
International Labour Conference, 100th Session, 2011 Report of the Director-General

Appendix

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

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.

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Juan Somavia Director-General

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 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.

Endnotes

¹As 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.

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