expenditure groups most affected by price increases included food (a rise of 3.4 per cent), clothing (3.9 per cent) and education (6 per cent). In terms of regional disparity, price rises were higher in the West Bank (4.2 per cent) and East Jerusalem (5.3 per cent), while they were lower in Gaza (1.7 per cent). Relatively low inflation in Gaza can be explained by the entry of more goods into the territory since June 2010, which reduced the inflationary pressure that was previously being created as a result of supply shortages.

42. While nominal wages have edged up slightly in the West Bank and in the public sector in Gaza from 2009 levels, real wages have in fact fallen (table 2.4). The private sector has seen a greater decrease, both in the West Bank (-4.4 per cent) and in Gaza (-6.8 per cent). On the other hand, real wages earned by Palestinian workers in Israel and the settlements have increased by 2.3 per cent and represent approximately double the average daily wage earned in the private sector in the West Bank. There is a strong incentive to work in Israel and the settlements, and this will not diminish without a growing Palestinian private sector with adequate absorptive capacity and the ability to offer higher quality jobs.

Table 2.4. Nominal and real average wages and prices, 2010

	West Bank	Gaza
Average daily wage (NIS), 2010		
Public sector	90.6	73.9
Private sector	81.4	41.6
Israel and settlements	157.9	–
Real wage change 2010/2009 (in %)		
Public sector	-0.7	0.8
Private sector	-4.4	-6.8
Israel and settlements	2.3	–
2010 Consumer Price Index (%)	4.24	1.72

Source: PCBS, Labour Force Survey (2009–10) and Consumer Price Index data (2011e).

43. The Palestinian Authority is currently exploring the possibility of adopting a minimum wage (as discussed further in Chapter 4 below), long advocated by the PGFTU. If set at an appropriate level, a minimum wage could serve to reduce gender wage gaps and act as a basic social floor for vulnerable workers, thereby potentially raising their productivity. It could also make the Palestinian private sector a more attractive prospect for workers who would otherwise seek employment in Israel or the settlements, although given the vastly different economic conditions from those in Israel, it is unrealistic to expect that a Palestinian minimum wage could be set at a level comparable to the Israeli figure. Indeed, Palestinian businesses face specific obstacles that impede their competitiveness, such as higher transaction costs resulting from movement and access restrictions. But Palestinian workers crossing the Separation Barrier and working in settlements often have to cope with long, arduous commutes and high transportation costs themselves, so that even a partial closing of the wage gap between the Palestinian private sector and Israel and the settlements could encourage many to work in the former, provided there is adequate labour demand.

Physical impediments to sustainable growth in the West Bank

44. A multilayered system of restrictions on movement and access, including checkpoints, roadblocks, earth mounds, trenches and gates, coupled with a complex, opaque and controlling permit regime, also described elsewhere in this Report, continue to limit growth and affect livelihoods in the West Bank. The Separation Barrier is arguably the single largest impediment to movement within the West Bank.⁵ In the first half of 2010, when much of the 2010 GDP growth in the West Bank occurred, a number of checkpoints and roadblocks to the east of the Separation Barrier were removed and some permit requirements lifted. The total number of physical obstacles fell from 626 in March 2009 to 505 by July 2010. Of this total, 64 were permanently staffed checkpoints and 25 were partially staffed checkpoints (OCHA, 2011a). The second half of the year saw no further easing of the closure regime. A monthly average of 414 random or “flying” checkpoints was observed over the year 2010 (ibid.). While the removal of these obstacles improved movement between Palestinian cities, there was on the contrary a tightening of access to the “seam zone”, between the Separation Barrier and the Green Line, and to East Jerusalem. Similarly, access to the Jordan Valley and land around settlements remains tightly controlled.

45. The Separation Barrier has institutionalized a new commercial transportation regime in the West Bank. Five commercial crossing points along the Barrier allow Palestinian trucks to export to or through Israel or to receive imports using back-to-back trucking. While the Israeli authorities have invested heavily in physical and security-related infrastructure supposedly to facilitate the back-to-back trucking process, representatives of the Palestinian private sector and observers such as the Palestine Trade Center (PalTrade) question the efficacy of the commercial crossings, citing a range of high transaction costs. These include the inconvenience and expense of having to palletize goods according to strict limitations, inadequate access roads for heavy trucks, lengthy waiting, inspection and transfer times associated with the back-to-back system, limited working hours or days at the crossings, and occasional arbitrary and unannounced changes of procedure (PalTrade, 2010a). Transportation costs have also risen substantially. In addition, there is a higher risk of damage to goods, especially agricultural produce, which needs to move quickly to maintain value, yet often ends up waiting for prolonged periods in the open air without cooling facilities at the crossings.

46. Access to markets is a prerequisite for the survival and growth of the Palestinian private sector and, by extension, for Palestinians’ sustainable livelihoods. On 13 April 2011, the European Union (EU) signed an agreement with the Palestinian Authority to give all agricultural products, processed agricultural products and fish and fishery products originating in the West Bank and Gaza immediate duty-free access to the EU market (European Commission, 2011). To maximize the benefits of such trade agreements, Israeli restrictions on access to agricultural land and sea need to be lifted, and export routes must be opened up at costs that do not render Palestinian producers uncompetitive. At present, the only option apart from the Separation Barrier’s commercial crossings is the Allenby Bridge to Jordan. It is also controlled by the Israeli authorities and has limited capacity. Transportation costs to Europe are deemed to be significantly higher through this route. However, it would serve as a more effective

⁵ The Advisory Opinion of the International Court of Justice on the Separation Barrier delivered on 9 July 2004 called for an immediate cessation and reversal of construction activity and reparations for all damage that had been caused by it. This was endorsed by the subsequent UN General Assembly Resolution No. A/RES/ES-10/15 of 20 July 2004.

outlet to regional markets if trade with Arab neighbours were to increase in the future. Lastly, Palestinian producers need free access to domestic markets in order to increase domestic absorptive capacity, achieve self-sufficiency and benefit from economies of scale. However, trade between the West Bank and Gaza has been severed since the imposition of the blockade on Gaza in 2007, and East Jerusalem is becoming increasingly inaccessible to Palestinian producers from the West Bank, owing to ever tighter restrictions being imposed by the Israeli authorities.

47. Palestinian construction is prohibited in 70 per cent of Area C⁶ considered as closed or restricted zones and scattered with Israeli settlements. Permits are rarely granted by the Israeli authorities for any construction or development in the remainder. In 2010, the Israeli military demolished 368 Palestinian structures built without permits in Area C, in addition to 91 structures in East Jerusalem. While political pressure substantially reduced the rate of demolitions carried out in East Jerusalem in early 2011, there has instead been a sharp increase in demolitions in Area C: 160 structures were destroyed in the first quarter of 2011 (OCHA, 2011a). Access to Area C land is critical to Palestinian industrial and agricultural development and therefore to growth of the productive and absorptive capacities of the Palestinian economy.

Gaza: Coping under siege

48. After three years of a devastating blockade of Gaza, in June 2010, in the wake of the Mavi Marmara flotilla incident, the Government of Israel announced certain measures to ease access. Under these measures, instead of a list of goods allowed into Gaza, items may be imported if they do not feature on either of two lists of prohibited imports, one being an expanded version of the international list of “dual (civil–military) use” goods, and the other comprising a wide range of construction materials, including cement, steel and gravel. The announced measures also included an increase in the approval of building projects funded by certain international organizations, as well as the expansion of the capacity of the Kerem Shalom commercial crossing (OCHA, 2011b). However, with the exception of 200 truckloads of strawberries and cut flowers sent out to European markets in the framework of a Netherlands-supported project, exports were banned throughout 2010, while the movement of people remained confined to humanitarian cases (mainly urgent medical cases), and a limited number of holders of special business permits. The new measures provide only very limited relief; Gaza is in effect still under siege, as Israel retains tight control over the crossing of people and goods, as well as the territory’s sea and air space.

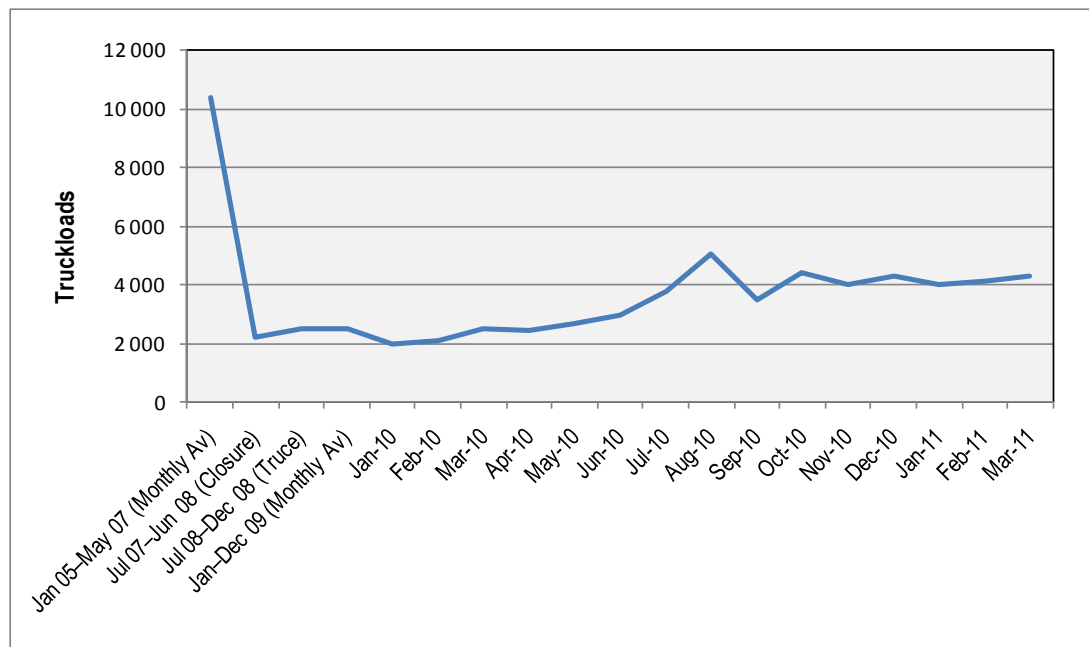
49. As a result of the new measures, average monthly imports to Gaza roughly doubled, from 2,000 to around 4,000 truckloads in the second half of 2010 (see figure 2.3). Even with this increase, the volume of imports represents barely 40 per cent of the monthly average prior to the blockade. It is worth noting that the November 2005 Agreement on Movement and Access (AMA) called for a *daily* flow of 400 truck movements in and out of Gaza by the end of 2006, a level of trade which itself was already much lower than that attained before the outbreak of the second intifada. This level was never reached.

50. While the Kerem Shalom crossing has been expanded, all other commercial crossing points to Gaza have now been closed, including the conveyor belt at Karni since March 2011. The greater capacity at Kerem Shalom is not sufficient to replace the capacity of all the closed crossings; moreover, as it is situated towards the southern end

⁶ Area C accounts for 60 per cent of the West Bank, including its largest aquifers and most fertile agricultural land.

of Gaza, trucks have further to travel, resulting in higher transportation costs. When the crossing is temporarily closed, commercial access to Gaza is completely blocked off.

Figure 2.3. Gaza imports: Average monthly truckloads, 2005–11



Source: PalTrade (2010b); OCHA (2011c) (for data from January 2010).

51. Gaza’s productive sectors continue to suffer from the blockade. The inability to legitimately rebuild or export has meant that Gaza’s industrial sector, whose infrastructure was dealt a crippling blow during the 2009 Israeli military operation “Cast Lead”, still operates at only a very low capacity. According to the Palestinian Federation of Industries (PFI), a little over 12,500 people were employed in the industrial sector in Gaza in March 2011, compared to over 51,000 in May 2007, prior to the blockade (PFI, 2011). Prolonged unemployment of skilled workers and technicians has already led to a deterioration of the skill base, further impeding the competitiveness of Gazan industry in the future.

52. Agriculture has also been devastated. Large swathes of agricultural land fall in the Israeli-imposed buffer zone, officially within 300 metres of the border with Israel, and in an unofficial high-risk zone which extends as far as 1,000–1,500 metres from the Barrier. The Israeli military frequently fires warning shots at anyone attempting to enter this area, whether to cultivate the land or to scavenge for rubble and scrap. Numerous deaths have been reported. According to OCHA, an estimated 75,000 metric tonnes of potential produce are being lost each year owing to the levelling of land and access restrictions, equal to an annual market value of US\$50.2 million (OCHA, 2010c). Limited access to cultivable land, compounded by extensive damage to irrigation systems and other infrastructure during operation “Cast Lead”, have greatly diminished agricultural productivity. Many farmers have been forced to adopt coping mechanisms that include cultivating far less lucrative rain-fed crops such as wheat and barley for their domestic consumption, renting land deeper inside Gaza, and engaging in limited animal rearing activities (such as poultry breeding), usually within their dwelling compounds (ibid.).

53. Similarly, the plight of fishers has continued, as fishing beyond the shallow waters 3 nautical miles off Gaza's coast remains prohibited by the Israeli military.⁷ This has resulted in the use of smaller nets to catch smaller, less profitable fish such as baby sardines, overfishing in the shallow waters, and increased importation of fish from Egypt through the tunnels under the border at Rafah. Many of Gaza's fishers have had no choice other than to seek alternative livelihoods.

54. While the legitimate private sector remains suffocated, the informal tunnel economy continues to thrive, and even appears to be adapting to the increased inflow of goods to Gaza from Israel. The number of tunnels in operation is believed to have halved from the previous year, to around 200–300 in total, but they are specializing, based on their effective comparative advantage. An estimated 800,000–1 million litres of fuel reportedly enter Gaza through the tunnels every day, at a cost substantially lower than that of the fuel imported from Israel. This has resulted in a significant increase in road traffic and use of electricity generators. In parallel, the number of tunnels dedicated to the smuggling of otherwise prohibited construction materials (notably cement, aggregates and steel) has increased from around 50 to 85, employing some 2,000–2,500 workers (OCHA, 2011b). Consequently, there has been a revival in construction activity, albeit with concerns over the quality of materials being used.

55. In December 2010, the Government of Israel announced that it would explore the possibility of allowing the export of agriculture, furniture and textile products to Europe, but not to Israel or the West Bank. At the time of the mission, this had not come into effect. While all access improvements are welcome, as a policy it falls far short of what is required. Trade with the West Bank is vital to the economic development and territorial integrity of a future Palestinian State. Gazans, currently dependent on donor support, need sustainable livelihoods. Achieving this requires growth that is sustainable, and this means export-oriented private sector-led growth. Gaza also needs construction and reconstruction on a large scale, which means that importation of the necessary materials must be allowed. The established private sector must be revived, and this calls for movement and access of people and goods.

⁷ From October 2006, the Israel Defense Forces (IDF) imposed a strict fishing limit of 6 nautical miles off the coast of Gaza. This limit already halved the 12 nautical mile limit negotiated in the 2002 Bertini Agreement, while the 1995 Oslo Accords gave Palestinians fishing rights up to 20 nautical miles off the Gaza coastline.

3. Separation, discrimination and displacement: Palestinian workers and the occupation

56. The daily lives of Palestinian men and women seeking to earn a living for themselves and their families remain profoundly affected by the continuing occupation by Israel of the West Bank, including East Jerusalem, and Gaza. Most critically, under occupation, the Palestinian economy and labour market – as described in Chapter 2 – will be unable to generate enough jobs for the growing and increasingly young Palestinian labour force. While a certain amount of growth of the Palestinian economy has more recently created opportunities for some, unemployment, precarious work and poverty remain the reality for large and growing numbers of Palestinian men and women of the Occupied Palestinian Territory.

57. Over half a million Israeli citizens – double the number at the time of the Oslo Accords – now live in settlements in the West Bank, including occupied East Jerusalem, in breach of international law (ICJ, 2004), and the range of measures and policies implemented by Israel have further consolidated and expanded Israel's presence there. Expropriations, evictions and demolitions, access and movement restrictions, and biased urban planning policies, particularly in East Jerusalem and Area C, impede Palestinian development, employment and livelihoods while favouring the interests of the Israeli citizens and companies in West Bank settlements. These measures have been described as manifestations of an institutionalized system of separation, exclusion and discrimination (B'Tselem, 2010a; Human Rights Watch, 2010; UN, 2010a). This chapter provides an update on some of the measures and facts on the ground affecting the exercise by Palestinian women and men of their rights to freedom of movement and residency, and to work and education, which are inseparably linked.

East Jerusalem: Freedom of movement and residency under continued threat

58. Access to employment in occupied East Jerusalem, historically the centre of the Palestinian economy and society, remains severely constrained for Palestinians residing East of the Separation Barrier (on the “West Bank side”). Israel is operating a permit system for entry to the city, with a limit on the number of permits, and access is only possible through three checkpoints. The travel time to the city from Palestinian suburbs of East Jerusalem such as Bir Nabala, Al Ram or Abu Dis has tripled as a result (OCHA, 2011d). Some 55,000 Palestinian permanent residents of East Jerusalem living in communities on the West Bank side of the Separation Barrier now need to cross checkpoints to enter the city for work, to obtain social or health services or for other purposes (ibid.). Likewise, Palestinian communities on the East Jerusalem side of the Barrier are cut off from their work and social life in the West Bank.

59. Being a West Bank identity card holder considerably limits the chances of being hired in East Jerusalem owing to the likelihood of difficulties with the permit requirements and delays in the daily crossing through checkpoints. These constraints also hamper Palestinian access to the city for education, training and health care. The restrictions on movement continue to affect teachers and students of Al-Quds University, which has campuses on both sides of the Barrier.

60. There is continued concern about the displacement of Palestinians from East Jerusalem. Between 1967 and mid-2010 some 14,000 Palestinian Jerusalemites had their permanent residency status revoked, with marked increases more recently. In 2008 alone

a total of 4,577 Jerusalem ID cards were cancelled (OCHA, 2011d). Obtaining residency in East Jerusalem for a West Bank spouse is virtually impossible. Since the construction of the Barrier, families with one spouse holding a West Bank ID card have thus moved to the West Bank.

61. The UN General Assembly has continued to call on Israel to comply strictly with its obligations under international law with respect to the alteration of the character, status and demographic composition of the Occupied Palestinian Territory, including East Jerusalem (UN, 2011b). However, the Separation Barrier, the route of which is designed to exclude Palestinian-populated neighbourhoods from the Jerusalem metropolitan area, increasingly functions as a de facto border. Although still part of the Israeli municipality of Jerusalem, Palestinian neighbourhoods on the West Bank side of the Barrier have experienced a decline in service provision by Israeli institutions and Israeli law enforcement. These communities have reportedly attracted mixed-residency families (in which one spouse holds Jerusalem residency and the other a West Bank ID card), given that Israel does not enforce the permit system for West Bank ID holders there (OCHA, 2011d; Al-Haq, 2010). However, there is continued fear that these Palestinian communities will eventually be cut off from the Jerusalem municipality, leading to a loss of Jerusalem permanent residency status of Palestinians residing there.

62. In July 2010, the UN Human Rights Committee called on Israel to revoke the 2003 Citizenship and Entry into Israel Law (Temporary Provision) which suspends, with certain rare exceptions, the possibility of family reunification between permanent residents of Jerusalem and their spouses from elsewhere in the West Bank and the Gaza Strip (OCHA, 2011d; OHCHR, 2010). In February 2011, the Ministry of Interior of Israel rejected 364 out of 841 applications for temporary permits from Palestinians holding West Bank ID cards who were born in East Jerusalem or had resided there for long periods. In 2007, the Government of Israel had decided that Palestinians falling into this category would no longer be eligible for permanent residency status in Jerusalem and had required them to apply for temporary permits. Only 31 applications were accepted, while 446 remain pending (OCHA, 2011d).

63. The Center for the Defence of the Individual (HaMoked) and the Association for Civil Rights in Israel (ACRI) lodged a petition with the High Court of Justice in April 2011 calling for an end to the policy of revoking the status of Palestinian East Jerusalem residents owing to prolonged residency abroad or acquisition of residency status in a different country (HaMoked, 2011). The current policy of revoking the residency status of Palestinians who have lived outside the city for a number of years seriously jeopardizes work and study opportunities abroad. It has a greater impact on women, who more often relocate to follow their spouses.

Planning crisis, demolitions and evictions: Impacts on livelihoods

64. Demolitions of Palestinian structures in East Jerusalem and Area C of the West Bank have continued, with recent sharp increases in Area C. In 2010, demolitions in Area C increased by 85 per cent compared to 2009. A total of 644 persons were displaced as a result of demolitions or evictions, 533 of whom were in Area C. The first three months of 2011 saw a further 308 persons displaced in Area C (OCHA, 2011a). Displacement in East Jerusalem also continues to occur as a result of settlers taking over Palestinian property in Palestinian neighbourhoods (OCHA, 2011d).

65. Demolitions affect family homes and infrastructure such as schools, small shops, cisterns and animal shelters. Demolitions and evictions have a dramatic economic, social and psychological impact on Palestinian families, including loss of employment and disruption of livelihoods (OCHA, 2011d and 2011e). The resulting pressures on families lead to increased poverty and aid dependency, as well as overcrowding of accommodation, increased violence against women and severe psycho-social and health consequences for children.

66. UN monitoring indicates that demolition of Palestinian structures often occurs as a consequence of the lack of building permits, in the context of military operations or as a form of collective punishment. Owing to the failure of the Israeli Government to “provide Palestinian residents of East Jerusalem with the necessary planning framework to meet their basic housing and infrastructure needs” (OCHA, 2011d), including appropriate zoning and land registration, many Palestinians resort to building without the required permits. As observed by OCHA, the Israeli urban planning scheme “appears to be designed to [preserve] a demographic majority of Jewish residents vis-à-vis Palestinians in the city” (ibid.).

67. Most of the demolitions carried out in Area C involve structures in areas designated as “firing zones” for military training by the Israeli army. Bedouin communities, which mostly reside in Area C and rely on herding and agriculture for their livelihoods, are particularly affected by such demolitions. Although reportedly there may be no or little military training in these areas, the communities concerned are under constant threat of demolition and eviction (OCHA, 2011e). In March 2011, the Israeli authorities carried out demolitions for the sixth time in the Palestinian village of Khirbet Tana, a Bedouin community of 250 persons, destroying all the buildings and structures, with the exception of a 150-year-old mosque (B’Tselem, 2011a).

Settler-related violence in the West Bank

68. Violent incidents involving Israeli settlers in the West Bank have continued unabated. OCHA reports a 26 per cent increase in settler-related violent incidents from 352 in 2009 to 476 in 2010 (OCHA, 2011f). In 2010, 79 violent incidents resulting in Palestinian casualties and 219 such incidents causing damage to Palestinian property were reported. During the same period, 32 violent incidents resulted in Israeli casualties and 83 in Israeli property damage (OCHA, 2011g).⁸ Concerns continue to be raised regarding the lack of appropriate investigation and prosecution by the Israeli authorities of complaints involving violent acts by settlers against Palestinians and their property (B’Tselem, 2010a; DCI, 2010). Yesh Din, a human rights organization following the progress of investigations into complaints filed by Palestinians with the Israeli police, reported that over 90 per cent of some 600 cases it has monitored since 2005 were closed without indictment (Yesh Din, 2011).

69. Violent acts perpetrated by Israeli settlers against Palestinians have a severe impact on their ability to reach their workplaces and are often directly aimed at the destruction of property crucial for Palestinian livelihoods, such as crops and trees, including by

⁸ OCHA data on settler-related incidents resulting in casualties “includes all violent incidents involving Israeli settlers and Palestinians, including those in which the injury was caused by a member of the Israeli security forces during an intervention in such an incident” (OCHA, 2011g). On 6 April 2011, the Israeli army announced that every case in which uninvolved Palestinians are killed by IDF fire would henceforth be investigated immediately by the military police. This policy applies unless the incident occurred during combat. It does not pertain to Gaza (IDF, 2011). Systematic investigations had been suspended since the outbreak of the second intifada in September 2000.

levelling land and uprooting trees. Accessing land in the vicinity of settlements exposes Palestinian farmers to the risk of being attacked by settlers. Although during the olive harvest in 2010, the Israeli army ensured a certain amount of protection for limited periods, overall a significant increase in violent incidents compared to the 2008 and 2009 harvest seasons was reported (OCHA, 2010d). Settler violence continues to have a particularly devastating effect on Palestinian women, including by restricting their freedom of movement.

Shrinking grazing land: Palestinian farmers and herding communities in the West Bank

70. At odds with the agricultural potential of the West Bank and Gaza, agriculture amounts to merely 12.5 per cent of total Palestinian employment (PCBS, 2011c), while remaining the sector of the Palestinian economy employing the largest number of women. Greater access to work in agriculture is still on hold owing to continuing Israeli restrictions on access to land. Bedouin communities, whose livelihood depends on land for herding and agriculture, are particularly affected by this situation.

71. Area C as defined under the Oslo Accords amounts to 62 per cent of the West Bank, and includes the bulk of Palestinian agricultural and grazing land. However, some 70 per cent of Area C remains off-limits for Palestinian agricultural activities, whether as land earmarked for Israeli settlements, designated as nature reserves, or closed or restricted for military purposes or in connection with the Separation Barrier (UNSCO, 2011). Acts by settlers to expel Palestinians from land adjacent to settlements or to occupy privately owned Palestinian land continue (OCHA, 2011g).

72. In the Jordan Valley only 4 per cent of the land is cultivated by Palestinians. Some 33 per cent of the West Bank, mainly in the Jordan Valley, is closed for military purposes or designated as nature reserves (UNSCO, 2011). However, considerable amounts of agricultural land have been absorbed into Israeli settlements and are thus feeding into the Israeli economy. Agricultural projects by Israelis are subsidized by the Israeli Government (B'Tselem, 2010b). Being unable to work on and live from their land, thousands of Palestinian women and men are employed as agricultural day labourers in Israeli settlements under conditions which place them at risk of exploitation (as described below).

73. The Separation Barrier cuts off numerous Palestinian communities from their agricultural lands and, as observed by OCHA, restrictions on access to farmland behind the Barrier are increasing (OCHA, 2010a). Since 2003, farmers in the northern West Bank wishing to access their own land situated between the Barrier and the Green Line (the seam zone) have been obliged to request a "visitor permit". According to OCHA, monitoring of the situation in the northern West Bank "has revealed that the combination of the restricted allocation of 'visitor' permits and the limited number and opening times of the Barrier gates have severely curtailed agricultural practice and undermined rural livelihoods" (ibid.). Moreover, additional permits are required for the entry of farming machines and equipment.

74. With more parts of the Barrier completed, more areas are being isolated and designated as closed areas, including in Ramallah, Hebron, Salfit, Bethlehem and Jerusalem governorates. While initially registration with the Israeli authorities and showing an ID card at Barrier gates was sufficient to access land behind the Barrier, the visitor permit regime is gradually being applied to these newly created closed areas. In the face of an overall trend of decreasing numbers of permits, there are fears that the

regime in place not only undermines the livelihoods of Palestinians but also furthers a process of de facto annexation of land in the seam zone. According to the ACRI, the amount of land separated from the other parts of the West Bank has increased by 30 per cent in the last four years, while at the same time the number of permanent permits given to farmers in this area decreased by 87 per cent. While Palestinians have to undergo complex bureaucratic procedures to obtain permits to reach their own land, Israeli citizens may freely access the seam zone (ACRI, 2011).

75. The Israeli High Court of Justice, in a decision of 5 April 2011 regarding petitions filed by two human rights organizations, the ACRI and HaMoked, upheld the permit regime applicable to the seam zone. The petitioners had argued that the regime amounts to systematic discrimination against Palestinians and a severe infringement of their freedom of movement and access to land and livelihoods.

Gaza: Workers' rights under siege

76. The Israeli military warned the population of Gaza in 2009 not to move closer than 300 metres to the fence on the 1949 Armistice Line. However, OCHA research has shown that persons entering an area up to 1,500 metres from the fence, which amounts to 35 per cent of Gaza's agricultural land, are at risk of being fired at (OCHA, 2010c). Land levelling and property destruction are also regularly undertaken by the Israeli military in this area. This is creating an extremely dangerous environment for agricultural workers and has broader implications for the livelihoods of thousands of Palestinians in Gaza. The situation also affects Palestinian workers collecting rubble from houses and enterprises destroyed during the withdrawal of Israel from Gaza in 2005 and operation "Cast Lead" in 2009.

77. Under the closure, Palestinian workers and students continue to be prevented from reaching the West Bank and foreign destinations. The dire economic situation and the emergence of the tunnel economy as a consequence of the closure, as well as the intra-Palestinian divide, have all had implications for the respect of workers' rights, including freedom of association, gender equality, the elimination of child labour, and the right to safe and healthy working conditions. Coping strategies involve extremely hazardous activities, such as rubble collection and tunnel work. The prevailing social climate and de facto governance further reduce space for women in social and public life, including in employment. With international support, the PGFTU has been able to establish new offices and a training centre following the destruction of its headquarters during operation "Cast Lead", and the taking of some of its premises by the de facto authorities. Those authorities have closed down several civil society organizations in recent months, including the Sharek Youth Forum, and in mid-March 2011, targeted protestors, students and journalists who were calling for Palestinian unity.

Palestinian workers in Israeli settlements: Many dilemmas and a protection vacuum

78. Private enterprises and public institutions in Israeli settlements in the West Bank continue to rely on, and benefit from, the labour of Palestinian workers, both women and men. As the mission noted, the positions and perceptions on this matter are antagonistic. The situation created by the continuing occupation and settlement undermines social justice, human dignity and the fundamental rights of workers.

79. Construction, agriculture and manufacturing are the main activities in Israeli settlements that employ Palestinians. Israel has established 13 industrial zones east of the

Green Line, the biggest being Mishor Adumim and Barkan (B'Tselem, 2010b). Palestinian women mostly work in agriculture, but they are also employed as domestic workers in households in large settlements such as Ma'ale Adumim and Ariel (Kav LaOved, 2010a).

80. Under the present conditions of occupation and insufficient economic development in the Occupied Palestinian Territory, many Palestinian men and women will, in reality, be left with little choice other than to seek work in Israeli settlements, irrespective of the fundamental dilemmas this implies. While wages paid by settlement enterprises or public employers are likely to be at the very bottom of the scale from the Israeli economy's perspective, they are nevertheless higher than in the Palestinian labour market.

81. In their discussion with the mission, the Israeli employers' representatives reiterated their view that hiring Palestinian workers is equally beneficial for the enterprises located in settlements and for the workers concerned. They stated that Palestinian workers are treated in accordance with Israeli labour standards, although the low cost of Palestinian labour is clearly attractive to them. In a recent report on the Israeli settlement policy, the Israeli Information Center for Human Rights in the Occupied Territories (B'Tselem) has provided detailed information on the benefits and subsidies granted by the Israeli Government to industry and agriculture in the settlements, including grants and tax cuts. More recently, the Government has made provision for compensating companies for import taxes imposed by the EU on their products that originate from settlements (B'Tselem, 2010b).⁹

82. The Palestinian Authority considers that Palestinians should not work in Israeli settlements, which are illegal under international law. For this purpose, efforts continue in order to ensure that viable alternatives can be offered to them. The Palestinian Authority has continued its campaign for a boycott of products from settlement enterprises through a ban on selling these products in the areas under its control.

83. The PGFTU and NGOs such as Kav LaOved – Workers' hotline and B'Tselem continue to report cases of violations of workers' rights in Israeli settlements. Although there are no consolidated statistics on such cases, reports suggest that abusive and exploitative practices in the Israeli settlements may be widespread, rather than isolated cases. Among the violations reported are pay below the minimum wage, partial payment of wages, denial of social benefits, failure to issue pay slips and instances of child labour (B'Tselem, 2011b; Kav LaOved, 2010b; Vanden Boer, 2010).

84. Israel applies its laws and legal system to govern settlements and settlers, thus "creating a preferential legal and administrative structure" for Israelis (UN, 2011c). Until recently, labour contracts between Israeli employers in settlements and Israeli workers were governed by Israeli labour law, while contracts with Palestinians were governed by Jordanian law. In 2007, the Israeli High Court of Justice ruled that, where no other agreement is made between the employer and the worker, Israeli labour law should apply. Palestinian workers have continued to bring cases in Israeli courts relying on this precedent, with the assistance of specialized NGOs.

85. Despite the High Court's 2007 ruling, major concerns remain as to the protection of Palestinian workers employed in Israeli settlements in the West Bank. While it is important that individual workers can claim their rights and benefits in court, one should not underestimate workers' fear of filing claims against their employers. Their high level

⁹ The European Court of Justice has ruled that the preferential treatment under the Euro-Mediterranean Association Agreement between Israel and the European Community does not apply to products manufactured in locations brought under Israeli control in 1967 (Case C-386/08, judgment of 25 Feb. 2010).

of dependence on employers who have control over work permits and renewal of security clearance every three months places the worker in an inherently weaker position in the employment relationship.

86. Without monitoring and enforcement action by a competent authority, issues relating to wages and working conditions cannot be addressed in a satisfactory manner. However, the occupation has created a protection vacuum, of which employers are well aware. The Palestinian Authority is prevented from taking any action in Area C, while no labour inspections are carried out by the Israeli authorities in the settlements.

Access to justice: Palestinian claims against Israeli employers

87. Palestinian workers employed by Israeli employers face numerous difficulties in claiming entitlements and benefits. While many workers are not aware of their labour and social rights in the first place, bringing legal action in Israeli labour courts is generally unfeasible for them without accessible and effective legal assistance and representation. Bringing cases is often complicated by the fact that workers have not received pay slips or other documentation which may serve as evidence.

88. Both the PGFTU and the Histadrut continue their efforts to assist Palestinian workers in claiming their rights and benefits from Israeli employers in the event of non-compliance. The PGFTU can receive complaints from Palestinian workers, in particular from those whose employment has been terminated and who therefore no longer have access to Israel. On the other hand, the Histadrut can assist Palestinian workers in taking up their claims with the employers concerned, and, if no settlement is reached, to file a case in the labour court.

89. Since May 2010, the ILO has supported the establishment of a legal clinic of the PGFTU through a project which focuses on building the capacity of the federation's legal department with regard to Palestinian and Israeli labour laws. Through four legal coordinators in various locations in the West Bank and Gaza, the clinic was also able to establish and consolidate workers' claims against Israeli employers, which were being finalized for referral to the Histadrut for follow-up. Further strengthening of the capacity of the PGFTU to assist Palestinian workers in the event of labour disputes with Israeli employers is important and should continue.

90. A particularly urgent issue concerns the outstanding claims of Palestinian workers in Gaza against Israeli employers. These consist of claims relating to employment in Israeli settlements in Gaza before they were evacuated in 2005, as well as claims against employers in Israel dating back to the period before the blockade of Gaza, which effectively prevented Palestinian workers from reaching their workplaces in Israel. The blockade, the operational constraints of the PGFTU under the rule of the de facto authorities in Gaza, and the need for legal assistance to bring such claims before the Israeli labour court have all contributed to a situation in which many workers may no longer be able to seek redress, since under Israeli law such claims must be filed within a period of seven years.

4. Social justice and decent work: The foundations of State building

91. August 2011 marks the end of the two-year period fixed by the Palestinian Authority for completion of institutional readiness for statehood in the 2009 Program of the Thirteenth Government. Equality and social justice, which were set out as guiding principles in the Program, are also included in the recently released National Development Plan (NDP), 2011–13 (PNA, 2011a). The international community has commended the Palestinian Authority for the progress made in building the structures of a future Palestinian State (UNSCO, 2011; World Bank, 2011; IMF, 2011). Robert Serry, Special Coordinator for the Middle East Peace Process, recently stated that “it is my clear view that the strong institutions now established represent the basis of a State-in-waiting” (United Nations Security Council, 2011).

92. The UN report to the Ad Hoc Liaison Committee Meeting of 13 April 2011 concluded that, in the following six areas where the United Nations is most engaged, governmental functions are sufficient for the functioning of a State: governance, rule of law and human rights; livelihoods and productive sectors; education and culture; health; social protection; and infrastructure and water (UNSCO, 2011). In the context of livelihoods and productive sectors, the UN report underlines the importance of labour policies for sustainable economic growth, economic independence and national prosperity, and it makes specific reference to the promotion of decent work and social dialogue (*ibid.*). It is clear that preparedness for statehood must have not only a strong political and economic base, but also a solid social foundation.

93. In discussing institutional readiness, a distinction needs to be made between the West Bank and Gaza. While the Palestinian Authority has been making important strides towards establishing institutions for a future State, with the absence of the Palestinian Authority in Gaza there is “a disconnect between Gazans and many PA institutions. Hamas remains in de facto control of the Gaza Strip and continues to reject basic principles of the peace process” (*ibid.*). A Palestine divided would seriously undermine the sustainability of a future State.

A National Development Plan and an Employment Strategy

94. The NDP was released in April 2011, emphasizing a number of areas which are integral to the Decent Work Agenda. The importance of investing in education and vocational training, with a view to building a knowledge-based economy, is highlighted in the NDP (PNA, 2011a). The NDP also sets out a range of sector strategies in areas such as basic and higher education, social protection and empowerment, gender equality and employment.

95. The NDP should be viewed in conjunction with the Palestinian Employment Strategy. Released in December 2010, the Strategy aims to build on the Labour Sector Strategy (February 2010) which was examined in the report of last year’s mission (PNA, 2010a; ILO, 2010). The first priority of the Labour Sector Strategy was to create an appropriate environment for decent work, including developing a national employment strategy, establishing a public employment agency, supporting the Palestinian Fund for Employment and Social Protection (“the Fund”), and updating the labour market information system. The Employment Strategy sets out an ambitious plan of action addressing national social partnership, guidelines for decent work principles

and for occupational safety and health, tripartite consultation, vocational training, a public employment agency and an employment fund, cooperatives, a labour market information system, labour legislation, measures to deal with youth unemployment and labour market participation of women (PNA, 2010a).

96. The challenges facing the implementation of the Employment Strategy are also recognized, including the following: high unemployment (particularly among youth); low labour market participation (particularly of women); virtual absence of social security; high level of informal employment; high donor dependency; low level of social partnership; and technical and vocational training, a labour market information system and employment services still at the preparatory stage (*ibid.*). While the challenges seem daunting, meeting the objectives of the Employment Strategy will be essential for ensuring that social justice and decent work are key pillars of the future State.

Improving the legislative framework for decent work

97. Establishing a solid legislative foundation for decent work is important to ensure that rights and responsibilities are clear, and that accessible procedures and remedies are available. The revision of legislation is envisaged in the Employment Strategy and in the NDP. The NDP also provides for a comprehensive review and amendment of all legislation to ensure that women's equal rights are codified in the law.

98. The Labour Law of 2000 provides a framework for the protection of workers' rights, which can be built upon to more fully reflect fundamental principles and rights at work, as set out in the 1998 ILO Declaration on Fundamental Principles and Rights at Work, and the 2008 ILO Declaration on Social Justice for a Fair Globalization. The review of the Labour Law with a view to guaranteeing the rights of women is an important step in this direction, and is being undertaken with ILO support in the context of the joint UN programme on Gender Equality and Women's Empowerment. Looking forward to the future Palestinian State, this review is being carried out in the light of, among others, the ILO key gender equality Conventions, including those on equal remuneration for women and men for work of equal value, non-discrimination, reconciling work and family responsibilities, and maternity protection.¹⁰ Consideration will also need to be given to the question of how to promote and protect the rights of those in the female-dominated segments of the labour force that are excluded from the scope of the Labour Law. The revision of the Law will no doubt also be an important item on the agenda of the National Tripartite Advisory Committee and the National Women's Employment Committee (NWEC), discussed below. To ensure that the revised Labour Law is drafted with the benefit of the cumulative experience of all who have been and will be affected by it, and that it will have the support of all the relevant stakeholders, wide-ranging consultations should be undertaken, and the ILO has begun to facilitate such a process.

99. Another legislative initiative that was brought to the attention of the mission was the draft trade union law. The Palestinian Authority's report for the second year of the Thirteenth Government Program sets out as a priority activity and output the development and promulgation of a law on the regulation of trade union activity (PNA, 2010b). The mission was informed that a draft trade union law had been

¹⁰ The Equal Remuneration Convention, 1951 (No. 100); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Workers with Family Responsibilities Convention, 1981 (No. 156); and the Maternity Protection Convention, 2000 (No. 183).

submitted to Cabinet and is now being reviewed by a ministerial planning committee. The mission was also informed by representatives of the Federation of Palestinian Chambers of Commerce, Industry and Agriculture (FPCCIA) that the draft chamber of commerce law of 2005 has been reviewed, with a view to replacing the current legal regime regulating chambers of commerce, namely Jordanian law for the West Bank and Egyptian law for Gaza.

100. The mission trusts that the laws, once adopted, will enshrine the principles of freedom of association, in particular that all workers and employers, without distinction whatsoever, have the right to form and join organizations of their own choosing, without prior authorization; these organizations should be able to function without interference; and workers should be protected against discrimination for union membership or activities. Once again, a broad consultation process would be necessary prior to the adoption of both drafts. Some serious concerns were raised with the mission regarding both the content of the draft trade union law and the consultation process.

The need to revive the Palestinian Fund for Employment and Social Protection

101. The Fund was initially established in 2004. The development of the Employment Strategy was seen as an excellent opportunity to revitalize the Fund and to use it primarily for the operational priorities set out in the strategy. These priorities include promoting the growth of social and human capital and supporting the development of the private sector; creating job opportunities which address the needs of the most vulnerable groups in society; and upgrading the skills of the labour force with a view to increasing competitiveness (PNA, 2010a). The NDP sets as a priority policy over the next three years the launching of the Fund in partnership with private sector and civil society organizations (PNA, 2011a). The mobilization of funds is ongoing, and significant contributions have already been received; however, further funding is needed to achieve the ambitious objectives envisaged. Once it is fully operational, the Fund could prove to be an effective tool to address the high levels of poverty and unemployment. The Palestinian Authority is also giving consideration to using the Fund to promote job creation to provide alternative work to those currently working in settlements, although discussions on this matter are still at an early stage.

The debate on a minimum wage

102. The mission was informed of the recent lively debate on the need for a minimum wage. The Labour Law of 2000 refers to the establishment of a “wage committee” comprising an equal number of representatives of government, employers and workers, the mandate of which includes determining the minimum wage (sections 86–87). While the mission was informed that a wage committee had been established, it had not yet been convened. The PGFTU considers the minimum wage to be one of the most important issues, as it addresses the dignity of workers and is essential in the establishment of a Palestinian State. The PGFTU states that, in the face of increasing costs, basic wages have become so low that they cannot meet the basic needs of a family, and employers are able to exploit workers in the absence of a legal wage requirement (PGFTU, 2011). The Employment Strategy acknowledges the importance of “fair wages and good working conditions” in the state-building process, while also recognizing that there are many challenges to their achievement (PNA, 2010a). The mission heard about the particularly harsh impact of the present wage system on women, who are paid extremely low wages, including as kindergarten and nursery employees. The importance

of tripartite consultation on minimum wage issues was stressed, as well as the prospect for ILO technical assistance to facilitate this dialogue.

Education and vocational training

103. The NDP and the Employment Strategy place particular emphasis on the importance of improving education at all levels and technical and vocational training in order to meet the needs of a new State. Pursuant to the NDP, the Palestinian Authority plans to launch a programme of public investment to transform technical and vocational training to enable young persons and adults to develop skills that will open up new employment opportunities (PNA, 2011a). The Employment Strategy also emphasizes the importance of education and training, in particular with a view to enhancing the capacity of the labour market and increasing its efficiency “to a level that balances between the outputs of training and education and the needs of the real market” (PNA, 2010a). The World Bank concludes that “The mismatch between skills offered by a large pool of unemployed youth, including many with university degrees, and those demanded by the labor market, suggests that despite reforms to the educational system, much work remains to be done” (World Bank, 2011).

104. A Technical and Vocational Education and Training (TVET) Strategy, revising the 1999 strategy, was approved by the Minister of Education and Higher Education and the Minister of Labour in November 2010. The overall objective of the strategy is stated as follows: “to create a knowledgeable, competent, motivated, entrepreneurial, adaptable, creative and innovative workforce in Palestine contributing to poverty reduction and social and economic development through facilitating demand-driven, high-quality technical and vocational education and training, relevant to all sectors of the economy, at all levels and to all people” (PNA, 2010c). The strategy is ambitious and has important financial implications. The strategy document acknowledges the importance of establishing a sustainable mode of financing the system. The development expenditure plan set out in the NDP for 2011–13 includes US\$12.8 million for TVET-related interventions. The Government reports in the NDP that since 2008, 134 new schools were constructed, furnished and equipped, 312 schools were expanded, two vocational schools were constructed and two were expanded. The report also highlights the need for unfettered access to all the lands within the 1967 borders to allow better medium- and long-term planning for the education sector (PNA, 2011a). Investing in schooling and technical and vocational training is essential to opening up a wider range of opportunities to women and men for decent work.

Action for women’s empowerment

105. Women’s labour force participation rate, despite some improvement, remains staggeringly low, as described previously, at 15.3 per cent, with unemployment at 23.2 per cent (PCBS, 2011c). The numerous barriers to women’s employment in the Occupied Palestinian Territory have been enumerated in previous reports, and in this respect the situation has not changed significantly: from a skills mismatch, discrimination with respect to pay and benefits, to cultural barriers. Women tend to remain outside the formal labour force, and even within the formal economy there is considerable gender segregation, with women’s employment opportunities being restricted to a narrow range of fields characterized by low pay (World Bank, 2010). The situation in Gaza is even more dire, as women are being forced back into the home, looking after extended families living together in the limited housing available, and are suffering from an increase in domestic violence (OCHA, 2011b). Under the de facto

authorities, women are also severely restricted in terms of behaviour, mobility and what work they are permitted to do. Determined measures will be needed if marked improvements are to be made in the situation of women in employment, with particular attention in order to ensure that any such measures do not have the effect of reinforcing traditional gender divisions of labour.

106. Measures to promote the full participation and empowerment of women in society are foreseen in the NDP. The NDP acknowledges the need to increase women's labour force participation more quickly, including in leadership positions (PNA, 2011a). Modest targets are set, such as raising the proportion of women in the labour force by 2013 from 15.7 to 17.5 per cent, the proportion of women in local government councils from 18 to 24 per cent, and the percentage of senior civil service positions occupied by women from 2 to 4 per cent (*ibid.*). The Employment Strategy provides for career guidance and the improvement of skills, in particular for women, to increase their participation rate. The Strategy also notes the importance of child-care programmes and addressing cultural obstacles in improving women's labour force participation, although it does not include any measures to that end (PNA, 2010a).

107. Within the framework of the joint UN programme on Gender Equality and Women's Empowerment mentioned above, the ILO has implemented a series of initiatives focusing on gender mainstreaming, integrating gender-specific indicators in national statistics, and the establishment of the NWECC. The mission of the NWECC is to promote social justice through advancing gender equality in the world of work by ensuring that legislation, policies, programmes and actions adequately respond to the different needs of women and men. It is an advisory committee, with representatives from a range of stakeholders, including workers' and employers' organizations, the Ministry of Labour, other government ministries, the private sector, research institutions, NGOs and UN agencies. At present there are 25 members: 23 women and two men. The NWECC's substantive work still remains ahead, but the official endorsement of its terms of reference by the Minister of Labour on 24 March 2011 is an important step in legitimizing the Committee and providing it with a mandate to move forward. The NWECC could now have an important role in the discussions regarding the draft trade union and chamber of commerce laws, as well as issues related to minimum wages. Its next steps will involve defining a workplan and a strategy, and it could be an important catalyst for the development of a national equality policy.

108. While some progress has been made towards the empowerment of women, the results remain modest at best, and considerable obstacles still need to be overcome. In the concluding observations of the UN Committee on the Elimination of Discrimination against Women (CEDAW), concerns are raised regarding violence and sexual harassment suffered by Palestinian women, and their lack of freedom of movement, which has a detrimental impact on their rights to education and work, among other things (CEDAW, 2011). In a recently adopted resolution, the Commission on the Status of Women (CSW) cites the Israeli occupation as "the major obstacle for Palestinian women with regard to their advancement, self-reliance and integration in the development of their society". In terms similar to those used in UN Security Council Resolution No. 1325 of October 2000, the CSW resolution stresses "the importance of efforts to increase their role in decision-making with regard to conflict prevention and resolution and to ensure their equal participation and involvement in all efforts for the achievement, maintenance and promotion of peace and security" (CSW, 2011). Without peace and stability, the goal of truly empowering women in society generally, and in the world of work more specifically, can hardly be attained.

Social dialogue for good governance

109. The structure of labour relations is characterized in the Employment Strategy as “vulnerable”. It is also acknowledged that the involvement of the social partners in socio-economic policy is low, there are very few collective agreements, and the coverage of labour relations is low. Social partnership, which is defined in the Strategy as cooperation between government, employers’ organizations and trade unions, is recognized as essential for the implementation of the Strategy (PNA, 2010a).

110. With a view to promoting social partnership, the Employment Strategy provides for the establishment of a national Socio-Economic Council (*ibid.*). However, it is not clear what status the Council would have and when it is to be established. Progress has been made in the revitalization of the National Tripartite Advisory Committee with the support of the ILO. In February 2010, the Committee released the “Turin Declaration” setting out its vision, plan of action and institutional framework. There are 18 members of the Committee: 17 men and one woman. The meeting held by the Committee on 7 April 2011 was the first since early 2010. During the meeting an action plan was adopted, foreseeing a range of workshops and training on social dialogue. The Ministry of Labour will be organizing a national conference on social dialogue in the near future, in view of the importance of social dialogue as a means of guaranteeing social cohesion.

111. While social dialogue has been recognized as being key to the Employment Strategy, and dialogue institutions are being developed, trade unions and employers’ organizations continue to function in the absence of a legislative framework protecting freedom of association, as noted above, which may hamper the effective functioning of such institutions. It will also be important to ensure links between the various advisory bodies. The role of the NWECA and the National Tripartite Advisory Committee necessarily overlap to some extent, and it is unclear if, for example, their recommendations are intended to feed into the broader general Socio-Economic Council. It would be important to ensure that these committees are not marginalized, and are able to influence the broader policy dialogue. Important first steps have been taken in establishing bodies for social dialogue, which can be built upon to ensure that workers and employers, women and men, have a voice in the policies, institutions and laws that will affect them.

5. Stalemate in the occupied Syrian Golan

112. The situation in the occupied Syrian Golan continues without a solution, and the peace process seems to have passed it by, at least for the time being. Increased settlement activity is taking over more choice land and natural resources. The Syrian citizens now account for roughly half of the inhabitants of the region, with some 20,000 Syrian citizens and almost the same number of settlers in 32 settlements (CBS, 2010).

113. Land is being expropriated from Syrian citizens citing military or security grounds. Settlements are expanding horizontally, while the Syrian citizens remain mainly confined to five villages. The mission was informed that the Israeli authorities do not give permits for the expansion of the Syrian villages. Although demolition orders have not been implemented, fines have been imposed for building without permits. In addition, some arrests have taken place “for attempting to make a connection with the home country” (Syrian Arab Republic, 2011). The ceasefire has been maintained and the area has remained generally quiet (United Nations Security Council, 2010).

114. Israel extended its laws, jurisdiction and administration to the occupied Syrian Golan in 1981. This measure has not been recognized by the United Nations or the Syrian Arab Republic. The Security Council has decided that this de facto annexation is null and void (United Nations Security Council, 1981). The General Assembly has repeatedly called upon Israel to rescind its decision (UN, 2011d) and to withdraw from the occupied Syrian Golan (UN, 2011e).

115. The Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories (UN, 2010b) specifically called for facilitating visits of separated families located in the Syrian Arab Republic and the occupied Syrian Golan, pending a resolution to the conflict, and the clearing of all landmines in the occupied territory. The Syrian Government has stated that there is still a very large quantity of landmines in the area, and there are no accurate maps of their location. To date, 532 injuries have been recorded, including 202 fatalities.

116. There continue to be few employment opportunities, particularly for university graduates and other young people seeking professional posts. In practice, they are deprived of adequate work in line with their academic and professional qualifications. No hospitals or health-care centres have been built to service the Arab villages of the occupied Syrian Golan. Agriculture remains the main source of income for most families, and an estimated 96 per cent of the occupied Syrian Golan is agricultural land. However, the high taxes levied on agricultural products reduce the earnings obtained by producers, in particular for apples, which are their main crop.

117. A considerable share of the apples produced by the Syrian farmers in the occupied Syrian Golan is sold in the Syrian Arab Republic. Both the quantities of apples and the price obtained for them in that market have improved, and farmers have thus made a workable profit. Of nearly 40,000 tonnes of apples produced last season, 12,000 tonnes were transported to Damascus. The Syrian Government pays the farmers 50 Syrian pounds (approximately US\$1.05) per kilogram of larger apples, and 40 Syrian pounds (US\$0.85) per kilogram of smaller apples. This arrangement, which is essentially a subsidy by the Syrian Arab Republic, has been in force since 2005; its value is currently 60 per cent greater than in earlier years, owing to the increase in the quantity of apples that have been transported. However, the amount of water allocated to the apple growers

(200–250 cubic metres per dunam¹¹ of land) is considerably less than that allotted to the settlers (750 cubic metres per dunam), and is significantly costlier, which limits production and sales. Syrian citizens in the occupied Syrian Golan are not allowed to exploit the available lake waters, drill artesian wells or build water tanks to collect rainwater and melted snow. Moreover, as was the case last season, they may be subjected to rationing, which prematurely cuts off their water supply, preventing them from using the full amount of water allocated to them. Such rationing is not applied to the settlers.

118. Legislative Decree No. 17 of 14 February 2010, enacted by the Syrian Government, provides for compensation to its citizens in the occupied Syrian Golan who have lost their jobs and livelihoods as a result of having demonstrated their commitment to the Syrian national identity and homeland. During its visit to the occupied Syrian Golan, the mission heard that a list of 1,300 names had been submitted to a committee which is dealing with the issue in Damascus. Previously, such an arrangement had applied only to teachers, who had been particularly vulnerable to pressure by Israel to renounce their Syrian nationality.

119. After completing high school, a certain number of students are admitted to Damascus University. While there are no exact figures, “almost all” return to the area although there are few jobs available. In particular, prospects for university graduates are very limited. Work in Israel is a possibility. However, Israel does not recognize academic degrees from Damascus University and requires holders to pass an Israeli equivalence examination. The number of women completing their studies in Damascus has increased, but it is worth noting that upon their return to the occupied Syrian Golan, wishing to preserve their Syrian identity, they do not choose to work elsewhere.

120. Syrian workers hired to work for Israeli employers often carry out hard, dangerous and undeclared work, with low wages and long working hours. Many do not benefit from social security arrangements. They do not accept Israeli citizenship; they do not wish to join the Histadrut; and they cannot form their own trade unions. Young people in particular are under pressure to leave the area, thus affecting its already precarious demographic balance.

121. The Government of the Syrian Arab Republic continues to request technical cooperation in support of the Syrian workers in the occupied Syrian Golan.

¹¹ One dunam equals 0.1 hectare.

Concluding observations

122. The workers in the occupied Arab territories strive to earn their living and realize their aspirations under severe limitations arising out of occupation and separation. In the West Bank and Gaza, young people have been taking to the streets, calling for unity and an end to occupation. Their voices must be heard.

123. Separation has many faces. Among them are the separation resulting from the closure of Gaza; the effects of the Separation Barrier; the separation of East Jerusalem from the West Bank; the myriad of separation measures enforced in the West Bank areas; and the separation of the Syrian citizens of the occupied Syrian Golan from their homeland. In all these contexts, the workers suffer different forms of separation from decent work and incomes. These constraints are created by human beings, and human beings have the capacity to undo them.

124. In making some concluding remarks and recommendations, the mission is aware that they address different kinds of situations. They should be understood in the context of both the overarching need to put an end to the occupation and the need to build a viable Palestinian State. Immediate, albeit partial, measures can be pursued to alleviate the plight of workers and entrepreneurs under the occupation. They are not the solution to the constraints of occupation; they seek to provide a degree of justice to those workers who have been caught in the wheels of occupation and suffered from the exploitation it permits. Other measures will need to accompany the building of a democratic Palestinian State with a strong social dimension. The fact that the State is not yet a universally recognized reality does not mean that these measures should not be undertaken now, as an integral part of the process of achieving statehood, and building upon the considerable achievements of the Palestinian Authority to date.

125. The increased movement of people in the West Bank is welcome, but the trend towards easing restrictions on movement must be continued and extended to East Jerusalem and Gaza. In particular, for both human and economic reasons, the blockade of Gaza must end; dependence on external assistance must be reduced; and legitimate enterprise and employment must be encouraged. Gaza must not remain a closed aid-dependent area with growth coming from informal and illegitimate activities.

126. Increased trade within the Occupied Palestinian Territory and with the outside world is essential for a vibrant and sustained Palestinian economy. Under conditions of peace and coexistence, each and every country in the region will be able to share the fruits of economic prosperity.

127. The legitimate Palestinian private sector must grow in order to create more employment for Palestinian women and men. Access to land and to natural resources, including water, is critical for developing the economic base of the new State.

128. The potential of the Palestinian Fund for Employment and Social Protection has to be maximized in order to alleviate poverty effectively, provide protection to the unemployed and find viable alternatives for Palestinian workers who currently depend on work in the settlements for their income.

129. The question of a minimum wage needs to be addressed through a serious examination of the wage system, which should also tackle the problem of the extremely low wages paid to women. Tripartite consultation involving employers' and workers' organizations is necessary in this context. Assistance by the ILO can be made use of in this process.

130. Determined action is needed for settling the claims of Palestinian workers against Israeli employers. The obstacles faced by these workers in seeking a settlement, with or without going to court, can be alleviated through cooperation between the PGFTU and the Histadrut. The experience of the PGFTU legal clinic which the ILO has been supporting should be further built on.

131. The labour and employment-related laws and regulations of the future Palestinian State need to be firmly anchored in international labour standards to ensure that they support decent work. In particular, the future laws on trade unions and employers' organizations need to be in line with the principles of freedom of association and the right to collective bargaining, as well as other fundamental principles and rights at work. Legislative reform calls for wide consultation, and the services of the ILO are available to this end.

132. For their development, the economy and society need to tap the potential of women. The participation of women in the Palestinian labour force must be improved in ways which do not perpetuate or reinforce traditional patterns or gender stereotypes. The role of the National Women's Employment Committee could be central in this regard, and it should be given the resources, training and mandate necessary to be able to move forward with a bold agenda. The National Tripartite Advisory Committee could also play a role in this context, as gender issues should be mainstreamed into all policies and institutions.

133. Strong institutional arrangements for social dialogue are needed, and they have to constantly feed into the broader policy dialogue. The social dimension should not be an afterthought or a secondary consideration. It must be placed at the top of the strategic development agenda, together with the key economic and political priorities.

134. The peace process must be effectively extended to resolve the situation of the occupied Syrian Golan so that the fundamental rights of the Syrian citizens are realized.

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Annex

List of interlocutors

Palestinian institutions

Palestinian Authority

Prime Minister's Office

Salam Fayyad, Prime Minister

President's Office

Ahmad Rwaidy, Head of Jerusalem Unit

Ministry of Labour

Ahmed Majdalani, Minister of Labour

Hassan Al-Khatib, Deputy Minister

Salah Alzaroo, Deputy Assistant for International Cooperation Affairs

Asef Said Asa'd, Director-General of Employment

Hani Shanti, Head of Minister's Office

Ministry of National Economy

Hassan Abu Libdeh, Minister of National Economy

Ziad Karable, Director-General, Policy, Survey and Statistics

Ministry of Planning and Administrative Development

Ali Jarbawi, Minister of Planning and Administrative Development

Bashar Jumaa, Head of the Reform and Development Plan

Ahmad Shwaika, Acting General Director, Economic Sector Planning Directorate

Palestinian Central Bureau of Statistics (PCBS)

Ola Awad, President

Yousef Falah, Director-General of Population and Social Statistics

Amina Khasib, Director of National Accounts

Suha Kana'n, Director of Labour Statistics

Palestine Liberation Organization (PLO)

Nabil Sha'ath, Commissioner, Fateh Commission for International Relations and Palestinian Legislative Council (PLC) member

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Palestine Monetary Authority (PMA)

Jihad Al Wazir, Governor

Workers', employers' and other organizations

Palestine General Federation of Trade Unions (PGFTU), Nablus

Shaher Sae'd, Secretary-General

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Hussain Fuqaha, Member of National Secretariat

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Ghada Abu-Ghalyoon, Coordinator of Canadian Labour Congress Project of Strengthening Youth

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Palestine General Federation of Trade Unions (PGFTU), Gaza

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Tariq Al Hindi, Secretary of PGFTU, Chairman of Union of Agricultural Workers

Mohamed Abu Ajena, Executive member, Chairman of General Transport Union

Sameer Al Ashqar, Executive member, Chairman of Municipalities Union

Salama Abu Za'ater, Executive member, Chairman of General Union of Health Service Workers

Elias Al-Jelda, Head of Trade Union Organizing Department

Abdul Haleem Abu Za'ater, Executive member, Chairman of Union of Bank Employees and Workers

Zaki Khalil, Chairman of Textile Workers' Union

Baker Al Jamal, Executive member, General Union of Educational Services

Abdul Raouf Mahdi, International Relations Secretary, PGFTU

Ebtsam Diab, General Transport Union

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Samir Bakr, Fishers' Union

Federation of Palestinian Chambers of Commerce, Industry and Agriculture (FPCCIA), Ramallah

Jamal Jawabreh, Director-General

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Akram Hijazi, Grant Officer

Munji Nazzal, Economic Department Officer

South Hebron Chamber of Commerce, Industry and Agriculture

Jalal Makharza, Chairman

Nablus Chamber of Commerce and Industry

Husam Hijjawi, Secretary-General of Board of Directors

Salfit Chamber of Commerce

Fuad Awwad, Chairman and Secretary-General of Board of Directors

Gaza Chamber of Commerce

Fayez Abu A'kar, Treasurer, Chairman of the Economic Committee, Member of Board of Directors

Bader Sabra, Member

Tayseer Abu Eideh, Member

Bassam Mortaja, Managing Director

Maher Al-Tabba', Director of Public Relations

Mohammad Abu Hasereh, Hotel and Restaurants Association

Sami Al Nafar, President of Plastic Union

Mohammad Al Mansi, President, Federation of Engineering Industries

Jamal May, Gaza Agricultural Cooperative Association

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

Mahdi Abdul Hadi, President

Al-Haq, Ramallah

Shawan Jabarin, General Director

Wisam Ahmad, Programme Officer

Independent Commission for Human Rights, Ramallah

Mamdouh Aker, Commissioner General

Randa Siniora, Executive Director

Yasser Arafat Foundation

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National Women's Employment Committee

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Iman Hassasneh, Business Women Forum

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Israeli institutions

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Ministry of Industry, Trade and Labour

Avner Amrani, Senior Research Coordinator, Labour Relations Division
Shlomo Ytzhaki, Chief Labour Relations Officer

Ministry of Foreign Affairs

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Coordination of Government Activities in the Territories (COGAT)

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Uri Maman, Head of Economic Branch

Workers', employers' and other organizations

Manufacturers' Association of Israel

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Daphna Aviram-Nitzan, Head of Economic Research Department
Natanel Haiman, Director, Department of International Regulation

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Avi Nissenkorn, Chairman of the Trade Union Department
Einav Kabla, General Director of the Trade Union Department
Gilad Haroush, Economist of the Trade Union Department
Yousef Kara, Histadrut Representative to the International Labour Organization, Member of Executive Bureau
Alon Levin, Legal Adviser

International Institute of Leadership – Histadrut

Rami Bohana, General Director
Michael Frohlich, Deputy General Director and Project Manager
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United Nations and international organizations

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

Ramesh Rajasingham, Head of Office

Yehezkel Lein, Head of Research and Analysis Unit

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)

Margot Ellis, Deputy Commissioner-General

Christer Nordahl, Acting Director, UNRWA Operations, Gaza

Aidan O’Leary, Deputy Director, UNRWA Operations, Gaza

Gavin Roy, Special Assistant to the Deputy Commissioner-General

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

Yasmine Sherif, Deputy Special Representative of the Administrator

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

Saul Takahashi, Deputy Head of Office

World Bank, West Bank and Gaza Country Office

Dina Abu-Ghaida, Program Manager, Deputy to the Country Director

International Monetary Fund

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Gisha – Legal Center for Freedom of Movement

Tania Hary, Director of International Relations

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

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Taghrid Shbeita, Field Coordinator

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Occupied Syrian Golan

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Kanj Sleiman Abu Saleh, Farmer
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Hamoud Abu Saleh, Farmer
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Abdulmonem Hussein Annan, Deputy Director of International Organizations and Conferences
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Hassan Hijazi, Deputy Minister of Social Affairs and Labour
Issa Maldaoun, Deputy Minister of Social Affairs and Labour
Izzat Al-Saleh, Director of Press Office, Ministry of Social Affairs and Labour
Rakan Ibrahim, Director of Labour, Ministry of Social Affairs and Labour
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Mohammed Faisal Ghazi, Member of Board of Directors and Chairman of Labour and Insurance
Committee, Damascus Chamber of Industry
Zakiyah Al-Ajrad, Director of Labour Affairs Unit, Damascus Chamber of Industry

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Rajab Maatouk, General Secretary
Faisal Mohammed Abdallah, Vice-General Secretary
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