
International Labour Conference, 98th Session, 2008

Report of the Director-General

Appendix

The situation of workers of the occupied Arab territories

Preface

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

My representatives held in-depth discussions with a wide range of interlocutors from the Palestinian Authority, and employers' and workers' organizations in the occupied Arab territories, constituents in Israel and in the Syrian Arab Republic, and representatives of the United Nations and international and non-governmental organizations. All of them provided valuable information and insights on the situation of workers of 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 a dismal human, economic and social situation in the occupied Arab territories, overshadowed by stalled peace negotiations. Noteworthy differences between Gaza and the West Bank were observed, as well as some common problems.

In the aftermath of the devastating war at the turn of the year, the situation in Gaza has all the ingredients of a humanitarian catastrophe. The population is effectively sealed off from the rest of the world and lives on international assistance. With thousands of factories closed and people out of work, the modern economy has ground to a halt, replaced by informal makeshift activity and the "tunnel economy".

The scars of this war will remain for some time ahead. Plans for the reconstruction of Gaza are at a standstill, pending minimal progress on negotiations to facilitate access and movement of goods, which in turn depends on a much-needed reconciliation among Palestinian political leaders. The longer the complete closure of Gaza lasts, the more acute the sense of "collective punishment" of its people – a feeling shared by Palestinians living in the occupied Arab territories.

In East Jerusalem, the Arab population is subject to increasing pressures on dwellings, habitat, residency rights and consequently jobs and livelihoods. East Jerusalem has been basically cut off from its social, economic and political context in the West Bank.

In contrast, the situation of workers and families in the West Bank appears to have benefited from a slight improvement in security and economic activity. However, this lull has not been able to halt, much less reverse, the decline in average incomes and the grim employment outlook. Closure measures, including the Separation Wall and intensified settlement activity in occupied territory, have kept a tight lid on any economic shoots that might appear.

Overall, these developments are a matter of extreme concern. They are experienced in conjunction with stalled peace negotiations that have yet to deliver any tangible results. This grim picture is further overshadowed by the protracted discussions over the formation of a common governing platform among Palestinian political parties.

In the face of economic and social hardship, Palestinians nurture noble aspirations, as my representatives have again found. The large majority want to get on, in peace, with plans for their own future, their children and their statehood. These aspirations are constantly challenged by today's grim prospects, which leave little room for hope. Yet hope is vital to counter extreme alternatives that hold no future.

The Palestinian population is young. Over half of the persons of working age are between 15 and 29 years old. On completion of secondary education, when this is possible, they face limited job prospects. In fact, over half of those in the 15–29 age group are neither in education nor in employment – a waste of precious human resources anywhere but, in the context of the occupied territories, a dangerous mix.

The United Nations Secretary-General, Mr Ban Ki-moon, has recently called for a "new momentum to the search for a resolution of the conflict in the Middle East"* with a resumption of direct Israeli–Palestinian negotiations and engagement of the international community.

Massive international assistance and extraordinary work by United Nations agencies on the ground are helping Palestinians to cope. But coping is not living. As the ILO has often argued, economic and social progress is a condition for, and a consequence of, political developments. The situation of the occupied Arab territories, including the occupied Syrian Golan, demands both.

The ILO is engaged. This engagement is rooted in the values upheld by the Organization and strongly supported by its global constituency. The ILO has developed a comprehensive programme of technical cooperation addressing the employment challenges identified in the Palestinian Reform and Development Plan, which was formally endorsed by the Palestinian Minister of Labour and Planning in May 2008.

The United Nations system, including the ILO, has developed a Palestinian Early Recovery and Reconstruction Plan for Gaza. Substantial progress has been made towards coordination with the Palestinian Authority and in working as a One UN country team.

This mission has again highlighted the role of the social partners and the support they need and can expect from the ILO. Their contribution to revitalizing battered enterprises and workplaces is essential under any circumstances.

The international community must be more forcefully engaged to overcome the never-ending series of privations suffered by the Palestinians of the occupied Arab territories and allow them to exercise their legitimate right to statehood, in dignity and in peace with all of their neighbours.

May 2009

Juan Somavia
Director-General

* Press conference, 5 May 2009.

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 (West Bank, including East Jerusalem, 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 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 law, in particular, the Hague Convention of 1907 (respecting the laws and customs of war on land) and the Fourth Geneva Convention of 1949 (relative to the protection of civilian persons in time of war), of which Israel is a co-signatory. They were also mindful of the conclusion reached by the International Court of Justice (ICJ) in an Advisory Opinion of 9 July 2004, namely, that the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child, all ratified by Israel, are applicable in respect of acts done by a State in the exercise of its jurisdiction outside its own territory (ICJ, 2004).²
4. As in previous years, the missions were also guided by the relevant resolutions of the Security Council and the General Assembly of the United Nations, including Security Council resolutions 242 (1967) and 338 (1973).
5. The Director-General entrusted Friedrich Buttler, as his Special Representative, Tariq Haq, Employment Specialist in the Regional Office for the Arab States in Beirut, and Martin Oelz, Legal Specialist in the International Labour Standards Department, with the mission to Israel and the occupied Arab territories, from 18 to 25 April 2009. 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.
6. Friedrich Buttler and Nada Al-Nashif, Regional Director for the Arab States, were entrusted with the mission to the Syrian Arab Republic on 26 April 2009 for consultations with the Syrian Government and with workers' and employers' organizations, and to Egypt on 27 April 2009 to meet with representatives of the Arab Labour Organization and the League of Arab States.
7. In the course of the missions, the Director-General's representatives held numerous discussions and meetings with Israeli, Palestinian and Syrian interlocutors. They met with representatives of various ministries and institutions of the Palestinian Authority and the Government of Israel, 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.³ For the first time since 2006, the Director-General's mission was able to visit interlocutors in Gaza.
8. 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 representatives 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). The written submissions received from the Governments of Israel and the Syrian Arab Republic, as well as the ICATU, are acknowledged with thanks.
9. This Report takes account of information obtained on the spot by the missions mentioned above, as well as the documentation submitted by the missions' interlocutors and other documentation that is publicly available. In examining the situation of Arab workers of the occupied territories, the missions conducted their work with impartiality and objectivity.

¹ The Golan has been occupied by Israel since 1967 and was unilaterally annexed by Israel in 1981. 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." On 17 December 1981, the United Nations Security Council adopted resolution 497 calling on Israel to rescind its decision to annex the Golan, which has never been recognized by the United Nations.

² See paras 111–113 of the Advisory Opinion. The Advisory Opinion does not address the applicability of international labour Conventions ratified by Israel in the territory occupied since 1967.

³ A list of interlocutors is contained in the annex to this Report.

