
International Labour Conference, 101st Session, 2012**The situation of workers of the occupied Arab territories****Report of the Director-General****Appendix****International Labour Office, Geneva**

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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 a mission to Israel and the occupied Arab territories in order to make as full an assessment as possible of the situation of workers of the 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 Organisation, 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 consistently 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 UN 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). It was 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, which took place from 23 to 31 March 2012. 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. Owing to United Nations security restrictions, the Director-General's Special Representative could not visit the Syrian Arab Republic this year for consultations with the Syrian Government and with workers' and employers' organizations. Instead, written comments incorporating the views of the workers' and employers' organizations were received from the Syrian Government.

6. In the course of the mission, the Director-General's representatives held numerous discussions and meetings with Israeli and Palestinian interlocutors, as well as those from the occupied Syrian Golan.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. The written submissions received from the Governments of Israel, the Palestinian Authority and the Syrian Arab Republic, the Arab Labour Organization and the International Confederation of Arab Trade Unions (ICATU) are acknowledged with thanks.

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. 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.

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 goodwill and without prejudice. The decision to facilitate such an informal visit shall not serve as a precedent and does not contravene the Israeli Government's position. 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.

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

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