

Committee on Economic, Social and Cultural Rights
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Submission by the Palestine NGO Network

I. INTRODUCTION

Before examining specific violations of the Covenant by Israel, it is crucial to remember the overall context in which these violations are taking place. More than 50 years after the UN recognized an Arab state in partitioned Palestine, we are still being denied the fundamental right of self-determination. This is the essence and the starting point of the long list of Israeli violations of economic, social and cultural rights that are occurring today. Without the right to self-determination and control over our own land, water and resources, without the simple right of access to the outside world, how can we be expected to enjoy any human rights, especially economic, social and cultural rights?

The simple truth is that Oslo and the illusion of peace has made the world forget about Israeli human rights violations in occupied Palestine. People have forgotten that Israel still exercises direct military occupation in 75% of the West Bank and Gaza Strip, maintains security control in 97% of our land, and suffocates the remaining 3% through closures. By any empirical standard, our living conditions are much worse now as a direct result of Israeli policies during the past five years of the so-called peace process.

A major reason that you see so much interest here from Palestinian activists is that we have nowhere else to turn. The Oslo process has silenced our voices and diverted the world's attention. Every day Israeli actions and international inaction remind us that human rights law makes no difference on the ground in Palestine. So we are turning to this Committee in the hopes of re-affirming the principle that these rights do matter and that we as Palestinians deserve the protection of human rights.

II. SUBSTANTIVE VIOLATIONS BY ISRAEL

As a signatory to the Covenant, Israel has duties to respect, protect and fulfill economic, social and cultural rights for all people within its jurisdiction. The duty to respect requires states not deprive people of human rights; the duty to protect requires states to ensure that third parties do not to deprive people of human rights; and the duty fulfill requires states to take affirmative measures to ensure that people enjoy human rights. Israeli policies and practices violate the duty to respect, the most basic of state duties, equated with civil and political rights in terms of freedom from direct government abuse.

There are three broad categories of Israeli policies that have caused economic decline in Palestinian territories and violated economic, social and cultural rights, particularly the rights to work, an adequate standard of living, housing, and health care:

- A) expropriation of Palestinian resources resulting in severe socio-economic deprivation,
- B) de-institutionalization of Palestinian economy resulting in dependency on Israel, and
- C) imposition of closure resulting in Palestinian confinement in isolated ghettos.

A. Violations of Expropriation and Dispossession

It is important to emphasize that Israeli expropriation of Palestinian resources from lands illegally occupied since 1967 is the primary cause of violations of economic, social and cultural rights. Without control over, or even access to, most of our own land, water and other resources, Palestinians are prevented from developing a viable economy capable of sustaining work, adequate living standards, and basic social services such as health care and education.

Israel has maintained military occupation over 75% of the West Bank and Gaza Strip and security jurisdiction over 97% of these lands, depriving Palestinians of economic development in these areas. The Netanyahu government's "secret" map for Palestinian territories was published this summer. Under the plan, Israel will annex 60% of the West Bank, including the vast majority of the 150 existing settlements.

Since 1993 Israel has tripled the settler population from about 100,00 to over 300,000, confiscating much of the best agricultural land in the West Bank and Gaza Strip to expand the settlements. Netanyahu recently announced that bids were open to build 6,500 housing units for the settlement on Jabal Abu Ghneim (Har Homa) intended to house 25-30,000 new settlers.

Israel has recently undertaken a massive construction plan in the West Bank, confiscating 16,000 dunams of land to build 20 new by-pass roads adding 400 kilometers to the road network. These roads surround and isolate West Bank towns from outlying villages and farmland.

Israeli authorities have demolished about 750 Palestinian homes since 1993, including over 400 since 1997, on the grounds that their owners did not have valid building permits. Israel has used a very restrictive permit system to limit the natural growth of Palestinian communities and consolidate control over territory for settlements, by-pass roads, and military areas.

Israel annually diverts over 500 million cubic meters of water from the West Bank's Eastern Aquifer Basin for domestic use and settlements. In contrast, the entire Palestinian population of the West Bank is allowed only 118 million cubic meters. Settlers annually consume a per capita average of about 1,000 cubic meters compared to 125 cubic meters for Palestinians. In the Gaza Strip, settlers consume over 1,500 cubic meters per capita, leaving Palestinians less than 100 cubic meters. Settlers pay \$0.40 per cubic meter for domestic consumption and \$0.16 for agricultural consumption compared to a flat rate of \$1.20 for both paid by Palestinians. Around 25% of the Palestinian population in the West Bank and Gaza Strip is not even connected to household water distribution systems.

These discriminatory policies and practices have the effect of crowding Palestinians into small pockets of urbanized territories without adequate land, water or sanitation, resulting in public health problems like poor hygiene and high rates of infectious disease. These

policies also prevent Palestinians from developing agricultural or industrial sectors, leading to clear violations of the rights to work, housing, health, an adequate standard of living, and other economic, social and cultural rights.

B. Violations of De-Institutionalization and Dependency

Israeli policy of separating the West Bank and Gaza Strip and carving the West Bank into isolated non-contiguous enclaves has prevented the development of independent Palestinian social and economic institutions. For example, the Palestinian Council/Authority has had to establish two parallel sets of ministries and bureaucracies in the West Bank and Gaza Strip, wasting scarce resources on duplication and undermining rational sectoral planning.

This process of de-institutionalization has occurred in all social sectors and affected all service providers, including government, private and NGO providers. As a result, Palestinians have suffered reduced access to basic services such as education and health care, and the cost of maintaining even reduced services has increased due to duplication and inefficiencies. In one example, Israel forcibly deported all 1,200 Gazans studying at West Bank universities and refused to allow them to resume their studies and complete their degrees. These students have therefore either stopped studying or settled for inferior substitutes in Gaza, whose system of higher education is much less developed than in the West Bank.

Israel's policy of segmenting Palestinian territories and populations has undermined Palestinian economic capacity, resulting in an enormous trade imbalance favoring imports over exports. This weakened economic capacity is demonstrated by an 18.4 percent decline in real per capita GDP and a 36.2% decline in real per capita GNP from 1992 to 1996, evidencing a drastic drop in Palestinian living standards. **See Chart 1.**

Israeli policy has also reinforced Palestinian economic dependency on Israel for trade and commerce. For example, Israeli import policy prevents Palestinian commerce with countries with which Israel does not have a trading relationship. It also prevents Palestinians from developing independent, favorable trade agreements or any direct commercial relations with the outside world except through Israeli mediation. As a result, almost 90% of all Palestinian trade is with Israel, and the rest is generally through Israeli intermediaries. **See Chart 2.** Israel has even weakened commercial and economic links between the West Bank and Gaza Strip, resulting in a decline of about 20% in internal trade since the signing of the Oslo accords.

These Israeli policies have created profound structural unemployment, meaning that the Palestinian economy is unable to absorb its domestic labor force. Palestinians therefore depend on Israel for employment – a dependency created during the occupation. As such, Palestinians provide Israel a cheap, captive labor force that can be manipulated for political ends by opening and closing access through closure. Moreover, economic plans proposed by Israel, the United States and the World Bank call for more export processing zones like Karni at the Erez checkpoint. Similar to the maquiladoras at the US-Mexico border, these

areas allow Israeli and foreign capital to exploit cheap Palestinian labor while maintaining a strict closure confining Palestinians within their enclaves.

C. Violations Based on Closure

Since 1993, Israel has imposed a system of closures, based on the restrictive issuance of travel permits, with profound negative consequences for economic and social development in the West Bank and Gaza Strip. As a result, the Palestinian economy performed significantly better during the period of open civil resistance in the intifada than it has since the beginning of the so-called peace process under Oslo.

There are three types of closure. Israel has maintained general closure continuously since 1993, restricting and controlling the movement of people and goods between Israel and the West Bank and Gaza Strip, between Jerusalem and the West Bank, and between the West Bank and Gaza Strip. Comprehensive closure prohibits all travel between these areas. And internal closure prohibits all travel between Palestinian areas within the West Bank. It is important to note that these restrictions apply only to Palestinians, not Israelis or settlers. As an example of the frequency of closures, between 1993 and 1996 there were 329 days of comprehensive closure (almost 25% of total days), and 27 day of internal closure in 1996 alone.

The United Nations has estimated that the cumulative economic losses to the Palestinian economy as a result of these closures is \$6.5 billion between 1993 and 1996, or \$4.4 million per day. This represents about five times the amount of total donor aid disbursements during this period. These enormous losses have created a sustained economic depression in the West Bank and Gaza Strip since 1993.

Closure also creates a hostile environment for Palestinian business, leading to a 30-40% decline in sales revenues. Transportation costs for firms have increased 100-200% due to increased security checks during closure. The overall decrease in investor confidence has led to a 75% drop in private investment between 1992 and 1996.

Closure impacts drastically upon employment levels. Since 1993 average unemployment rates in the West Bank and Gaza Strip has been around 20%. During comprehensive closure, unemployment rates have climbed as high as 70-74% in Gaza and 50% in the West Bank. **See Chart 3.** This chronic unemployment has resulted in a drastic reduction in real wages. The UN estimates that real net factor income has declined 80% in the West Bank and Gaza Strip between 1992 and 1996.

The loss of real income, combined with inflation, has led to a sharp reduction in Palestinian purchasing power. Between 1995 and 1997, the average worker's monthly income covered only about two-thirds of basic needs (housing, food, clothing, medical care, transport, education and taxes) and less than half of all expenditures respectively. Food expenditures alone consumed 80% of wages. During this period, average monthly expenditures for basic needs fell by 11.8%, representing a clear decline in living standards.

Table 2: Average monthly wages spent on food and basic needs

	Year End 1995	Average 1996	Average 1997
Average food expenditure as % of average monthly wage	78.34%	85.30%	83.63%
Average monthly wage as % of basic expenditures	67.00%	63.50%	64.40%

Adapted from UNSCO quarterly reports (April 1997 and Spring 1998)

This dramatic loss of income and purchasing power has resulted in increased poverty. As table 1 indicates, almost 20% of the Palestinian population now lives below the poverty line.

Table 1: Income poverty in 1996

	Poverty Ratio (\$650/capita)
West Bank	10.5%
Gaza Strip	36.3%
WBGS Total	
Urban	17.2%
Rural	17.3%
Camp	30.8%
WBGS Total	19.1%

Adapted from UNSCO Quarterly Report (April 1997)

The impacts of closure are especially disruptive in the Palestinian health care sector. Palestinian medical staff and people seeking treatment are prevented from crossing Israeli checkpoints, leading to the duplication of services and preventing the creation of a cohesive and integrated medical system. The Ministry of Health has had to establish identical bureaucracies in the West Bank and Gaza Strip. Hospitals and clinics in A areas are operating above capacity while those in B and C areas are well below capacity.

The problems are most severe for East Jerusalem hospitals. Closure has cut off Palestinians in the West Bank and Gaza Strip from Palestinian hospitals in East Jerusalem, which formerly provided most advanced and specialized care for West Bank Palestinians as well as the only tertiary referral services (at Al-Makassed Hospital). For example, Makassed's neurosurgical unit was forced to relocate to Ramallah in the West Bank. The patient base for these hospitals has also been reduced by the Israeli policy of mandating that Palestinians living Jerusalem buy Kopat Holim, the Israeli health insurance. Kopat Holim frequently refuses to reimburse patients for services at Palestinian hospitals. Furthermore, Israeli authorities arbitrarily enforce harsh tax laws against Palestinian hospitals. All of these policies have the effect of reducing the available patient base for Palestinian hospitals in Jerusalem, creating a financial crisis and leading to reductions in staff, beds and services.

Table 3: Budget deficits faced by Palestinian hospitals in Jerusalem 1997

Hospital	1997 Budget Deficit	Cumulative Budget Deficit
Al- Makassed	\$7,179,200	\$5,500,000
Victoria Augusta	\$1,793,300	\$3,100,000;
St. John's	\$1,390,400	\$500,000*
St. Joseph's	\$65,000	\$250,000
Palestine Red Crescent Society	\$458,000	\$500,000

East Jerusalem Hospitals Forum, "Surviving to Serve the Palestinian Community Beyond the Year 2000" (October 1997)

Table 4: Measures taken by hospitals to reduce the budget deficit

Hospital	Reduction in Beds		Staff Cuts	
	1994	1997	1994	1997
Al- Makassed	264	207	707	589
Victoria Augusta	141	79	300	250
St. John's	82	76	70	56

Palestine Economic Pulse, "Restructuring Jerusalem's Fragile Health Institutions" (Nov-Dec 1997)

Finally, closure has exacerbated medical emergencies. During comprehensive and internal closures the need for emergency food and medication assistance rises steeply, particularly for hardship cases such as female-headed families with children. But Israel does not make exceptions for imports of key medical supplies, resulting in shortages of essentials such as antibiotics and vaccines. Israel also prohibits all access to medical facilities outside of confined Palestinian enclaves without a special "humanitarian" permit. Patients in need of ongoing medical care are not considered humanitarian cases, even patients being treated for cancer, heart disease, or renal failure. In 1996 Israel granted 150 humanitarian permits out of a total of 470 applications. Even under more relaxed conditions of general closure, it is extremely difficult for Palestinians to travel between the West Bank and Gaza Strip for medical reasons. Only six of 35 Palestinian ambulances and 11 of 43 ambulance drivers in the Gaza Strip have exit permits.

III. HUMAN RIGHTS CONCLUSIONS

The Committee should take note of the fact that Israeli violations are primarily violations of the duty to respect based on acts of commission – expropriating land, water and resources, demolishing homes and seizing property, restricting free movement of people and goods, cutting off access to external markets, confining people in isolated ghettos. Israel commits these violations without apology and in clear view of the international community. Yet because of the cover provided by the Oslo process, Israel has not faced international condemnation for such blatant disregard of its human rights obligations.

The Committee should also take note of the fact that Israeli violations are primarily violations of discrimination. Article 2(2) of the Covenant flatly prohibits discrimination in access to food, health care, housing, work, education and other economic and social rights. Israel's obligation not to discriminate is absolute, immediate and not subject to progressive realization. Yet Palestinians face the most egregious forms of violation based on national origin, religious belief and non-citizenship. Israel not only discriminates between

Palestinians and Israelis, but also between Palestinians and Jewish settlers illegally living right next to them and stealing their land, homes, water and other resources.

Finally, the Committee should take note of the fact that Israeli violations are based on the regressive impact of their policies and practices and on their failure to meet basic needs of Palestinians. In its General Comment No. 4, the Committee observed that State Parties may not adopt regressive measures that result, for example, in “a general decline in living and housing conditions directly attributable to policy and legislative decisions by States parties.” The Committee has also held that State Parties may never deprive people of the “minimum core content” of economic, social and cultural rights necessary to live in dignity. Israeli policies and practices have had a regressive impact on Palestinian living conditions and denied many Palestinians access to the minimum core content of the rights to work, health, housing, an adequate standard of living, and other economic, social and cultural rights.

In conclusion, I respectfully urge the Committee to condemn in the strongest possible terms Israeli policies that systematically deprive Palestinians of self-determination and of the resources and opportunities to develop their economic, social and cultural potential. If the Committee lacks the will and ability to condemn such severe human rights violations, then the Covenant will be rendered meaningless to the very people it was designed to protect.