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## **International Labour Conference, 99th Session, 2010 Report of the Director-General**

### **Appendix**

#### **The situation of workers of the occupied Arab territories International Labour Office Geneva**

##### **Preface**

This year, in accordance with the mandate given by the International Labour Conference, I again sent high-level missions to the occupied Arab territories, Israel, the Syrian Arab Republic, and the Arab Labour Organization and the League of Arab States in Cairo, to report on the situation of Arab workers in occupied territories. The delegations enjoyed the full cooperation of all concerned parties, for which I am very grateful. This reaffirms the broad support that exists for the values embodied by the ILO.

My representatives held in-depth discussions with a wide range of representatives of the Palestinian Authority, employers' and workers' organizations in the occupied Arab territories, constituents in Israel and in the Syrian Arab Republic, representatives of the United Nations and international and non-governmental organizations. All provided valuable information and insights on the situation of workers in the occupied Arab territories, which have guided the preparation of this Report. As always, the mission conducted its fact-finding work with a deep sense of commitment and impartiality.

The Report depicts some improvement of the economic situation in the Occupied Palestinian Territory that can be attributed to accelerated growth and a slightly higher rate of employment which is, however, still very low by international standards. Average per capita incomes grew by 3.7 per cent over 2008 to reach US\$1,390, still falling some 15 per cent short of their 1999 peak. As a consequence of the nearly complete Israeli closure of the Gaza Strip, growth has not been evenly distributed between Gaza and the West Bank. The continued conflict situation has hindered economic recovery, a decade after the onset of the second Intifada.

More than one year after the devastating war, Gaza continues to be a "graveyard of industries", as a leading Palestinian industrialist described it, and the longer the closure continues, the more it undermines future prospects of workers and their families, in particular of the young generation. The effect of the war is now taking on another devastating long-term dimension. United Nations Secretary-General, Ban Ki-moon, after his recent visit to Gaza on 24 March 2010, assessed the Gaza closure as "unacceptable, unsustainable and counterproductive".

Four main factors explain what initially appears to be an impressive economic improvement, but which in reality remains precarious. First, it takes place against the background of a substantial reduction in output after 2000. Second, it was led by the extraordinarily high budget and development support given to the Palestinian Authority by the international community, which committed US\$1.4 billion in budget support alone in 2009. Third, the reform agenda of the Palestinian Authority paid off well in terms of security and the rule of law, thus improving conditions for economic activity in the West Bank. Finally, the very welcome easing of some obstacles to access and movement in the West Bank and between the West Bank and Israel contributed to the positive outcome.

By contrast, East Jerusalem is becoming more isolated from the rest of the West Bank owing to a policy of reducing the proportion of Palestinians living and working there. In addition, manifold obstacles impeding access to Palestinian land in Area C under Israeli control, which comprises about 60 per cent of the West Bank, prevent Palestinians from making more productive use of their land. Although some minor improvements in access to Gaza have recently been noted, the reduction of monthly imports, from 10,000 truckloads in 2007 to a mere 2,000 truckloads at present, while exports remain to all intents and purposes non-existent, tells a sad story.

While the Palestinian people are suffering, while workers' rights and human dignity continue to be violated on a daily basis, and despite the Palestinian Authority's adherence to a strict policy of non-violence, no progress was made in peace negotiations last year. Recently, the Israeli announcement of the continued expansion of settlements in East Jerusalem has cast a cloud on the beginning of proximity talks aimed at bringing about a resumption of substantive negotiations. The most recent military order regarding prevention of infiltration is perceived as a sword of Damocles by thousands of Palestinian families. I can only express my deepest concern at these developments.

"Palestine: Ending the occupation, establishing the State" is the title and the motto of the Programme of the Thirteenth Government from last August, which aims to build the institutions of a free, democratic and stable State of Palestine that adheres to the principles of human rights and equality under the rule of law and lives peacefully side by side with all its neighbours. The Programme has received broad support from the Middle East Quartet, from the League of Arab States, and from the international financial institutions. The Office of the UN Special Coordinator for the Middle East Peace Process has stressed the paramount importance of the international community continuing to support the state-building efforts of the Palestinian Authority. I wholeheartedly join in this call.

The complementary strategy of the Ministry of Labour for the Development of the Labour Sector from February 2010 aims at overcoming current shortfalls in the labour strategy by creating an environment conducive to decent work. The Palestinian Authority has expressed its commitment to respecting the standards laid down in the ILO's eight fundamental Conventions. With the Labour Law of 2000, it has put in place a basic legislative framework for the protection of workers' rights, and it is encouraging to note that the labour sector strategy outlines further action to consolidate and complement existing legal protection. As the labour sector strategy is an integral part of the Palestinian Authority's overall programming, mainstreaming employment must become a principle underlying all government actions aiming to promote private sector growth. I want to highlight the fact that employment must be the focus of a strategy based on a vibrant economy, decent work and good governance.

The ILO's engagement is rooted in the values upheld by the Organization and strongly supported by its global constituency. The ILO

has further expanded its programme of technical cooperation, whose priorities are aligned with the labour sector strategy and implemented in partnership with the Ministry of Labour, the Palestinian General Federation of Trade Unions and the Federation of Palestinian Chambers of Commerce, Industry and Agriculture, as well as other key national organizations and members of the international community.

The ILO will continue to work on enterprise development and job creation with the Ministry of National Economy, on social protection with the Ministry of Social Affairs, and on vocational education and training with the Ministry of Higher Education.

Special attention is being given to supporting the social partners and the development of the legal framework for social dialogue and tripartism.

I welcome every effort of the Government of Israel to ease the burden for Palestinian workers and families. The ILO has always maintained that improvements in access and movement have a positive impact on economic development and employment in the Occupied Palestinian Territory. A lasting solution to the conflict rests on building an independent, democratic and viable Palestinian State living in peace and security with all its neighbours.

Impediments to movement and access constitute the most important barriers to economic development and the establishment of a normal social fabric in the occupied Syrian Golan. Syrian citizens face severe hardship in securing the employment and incomes that would enable them to maintain their Syrian Arab identity.

The ILO remains fully engaged with the United Nations and the international community in supporting the legitimate right of the Palestinian people to statehood and to economic and social development leading to decent work in conditions of freedom, equity, security and human dignity.

**May 2010**

**Juan Somavia**  
**Director-General**

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## 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 missions to Israel and the occupied Arab territories, as well as to the Syrian Arab Republic and Egypt, 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 missions 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.<sup>1</sup>
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 also 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 missions 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 missions were guided by the relevant resolutions of the United Nations General Assembly and Security Council, including Security Council resolutions [242](#) (1967), [338](#) (1973), [497](#) (1980), [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 Friedrich Buttler, as his Special Representative, Tariq Haq, Research Economist in the Economic and Labour Market Analysis Department, and Martin Oelz, Legal Specialist in the Conditions of Work and Employment Programme, with the mission to Israel and the occupied Arab territories, which took place from 10 to 17 April 2010. 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 18 April 2010, for consultations with the Syrian Government and with workers' and employers' organizations, and Egypt, on 18 and 19 April 2010, to meet with representatives of the Arab Labour Organization and the League of Arab States.
6. In the course of the missions, the Director-General's representatives held numerous discussions and meetings with Israeli, Palestinian and Syrian interlocutors.<sup>2</sup> 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 missions 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, the League of Arab States, the Arab Labour Organization 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 missions mentioned above. The written submissions received from the Government of Israel, the Palestinian Authority and the Government of the Syrian Arab Republic, as well as the ICATU, are acknowledged with thanks. Information obtained orally from the missions' 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 missions conducted their work with impartiality and objectivity.

### **End Notes**

<sup>1</sup>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.

<sup>2</sup> A list of interlocutors is contained in the annex to this Report.

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