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Report of the Director-General

The situation of workers of the occupied Arab territories

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Preface

In accordance with the mandate given by the International Labour Conference, I again sent this year a mission to prepare a report on the situation of workers of the occupied Arab territories. The mission visited the West Bank, including East Jerusalem and Gaza, Israel and the occupied Syrian Golan. It met in Geneva with the Director-General of the Arab Labour Organization. It received written information from the tripartite constituents of the Syrian Arab Republic.

The mission had in-depth discussions with representatives of the Palestinian Authority, the Government of Israel, employers' and workers' organizations in Palestine and Israel, Syrian citizens in the occupied Syrian Golan, and representatives of the United Nations and other international and non-governmental organizations. They all provided information which has guided the preparation of this Report. The mission also undertook a number of field visits.

I am grateful for the cooperation extended to the mission by all its interlocutors, who once again reaffirmed the broad support for the values of the International Labour Organization and its ongoing work with all its constituents. As always, the mission conducted its work with the aim of producing a comprehensive, accurate and impartial assessment of the current situation of workers in the occupied territories.

The situation of these workers remains precarious. The occupation, which will next year enter its sixth decade, is omnipresent in the West Bank, including East Jerusalem and Gaza continues to be sealed off. Since October 2015, the situation has been dominated by rising tensions, violence and loss of life of both Palestinians and Israelis in the West Bank.

Palestinian growth has been weak, and unemployment and poverty are pervasive. Donor support has declined. Negotiations to overcome the Palestinian divide have not yet yielded tangible results. The rebuilding of Gaza after the destructive war of 2014 is proceeding only slowly. International efforts to help the parties solve the deepening crisis have been tentative at best. Over the last year, direct contacts between the Palestinian Authority and Israel have been limited to security coordination and financial matters, both of which are essential for managing the daily situation, but are insufficient to create a momentum for improvement.

In Gaza, efforts centre on the enormous needs of reconstruction. But there is still some way to go from reconstruction to recovery. As a matter of urgency, Gaza will need to build a productive base in order to tackle what is the world's highest rate of unemployment. In the West Bank, the economy is tied down by the myriad obstacles to economic activity and trade, directly caused by the occupation. No lasting prosperity will return to East Jerusalem until confrontations and restrictions cease.

With the Palestinian public sector at the limits of its employment potential, many hopes rest on resources and investment from abroad and the development of the private sector. But any expansion of business activities requires permits from the Israeli military authorities. It would also require the lifting of the restrictions on the use of land and resources in what the Oslo Accords designated as Area C, intended to be the main area and resource base of a Palestinian state. Currently only a fraction of this area can be used by Palestinians. Further prerequisites for economic revival are free movement of people and goods within the Palestinian areas as well as access to and from the outside world. Virtually all of the measures that the Palestinian Authority can take on its own to foster a better investment climate and employment are heavily constrained by the realities of the occupation.

The occupation has generated an almost total dependency, affecting water, land, resources and trade routes, and jobs, rights and income. Half of Palestinian agricultural land cannot be freely and regularly accessed by farmers. Half of the fishers of Gaza remain unemployed. Palestinian employment is growing, however, in Israel and the settlements, either through increased permits or in grey areas where workers lack protection and are vulnerable to exploitation by contractors.

The peace process is at a standstill, but the occupation is not. Strategic points in the West Bank are controlled by the settlers and the Israeli military. The West Bank is in danger of sliding into violence, retaliation and extremism without rational discourse and cooperation. The current level of violence can still be countered by determined action and clear respect for the rules of engagement. However, if rejection and hate dominate the attitudes and action of entire communities and infect generations born and raised under the conflict, it will be increasingly difficult to stop the downward spiral. For a long time already, the Palestinian and Israeli narratives of yesterday, today and tomorrow have been in stark contradiction with one another.

For over two decades the international community has been advocating a two-state solution. However, such a solution has become more elusive and is in danger of being overtaken by events. Yet the Palestinian state-building effort goes on. One recent achievement is the Law on Social Security. Tripartite cooperation continues. The institutions needed for a sovereign state continue to be set up. Yet for over a year now, the negotiation process has been at a standstill.

My report observed last year that it was evident that for various internal reasons, the parties directly concerned would not be able to negotiate a way out themselves. That conclusion is all the more valid now. Therefore, the international community must mobilize to provide the parameters of a just and fair solution. Overwhelmed by other emergencies, it has so far not lived up to these expectations.

The roadmaps for the action which must now be taken by all concerned have not been drawn. The current road is fraught with dangers. In order to address the persistent vast inequalities between economic performance, employment and income, and freedom of movement and enterprise between two peoples in the same region, the principles of social justice and decent work must be applied.

May 2016

Guy Ryder
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 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 (the 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 equally guided by the resolutions adopted by the International Labour Conference, as well as the principles laid down in the relevant international labour standards and those expressed 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). 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). 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, Frank Hagemann, Deputy Regional Director of the ILO Regional Office for Arab States, Tariq Haq, Specialist on Employment Policies in the Employment Policy Department, and Department, with the mission to Israel and the occupied Arab territories, which took place from 2 to 10 April 2016. Mounir Kleibo, ILO Representative in Jerusalem, and Rasha El Shurafa, Programme Officer in the Office of the ILO Representative in Jerusalem, undertook the preparations for the mission, of which they were full members.
5. The Director-General's representatives also held consultations with the Arab Labour Organization, which took place in Geneva on 14 March 2016, and acknowledged its written report which was received subsequently. As has been the case since 2012, owing to United Nations security restrictions, no visit to the Syrian Arab Republic took place for consultations on this Report with the Syrian Government and workers' and employers' organizations. The mission received a written report from the Syrian tripartite constituents.
6. In the course of the mission, the Director-General's representatives held numerous discussions 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, 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 pleased to recognize that his representatives enjoyed the full cooperation of all parties, both Arab and Israeli, in obtaining the factual information on which this Report is based. The written submissions received by the mission are acknowledged with thanks.
8. This Report takes full account of written and oral information obtained on the ground by the mission, and also data, studies and reports available in the public domain. Information obtained in the interviews with various interlocutors was examined in a 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 of this Report.