



Balasan Initiative
for Human Rights



**Israeli Policies of Impoverishment & De-Development in the
Occupied Palestinian Territory: Impacts on Youth Emigration**

Case Study of Bethlehem

Introduction

A situation of occupation, like Israel's occupation of the occupied Palestinian territory ("oPt") since 1967, often brings about a host of human rights violations - attacks on civilians, extrajudicial executions, torture, seizure of territory, among many others. Such violations have been committed, and continue to be committed, by Israeli military forces in Palestine on a daily basis and as parts of Israel's governing policies of the oPt. However, the Palestinian context is unique for 2 key reasons; The Israeli occupation in Palestine is deliberately prolonged as it has lasted over fifty-six years, longer than any other occupation in modern times, and, with the excessive use of violence, it has enabled the establishment of a regime of permanent Jewish_Israeli control over all of Historic Palestine.

In long-term situations of occupation, the main usual human rights concerns which are associated with it are accompanied by whole new set of obstacles to the free self-determination and development of the occupied population and its territory. The control of territory and population by the occupying power acts as a tether which pulls back development, while the rest of the world surges forward and the lives of other peoples improve. How can a population make choices in their best interests when their freedom to choose is stripped from them, and when those in control have priorities which completely oppose their national, economic and personal aspirations?

So, we might ask, why has the occupation in Palestine continued for so long when international law defines it as a temporary situation? The answer to this is simple, Israel has no intention return the land it seized in 1967 to Palestinians. Rather, Israel's intention for Palestine is its eventual annexation, enabled by the lack of international accountability. This is illustrated most clearly by its continued confiscation of Palestinian lands for the construction of Jewish Israeli settlements, the continued transfer of its population into these settlements, and the relentless segmentation and ghettoization of the occupied West Bank.

One of the greatest obstacles to Israel's plan to annex the occupied Palestinian territories is the Palestinian people. The Palestinian people have lived there for thousands of years of careful tending to their lands, building their communities, and common struggle have created a powerful bond with the place they call home. This includes Palestinian Christians, communities who have existed since Jesus of Nazareth walked the on the same hills and roads. While the international community would immediately reject the forcible transfer of Palestinians from their lands in a brazen and obvious manner, time has shown that Israel's gradual tightening of the noose around the Palestinian neck has been very effective. Israel's aim has therefore been to inflict circumstances of life on Palestinians, such that they have no genuine choice other than to leave, that is, it has created a situation of permanent coercive environment for Palestinians, where even if they are not driven out of their homeland by physical force, they are driven out by "choice" of ridding themselves and their families from oppression.

Among those worst affected by the occupation are the youth. Denied the optimism of the future, and the ability to build lives for themselves through education, employment and economic fulfilment, young people in Palestine are increasingly considering emigration. Indeed, according to a recent survey ¹, almost one in three young people are considering leaving Palestine to search for better lives elsewhere. This has a particularly drastic effect on minority communities, such as Palestinian Christians, whose smaller numbers are more greatly affected by youth emigration, and whose continued presence on their ancestral land is threatened by the flight of future generations.

While push factors for youth emigration are multiple, and include security concerns and increased globalization, one of the main factors affecting youth emigration is economy and employment. Therefore, this report aims at looking at youth economic rights through the lens of the right to development, and how policies implemented by the Israeli occupation are pushing the forced displacement of Palestinian youth, especially Palestinian Christian youth, from their ancestral lands.



¹ Youth in Palestine, Friedrich Ebert Stiftung MENA Youth Study: Results Analysis, December 2022

I. Background

In 1967, Israel occupied the remainder of historic Palestine after the Nakba of 1948, extending its military rule into the West Bank, including Jerusalem, and the Gaza Strip. As occupying power, Israel took charge of civil administration, adopting laws, and a number of other important elements of Palestinian sovereignty, such as the control of its borders, including for trade through military orders. The Israeli military commander is the highest-ranking military officer; military laws are made in his name. To implement these laws, military courts were also established, and are still operational today. These courts have a devastating impact on the Palestinian population, and especially on Palestinian youth who are brought before them, as they have a 99% conviction rate². Since 1967, an estimated 700,000 Palestinians have been convicted by these courts.

In 1993, the first Oslo Accords were signed between the Palestinian Liberation Organization and Israel, followed by the Protocol on Economic Relations (the Paris Protocol on Economic Relations) in 1994, and the Oslo II Accords in 1995. The Oslo II Accords resulted in the artificial division of the occupied West Bank into three areas, Area A, Area B and Area C:

- **Area A**, which contains most of the main Palestinian cities and towns in the West Bank, was placed under the full civil and security administration of the Palestinian Authority. It accounts for a mere 18% of the West Bank. Although this remains the case, Area A is still frequently subject to incursions by the Israeli Occupation Forces, including for raids and home demolitions.
- **Area B** includes some 400 smaller Palestinian villages surrounding the larger towns and cities, and much connected farmland. While the Palestinian Authority conducts the civil administration of this area, Israel has exclusive competence for all matters relating to security in this area. It comprises 22% of the West Bank.
- **Area C** comprises the vast majority of the West Bank, making up 60% of the territory, and is placed under full Israeli civil and security administration. This area has most of the West Bank's farmland and natural resources, including water.

Although the Oslo Accords, including the Oslo II Accords, and the Paris Protocol were designed to be interim agreements, eventually to be replaced with Palestinian independence by 1999, these agreements were never designed to regulate a long-term state of affairs, and so their continued application has severe effect on the Palestinian people and Palestine itself. The main towns and cities in Palestine are all disconnected from one another, surrounded and divided by the Israeli controlled Area C, affecting community, infrastructure, trade, movement, and a host of other important aspects of daily life.

One of the most gruesome features of Israeli control in Area C is its continued construction of settlements, which are illegal under international law ³. Israel has unilaterally designated 70% of Area C for the construction of its settlements and their accompanying infrastructure,

² "Arbitrary By Default, Palestinian Children in the Israeli Military Court System", Defense for Children International, 2023.

³ See, for example, Security Council resolution 2334 (2016).

including roads and security infrastructure⁴. The area now has some 225 Israeli settlement⁵s and approximately 450,000 settlers⁶, making up 14% of the entire West Bank population. Due to restrictions on movement for Palestinians around areas containing settlements, this means that much of their own lands in Area C remains out of bounds for them. Furthermore, much of the rest of Area C has been designated as military firing zones, nature reserves or areas of archaeological importance, leaving less than 1% of land for Palestinians to build on and exploit.

Further attempts at annexation and fragmentation of Palestinian lands began in 2002 with Israel's illegal construction of the Annexation Wall. The Wall, whose total projected length is 713 km, is approximately 65% completed, and 85% of the route of the Wall runs inside occupied territory in the West Banks itself. Once completed, it will leave 9% of the West Bank, including East Jerusalem, on the Israeli side. Either side of the wall, a "Seam Zone" of 1,500-2,000 metres exists, within which Palestinians are prohibited from construction and need special permits to reside. Many communities have farmlands in the Seam Zone which are separated from them by the Wall, and have had their access severely limited as a result of its construction. An ulterior motive of the Wall is illustrated by the fact that 71 settlements and over 85% of the settler population are located in the Seam Zone⁷. In its 2004 Advisory Opinion, the International Court of Justice declared the construction of the Wall to be illegal and called for Israeli authorities to cease construction and dismantle parts already built⁸. However, this was never implemented by Israel. In fact, construction continued and the Annexation Wall was expanded.

It is in the context of these varied and proliferating illegal actions by Israel that we see how Israel's occupation and attempted annexation is a constant affair which affects not only Palestine itself, but the hopes, lives and means of sustenance of the Palestinian people. Their land is separated and exploited by occupying forces, and their lives interrupted by barriers to movement, construction and development of their natural heritage and resources. When thinking of their future, the Palestinian people can only look to the past of continued and worsening wrongs that they have suffered, which rob them of their optimism for fulfilment and self-actualisation.

4 Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, A/71/554, 2016, para. 52.

5 Ibid, para. 49.

6 2021 Report on Israeli settlements in the occupied West Bank, including East Jerusalem, European Union Office of the European Union Representative (West Bank and Gaza Strip, UNRWA), 2022.

7 The Humanitarian Impact of 20 Years of the Barrier, OCHA Fact Sheet, December 2022.

8 Advisory Opinion Concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, International Court of Justice (ICJ), 9 July 2004.

II. Palestinians' Right to Development

Almost 40 years ago, states came together in the United Nations General Assembly to adopt the Declaration on the Right to Development ⁹. The aim of the Declaration was to recognise that every person has the right to wellbeing and to be empowered to fully participate in vital decisions, not only affecting themselves, but affecting society as a whole. Its core tenets are the generation of social justice, the equitable distribution of economic resources, human rights compliant development, and the “full realization of the right of peoples to self-determination, which includes [...] the exercise of their inalienable right to full sovereignty over all their natural wealth and resources”.¹⁰

The right to development is of key importance when looking the effects of the occupation on economic rights in Palestine, and on the ability of Palestinians to economically self-actualise. Moreover, aside from article 1 as mentioned above, a number of other provisions of the right to development are of particular relevance to the Palestinian context, especially when considering economic rights in Palestine in more concrete terms.

For example ¹¹:

Article 3: States have the main responsibility for the creation of conditions favourable to the right to development, which requires full respect for the principles of international law in accordance with the Charter of the United Nations;

Article 5: States must eliminate human rights violations which arise as a result of apartheid, racism, colonialism, occupation, foreign interference with national unity and territorial integrity, and refusal to recognize the fundamental right of peoples to self-determination;

Article 6: States must eliminate obstacles to development resulting from failure to observe human rights, including economic and social rights, and promote and strengthen respect for human rights without discrimination;

Article 8: States should ensure equality of opportunity for all in access to basic resources, education, health services, food, housing, employment, and the fair distribution of income.

⁹ UN General Assembly, Declaration on the Right to Development: resolution adopted by the General Assembly, 4 December 1986, A/RES/41/128

¹⁰ Ibid, article 1(2).

¹¹ Note that the excerpts below are simplified versions of the provisions contained in the Declaration.

One of the most important aspects of the right to development is that it applies to every “human person and all peoples”¹², meaning that not only do Palestinians derive rights from the Declaration, but so do the Palestinian people as a whole. This is key, as it means that the right to development is relevant not only to macro-level economic factors affecting Palestinian lives, such as economy, trade and infrastructure, but also to factors contributing towards economic security at a more personal level, such as health, hunger, poverty, and access to employment and quality education.

The right to development is seriously threatened, and is indeed violated as a matter of policy, by the Israeli occupation. As noted, occupation is specifically mentioned in article 5 of the Declaration as a contributing factor to human rights violations, and in the context of the Israeli occupation, which has continued for over fifty years, Palestinian development has been severely curtailed, with deeply harmful effects on the indigenous population. Through the Declaration, we also see how conflict and other threats to peace and security threaten development, noting the Declaration’s reference in its article 3 to the UN Charter¹³ and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States¹⁴, which forbid the threat or use of force against the territorial integrity or political independence of any state¹⁵, underline that “no territorial acquisition resulting from the threat or use of force shall be recognized as legal” and that “the subjugation of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle, as well as a denial of fundamental human rights”, and reaffirm the “principle of equal rights and self-determination of peoples”¹⁶.

With the right to development firmly in mind, it is now possible to consider both the macro-level and individual factors affecting Palestinians’ economic security which arise as a result of the Israeli occupation and colonization, and how consistent violations of their right to development, among other rights, both individually and as a people, manifest as push factors affecting migration.

1- Economy and Trade

Among the areas most severely affected by the Israeli occupation of Palestine are economy and trade. These are vital areas, of course, because negative effects on economy and trade trickle down and affect every individual living under the occupation. They affect Palestine’s ability to interact freely and without obstacles in the global market, without which, Palestine remains isolated and falls behind global development. Indeed, according to the United Nations Conference on Trade and Development (UNCTAD), the total economic cost of the occupation on the West Bank alone between 2000 and 2019 has been approximately \$57.7 billion, an amount equivalent to 4.5 times the West Bank’s GDP.¹⁷

12 Declaration on the Right to Development, article 1(1).

13 United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI.

14 UN General Assembly, Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 24 October 1970, A/RES/2625(XXV).

15 Article 2(4), UN Charter.

16 Ibid, 13.

17 The economic costs of the Israeli occupation for the Palestinian people: Arrested development and poverty in the West Bank, United Nations Conference on Trade and Development, 2021.

Palestine has become a captive market for Israel, which receives some 85% of its exports and provides 70% of Palestine's imports, resulting in a trading deficit of 41% of Palestine's GDP (approximately \$5.2 billion) ¹⁸. Meanwhile, small Palestinian businesses, which make up almost the entirety of the Palestinian commercial sector, continue to be outcompeted by similar and larger businesses in the Israeli economy and face serious difficulties related to lack of access to resources, high transaction costs, and high tariffs in comparison to their neighbours.

The Protocol on Economic Relations between the Government of the State of Israel and the Palestine Liberation Organization (the Paris Protocol on Economic Relations) was agreed upon in 1994, which regulates the interactions between Israel and Palestine in terms of customs and trade, currency, tax collection, and a number of other important economic matters, such as banking and petroleum. As with the Oslo Accords, the Protocol was designed to be a temporary agreement, applicable prior to a final peace agreement between Israel and Palestine. However, given that no such agreement was ever reached, the Protocol remains in force today.

The Protocol creates a situation of deliberate dependence of the Palestinian economy on Israel, as it limits the economic freedom that a state would normally have. For example, because Palestine is required to use the Israeli currency "shekel", it is unable to make decisions relating to its own monetary policy, such as those which might affect inflation. Similarly, most tax rates, such as value added tax, are pinned to those applicable in Israel, leaving the Palestinian Authority little room for manoeuvre with regard to its ability to increase its revenues. The only exception to this is income levied through income tax. The Palestinian Authority's inability to independently generate revenue without increasing income tax means that it has no sovereign manner of creating policy to promote its economic growth. Meanwhile, excessive increases in income tax will limit domestic spending, with serious repercussions for sectors such as small and independent businesses, entrepreneurs, and artisans, which account for 95% of Palestinian businesses, and where many of the youth are employed.

Another key area which is affected by the Protocol relates to customs taxes. Given that Palestine's borders are exclusively controlled by Israel, Israel collects customs and value



¹⁸ UN General Assembly, Situation of human rights in the Palestinian territories occupied since 1967, 19 October 2016, A/71/554.

added tax from all imports into Palestine, from both Israel and abroad. Under the protocol, this tax revenue is then to be transferred to the Palestinian Authority. This, however, puts the Palestinian Authority in a highly disadvantaged position, as such tax revenue is not always transferred as it should be, and is sometimes withheld due to political considerations. For example, in 2015, the transfer of this revenue was suspended for a number of months, following Palestine's signature of the Rome Statute of the International Criminal Court. Similarly, in 2019 and 2020, following the announcement by Israel of expansive plans to annex large areas of the West Bank and continue its settlement enterprise, along with plans to deduct from customs taxes the amounts paid by the Palestinian Authority to Palestinian political prisoners in Israel, the Palestinian Authority refused to receive revenue payments, stating that such an arrangement constituted a form of blackmail ¹⁹. As a result, the Palestinian Authority was unable to pay a large number of public sector workers and private sector debtors. Given that this occurred at the outset of the Covid-19 pandemic, these effects were even further exacerbated.

Indeed, the customs arrangement established by the Protocol gives undue bargaining power to Israel, not least because customs revenue accounts for approximately 68% of total government revenues ²⁰. Moreover, Israel charges a handling fee for the collection of these tax revenues, fixed at 3% of the total amount collected. However, even though Palestinian imports only account for 6% of total revenue collected by Israel, they fund one third of the collection department's budget. According to figures calculated in 2014, if handling fees were actually charged proportionately, it would save the Palestinian Authority \$50 million, or 1.7% of total revenue, per year ²¹. Palestinian imports also experience long delays and losses at Israeli borders, resulting in many Palestinian importers re-importing their products from Israeli suppliers, rather than simply buying their goods directly from more diverse international sources. As a result, Palestine collects no customs tax on their importation, it being paid to Israel instead ²². Estimations state that total leakage of funds that should be collected by the Palestinian Authority, but which instead end up in the Israeli pocket, is approximately 3.6% of GDP, or 17% of total Palestinian public revenue, which, if redeployed, could create an additional 10,000 new jobs per year. ²³

The above examples are just a couple of instances, of many, describing the drastic effects that Israel's domination over Palestine has on its economy. Besides controlling Palestinian lands and resources, Israel continues to control entry, exit and work permits for Palestinians, international donations, mining and quarrying permits, and a whole host of other factors having a direct impact on Palestine's economic success and development. The provisional Accords and Protocol are selectively applied by Israel, with provisions such as those mentioned above which hurt the Palestinian economy being zealously enforced, while those which may stand to benefit its economy, such as the foreseen free-trading relationship, continue to be unimplemented.

19 See: <https://english.wafa.ps/Pages/Details/118667>

20 UN General Assembly, Economic costs of the Israeli occupation for the Palestinian people, 21 July 2016, A/71/174.

21 Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the Occupied Palestinian Territory, TD/B/63/3, 2016.

22 Palestine Under Occupation III, Mapping Israel's Policies and Practices and their Economic Repercussions in the Occupied Palestinian Territory, Economic and Social Commission for Western Asia, 2021, E/ESCWA/CL6.GCP/2021/3.

23 The Economic Costs of the Israeli Occupation for the Palestinian People and their Human Right to Development: Legal Dimensions, UNCTAD, 2018, UNCTAD/GDS/APP/2017/2.

2- Access to Resources

“The Commission concludes that Israel treats the occupation as a permanent fixture and has – for all intents and purposes – annexed parts of the West Bank, while seeking to hide behind a fiction of temporariness. Actions by Israel constituting de facto annexation include expropriating land and natural resources, establishing settlements and outposts, maintaining a restrictive and discriminatory planning and building regime for Palestinians and extending Israeli law extraterritorially to Israeli settlers in the West Bank”

Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, 2022, A/77/283

Article 1 of the Declaration on the Right to Development recognises peoples’ “inalienable right to full sovereignty over all their natural wealth and resources”. In Palestine, this could not be further from the truth. The vast amount of Palestinian natural resources is found in Area C of the West Bank, and thus their exploitation is subject to Israeli approval. Access to water, the mining of minerals and the extraction of oil and gas, the exploitation of which could benefit the Palestinian population immeasurably, are either not permitted or are severely limited.

One of the most pressing issues in the West Bank is access to water. Since 1967, Israel has controlled access to water in the West Bank and made construction or maintenance of infrastructure relating to water subject to military-issued permits ²⁴. While the Oslo I and II Accords did allow some degree of control to the Palestinian Authority, article 40²⁵ of the Oslo II Accords allocated approximately 80% of Palestinian groundwater to exclusive Israeli use, an amount which, in practice, is surpassed by Israel. Thus, while the average Israeli consumption of water stands at approximately 300 litres per person, over 20% of Palestinians in the West Bank have limited access to Water²⁶, and some 13% consume less than 50 litres per day ²⁷. According to the UN Office for the Coordination of Humanitarian Affairs, roughly 14,000 Palestinians in approximately 180 communities in Area C have no connection to a water network, are without water infrastructure, and are considered at high risk for water scarcity ²⁸. Moreover, the deprivation from the right to water in Area C is a tool used by Israel to exert pressure on Palestinians to leave their lands and prevent Palestinian communities from thriving in these areas, where water facilities are targeted with demolition orders. In 2021, 66 water facilities were demolished or confiscated by Israeli authorities in Area C, and in 2022, the Israeli authorities sealed off four artesian water wells in Area B, up from two in the previous four years combined. The four wells were or would have been the main drinking water source for at least 3,500 Palestinian families in nine communities ²⁹. The result of Palestinians’ limited access to their natural water resources is that over 50% of the

24 Jerusalem Media and Communication Centre, *Israeli Military Orders in the Occupied Palestinian West Bank: 1967–1992*, 2nd ed. (1993).

25 Available at: https://content.ecf.org.il/files/M00261_TheIsraeli-PalestinianInterimAgreement-EnglishText.pdf

26 See <https://reliefweb.int/sites/reliefweb.int/files/resources/WBPC%20article.%20Access%20to%20water.%20Apr%2021.%20FORMATTED%20.pdf>.

27 See: <https://reliefweb.int/report/occupied-palestinian-territory/challenges-accessing-waterwest-bank>.

28 See: <https://www.ochaopt.org/content/how-dispossession-happens-takeover-palestinian-water-springsisraeli-settlers-march-2012> and Allocation of water resources in the Occupied Palestinian Territory, including East Jerusalem, Report of the High Commissioner for Human Rights, 2021, A/HRC/48/43.

29 UN Office for the Coordination of Humanitarian Affairs (OCHA): “West Bank demolitions and displacement | December 2022”, available at: <https://www.ochaopt.org/content/west-bank-demolitions-and-displacement-december-2022>



water that they use is imported from Israel ³⁰; water which is extracted from Palestinian lands. Water is often purchased from private Israeli providers at a rate up to six-times the national price, and the lack of water infrastructure similarly imposes costs, as water transported by trucks is three-times more expensive than piped water ³¹.

Water is not only necessary for drinking, food preparation and hygiene, but also for the irrigation of agricultural lands. According to the World Bank, only 35 per cent of irrigable Palestinian land is actually irrigated, costing the economy 110,000 jobs per year and 10% of GDP ³². Agriculture is one of the many casualties of the occupation and colonization, but this is not solely due to water restrictions. The occupation also restricts access to one of Palestine's most valuable resources - land.

Land in Palestine is, of course, essential for its development, but as a formerly agrarian society it represents a deep cultural identity for Palestinians. Since 1967, Israel has expropriated more than 2 million dunams of land in order to construct settlements and the Annexation Wall, establish industrial zones, provide farming and grazing land for settlers, and build Israeli-only roads ³³. Indeed, Palestinian access to agricultural land has decreased from 2.4 million dunams in 1980 to approximately 1 million dunams in 2010, and while, in 1972, agriculture made up 35% of GDP, this share has fallen to only 4% ³⁴. Most of the available agricultural land is located in Area C under Israeli civil and military control, of which only 1% is available for Palestinian construction. Lack of access to water for irrigation, and an oppressive, discriminatory regime regulating planning permission, means that agricultural enterprises are unable to develop and modernise. Usually, planning permits are rejected

30 The Economic Costs of the Israeli Occupation for the Palestinian People and their Human Right to Development: Legal Dimensions, UNCTAD, 2018, UNCTAD/GDS/APP/2017/2.

31 Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 2022, A/77/238. 2 World Bank, 2009, Assessment of restrictions on Palestinian water sector development, Report No. 47657-GZ.

32 2 World Bank, 2009, Assessment of restrictions on Palestinian water sector development, Report No. 47657-GZ.

33 Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 2022, A/77/238.

34 Ibid

by the Israeli authorities on the grounds that the area in question has not been zoned for construction, and between 2009 and 2018, only about 2% of applications for construction permits were approved³⁵. Meanwhile, the construction of settlements, the Annexation Wall, and their accompanying infrastructure continued unabated.

One of the most illustrative examples of how the occupation affects agriculture and access of Palestinians to their land is in olive production. The olive is a national symbol of Palestine, and the antiquity of the olive tree is a representation of Palestinians' long historical connection to their land. In the construction of the Annexation Wall, a large amount of fertile arable land was destroyed, and approximately 10% of the cultivated land in the West Bank has had its access limited³⁶. Another large proportion has been lost or subjected to restrictions as a result of the construction of Israel's approximately 225 settlements³⁷ and 150 outposts³⁸, the latter of which are illegal even under Israeli law. Approximately 40km² of land used for olive cultivation in the Seam Zone and 18km²³⁹ in areas near settlements and outposts have been designated as "prior coordination areas", where access is subject to permits and limited to far less than is required for adequate cultivation. While it is estimated that 133 days of work per year are required to adequately tend to their crops, Palestinian farmers are only allowed access to their groves for a period of between one day and one week per year⁴⁰, after obtaining a "permit" from Israeli authorities. Entry to their groves requires prior planning with Israeli authorities, and farmers must pass through checkpoints where they are frequently subject to harassment.

Another serious issue which olive farmers face is settler violence. In 2022, 13,130 olive trees were damaged or destroyed by Israeli settlers in at least 849 attacks, 228 of which led to casualties⁴¹. Settler violence usually takes place in Area C, where settlements are located and where farmers hold the vast majority of their land. In 2022, overall, there were 502 incidents of settler violence, an increase of 148% on previous years, killing four Palestinians and injuring a further 1,722⁴². Moreover, settlers committing violence against Palestinians are frequently observed, or even protected by, Israeli military forces, who systematically fail to intervene against the destruction of Palestinian property and lives. Settler violence does not only affect Palestinian agriculture and economic development, but also Palestinians' rights to housing, education and health.

A final and important matter relating to Palestinian access to natural resources is not the land itself, but what is contained within it. Given that the majority of Palestine's mineral wealth, estimated at approximately \$30 billion⁴³, is located in Area C, the exploitation of

35 Peace Now, "(Dis)approvals for Palestinians in Area C – 2009-2020", 31 January 2021.

36 Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan, UN General Assembly, 2022, A/77/90-E/2022/66.

37 Situation of human rights in the Palestinian territories occupied since 1967, UN General Assembly, 2016, A/71/554.

38 Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the Occupied Palestinian Territory, UNCTAD, 2022, TD/B/EX(72)/2.

39 Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan, UN General Assembly, 2022, A/77/90-E/2022/66.

40 Ibid

41 See <https://www.middleeasteye.net/news/israel-settlers-destroy-palestinian-trees-five-months#:~:text=At%20least%20849%20attacks%20were,Israeli%20offenders%20or%20protect%20Palestinians>.

42 Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan, UN General Assembly, 2022, A/77/90-E/2022/66.

43 Union of Stone and Marble Industry, 2011.

these resources is subject to Israeli permits. While Israel has not granted any mining permits to Palestinian mining companies since 1994 ⁴⁴, the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel has stated that “[a]t 2015, there were 11 Israeli-operated quarries in Area C producing 10 million to 12 million tons of raw materials including rock, gravel and other minerals. Of those, approximately 10 million tons was transferred to Israel. In 2015, Israel received 74,102,235 shekels (\$20 million) from royalties and user fees paid by quarries operating in the West Bank.”⁴⁵ On the other hand, Palestinian mining activity continues to decline, representing only 0.4% of GDP in 2020 ⁴⁶. An area of specific note is the Jordan Valley and the Dead Sea, which is extremely mineral rich, given the specific geological features of the land, including in asphalt, magnesium and potash. Approximately 86% of this area is under the control of settlement regional councils ⁴⁷, and even though 25 kilometres of the Dead Sea coast is located within the West Bank, Palestinians are prevented from exploiting these resources ⁴⁸. Palestine also has significant oil and reserves in the Meged oil and gas reservoir, which is currently being exploited by Israel and which Palestinians are prevented from benefiting from. The estimated value of these oil and gas reserves is \$67.88 billion and could fund Palestinian self-sufficiency ⁴⁹.



44 Orhan Nksic, Nur Nasser Eddin and Massimiliano Cali, *Area C and the Future of the Palestinian Economy* (Washington, D.C., World Bank, 2014).

45 Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 2022, A/77/238; see also <https://s3-eu-west-1.amazonaws.com/files.yesh-din.org/%D7%A0%D7%99%D7%99%D7%A8+%D7%A2%D7%9E%D7%93%D7%94+%D7%9E%D7%97%D7%A6%D7%91%D7%95%D7%AA/38443.pdf> (in Hebrew).

46 https://www.pcbs.gov.ps/site/lang__en/741/default.aspx

47 Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan, UN General Assembly, 2022, A/77/90-E/2022/66.

48 Palestine Under Occupation III, Mapping Israel's Policies and Practices and their Economic Repercussions in the Occupied Palestinian Territory, Economic and Social Commission for Western Asia, 2021, E/ESCWA/CL6.GCP/2021/3.

49 Ibid

3- Industry and Infrastructure

With access to its natural resources cut and a lack of autonomy to develop industry and its associated necessary infrastructure in Area C, Palestine operates economically with one hand tied behind its back. In 2013, a World Bank study⁵⁰ estimated that if Palestine were able to benefit from the free use of all of its territory, including Area C, its GDP could increase by one-third, or \$4.15 billion, not including the resources therein contained. Instead, between 2008 and 2021, the size of the economic market of manufacturing and agriculture fell from 24.1% of GDP to 18.6%⁵¹. Due to restrictions on construction in Area C, lack of access to electricity and water, and struggles in accessing raw materials, the required infrastructure for the development of this area, such as roads, communications networks, plumbing and sanitation systems, is extremely costly, and in many cases not feasible. The lack of a well-developed road system also means that the transport and export of manufactured goods adds an additional layer of cost onto the consumer and prevents Palestinian goods from competing in both a global market and in a domestic market, due to the lower costs of production and the economies of scale of Israeli goods.

One of the restrictions which most evidently affects Palestinian industry is the requirement that Palestinian businesses obtain specific permits for the importation of items which can be considered as having a “dual-use”. These are goods are recognised to have a legitimate purpose for civilian infrastructure, manufacturing, and other purposes, but are also considered to be susceptible for use for military purposes. The importation of these goods into the West Bank is currently regulated by the “Defense Export Control Order 2008”⁵², which establishes a broad-ranging list of items which are subject to restrictions. Among these items, it is possible to find materials and parts used for food processing, packaging machines, machines for stone mining, agricultural fertilisers, laboratory equipment, and material for the pharmaceutical industry⁵³. This adds multiple layers of cost, delay, bureaucracy and uncertainty to development of industry and infrastructure, as manufacturers are required to obtain permits to import these goods. For example, many businesses are hesitant to modernise their existing product lines and equipment, as doing so may add new requirements as a result of this list. Similarly, large infrastructure projects might require many different items, all of which are included on the list, which will all need separate permits, resulting in significant costs and delays⁵⁴.

The dual-use list is also written in such a way as to include restrictions on entire categories of items. For example, there is a blanket restriction on all equipment with any type of communications function. This not only has severe impacts on the ability of Palestine to develop any degree of internal communications network, such as for internet and mobile phones, but also extends to even minor parts for industrial machinery, such as control panels⁵⁵. Information and communications technology (ICT) is, of course, essential for any modern economy, however Israeli restrictions prevent this industry from flourishing. This

50 World Bank: “Area C and the Future of the Palestinian Economy” (2013). Report No. AUS2922.

51 ESCWA calculations taken from State of Palestine, Palestinian Central Bureau of Statistics, “Press report: preliminary estimates of quarterly national accounts (fourth quarter 2021)”, March 2022.

52 Available in Hebrew here: https://gisha.org/UserFiles/File/LegalDocuments/procedures/merchandise/170_2.pdf

53 Palestine Under Occupation III, Mapping Israel's Policies and Practices and their Economic Repercussions in the Occupied Palestinian Territory, Economic and Social Commission for Western Asia, 2021, E/ESCWA/CL6.GCP/2021/3.

54 World Bank, Economic Monitoring Report to the Ad Hoc Liaison Committee. Available at : <https://documents1.worldbank.org/curated/en/942481555340123420/pdf/Economic-Monitoring-Report-to-the-Ad-Hoc-Liaison-Committee.pdf>.

55 Ibid.

is not only due to the dual-use list, but also due to the lack of permits issued to build the necessary ICT infrastructure in Area C, prohibitions on Palestinian mobile operators operating in any part of Israel and in illegally annexed areas, including the eastern part of Jerusalem, and restrictions on the bandwidth that Palestinian mobile providers have been allowed to provide⁵⁶. Meanwhile, under the Oslo Accords, Israeli ICT providers are permitted to provide services to settlements, however in practice extend their coverage to large areas of the West Bank, leading many consumers to prefer Israeli operators due to fewer geographic restrictions and faster connection speed. The World Bank, in 2016, estimated that the total projected loss for the Palestinian mobile telephone sector from 2013-2015 was somewhere between \$500 million and \$1 billion, or 3% of GDP.



One other area that it is necessary to mention is tourism. Palestine is deeply steeped in history, where holy sites for Islam, Christianity and Judaism have been standing for centuries. It is renown as the birthplace of Jesus and stage of the bible has the potential to bring huge swathes of tourists and pilgrims every year. However, the occupation seriously hinders Palestine from capitalising on this potential. Israel maintains a monopoly over the issuance of permits for tour guides, controls all borders for tourist entry, and has annexed many areas of profound cultural significance, such as those in East Jerusalem. Palestinian tourism sites in Area C are underdeveloped for reasons already mentioned, and the Dead Sea is almost entirely populated by Israeli businesses. Israel prevents access to tourists who have accommodation booked in the West Bank, and also warns them against entry for security considerations, marketing Israeli-led tours as the only safe manner of travelling there. Israeli tours push the occupation's narrative on tourists, direct them away from Palestinian-run businesses, such as artisanal shops selling Christian arts and crafts, and directs them to stay in Israeli-run hotels. The result is a disaster for the Palestinian tourism economy, not only leading to a loss of income for Palestinians working in the sector, but also hindering the ability of tourists to inform themselves on the harms of the occupation as a whole⁵⁷.

⁵⁶ Negotiations to permit access to 4G in the West Bank were only concluded in 2022. See: <https://borgenproject.org/cellular-coverage-in-palestine/>

⁵⁷ For a more expansive discussion on tourism, especially religious tourism in the West Bank, and the occupation, see Religious Tourism in the Occupied Palestinian Territory: Monopoly, Exclusion & Entrenchment of Israel's Annexation, Balasan Initiative (2021), available at https://balasan.org/wp-content/uploads/2022/02/Dalia-Religious-Tourism-in-the-Occupied-Palestinian-Territory_FINAL.pdf.

4- Property

A variety of different methods are used by the Israeli occupation in order to dispossess Palestinians of their property, and the vast majority of these cases take place in Area C. Land is often expropriated from Palestinians on the basis that areas have been designated as “firing areas” or closed military zones, nature reserves, or archaeological preservation areas. The reality is that there have been repeated instances where these areas have been subsequently rezoned as residential areas for the purposes of building settlements⁵⁸. Other notable dispossessions have occurred in an around Bethlehem during the construction of the Annexation Wall, where Palestinian land was confiscated, only to later be attributed to the construction or connection of the settlements of Gush Etzion, Gilo and Har Homa⁵⁹.

In order to build a home, a shed, a well, or other structure required for subsistence in Area C, it is necessary for Palestinians to obtain planning permission from the Israeli authorities. However, such permission is almost never granted. Between 2019 and 2020, 99% of applications for planning permission were denied⁶⁰, leaving Palestinians who needed to build shelter to sustain themselves without any legally permissible options. The result is of course that Palestinians are forced to build illegally, as no legal avenue of construction exists for them. This pushes them into a precarious position, whereby their homes, the sheds for their animals, their wells and sanitary facilities, and even the walls of their fields are at risk of demolition by Israel. The same goes for community goods such as schools and healthcare centres. Given that such facilities are almost impossible to build under the permit regime, the structures erected to fulfil these purposes are constantly at risk, as is the education of Palestinian children, and the health of their families. Even structures created by donors as a result of international aid are not immune. At present, there are over 15,500 pending demolition orders against constructions in Area C⁶¹.

According to the UN Office for Coordination of Humanitarian Affairs, in 2022, a total of 956 structures were demolished, displacing 1,033 people and affecting a further 28,465. Of these structures, 328 were residential, 364 were agricultural, 190 related directly to people’s livelihoods, 51 were related to water and sanitation, and 140 were donor-funded⁶². Information indicates that demolitions are already occurring at a similar rate for 2023. Perhaps the most egregious element of all is that, since Israel amended its Planning and Building Law in 2017⁶³, families are fined NIS 300,000 (approximately \$85,000) for the demolition of their property, unless they are able to carry out the demolition themselves, or what is referred to as “self-demolition”. Dispossessed Palestinians are thus forced to demolish their own homes, harm their own livelihoods, and destroy the means by which they educate their families and heal their sick. Given the probability that they will never gain planning permission to rebuild what they have been forced to demolish, and incurred great financial losses as a result of it, they are pushed into a vicious cycle of construction and demolition.

58 See Yuval Abraham, “Classified document reveals IDF ‘firing zones’ built to give land to settlers”, +972 Magazine, 11 July 2022.

59 The Last Nail in Bethlehem’s Coffin - The Annexation Wall in Cremisan, St. Yves Catholic Centre for Human Rights, 2017.

60 Hope Under the Rubble: The Impact of Israel’s Home Demolition Policy on Palestinian Children and Their Families, Save the Children, 2021.

61 Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan, UN General Assembly, 2022, A/77/90-E/2022/66.

62 Data available at: <https://app.powerbi.com/view?r=eyJrljoiMmJkZGRhYWQtdODk0MS00MWJkLWI2NTktMDg1NGJlMGNiY2Y3IiwidCI6IjBmOWUzNWRIITUONGYtNGY2MC1iZGNjLTVIYTQxNmU2ZGM3MCIsImMiOjh9>.

63 Amendment 116 to the Planning and Building Law, 5725-1965.



Another reason used by Israeli authorities to demolish Palestinian homes is as collective punishment for alleged attacks carried out by Palestinians. For example, on 29 January 2023, Israeli authorities announced measures to immediately seal off family homes of those suspected of carrying out attacks on 27 and 28 January in occupied East Jerusalem. Two families of the alleged attackers were forcibly evicted from their homes, and more than 40 people, including family members, were reportedly arrested in relation to the attacks⁶⁴. Similarly, air strikes carried out in July 2023 against alleged “terrorists” in Jenin refugee camp caused severe damage to houses, apartment buildings and important infrastructure, causing some 4,000 Palestinians, most of whom refugees, to flee their homes, in a move UN experts said may constitute war crimes ⁶⁵.

⁶⁴ UN experts say Israel should be held accountable for acts of ‘domicide’, OHCHR, 13 February 2023, available at: <https://www.ohchr.org/en/press-releases/2023/02/un-experts-say-israel-should-be-held-accountable-acts-domicide>.

⁶⁵ Israeli air strikes and ground operations in Jenin may constitute war crime: UN experts, OHCHR, 5 July 2023, available here: <https://www.ohchr.org/en/press-releases/2023/07/israeli-air-strikes-and-ground-operations-jenin-may-constitute-war-crime-un>.

5- Employment

According to the Palestinian Central Bureau of Statistics (PCBS), in 2020 ⁶⁶, unemployment in the West Bank stood at 15.7%, rising to 25.2% in the Bethlehem governorate, which has the highest levels of unemployment. Updated figures from other sources place these figures somewhat higher ⁶⁷, perhaps due in part to the long-term effects of the Covid-19 pandemic. Unemployment in the West Bank disproportionately affects women, who had an unemployment rate of 27% in 2020, and youth, of whom 41% in 2021 were neither engaged in employment, or in education or training. The inability of the Palestinian economy to expand proportionately with the increase in youth arriving into the labour market drives these high rates of unemployment, particularly for skilled graduates.

The United Nations Population Fund has forecasted that by 2030, Palestine's labour force will have increased by one million from 2015 figures, meaning that one million more jobs would need to be created simply to keep unemployment rates the same as they currently stand⁶⁸. Evidently, given that this situation will mostly affect new labour force entrants, the youth, the situation looking forward is dire, given the obstacles to development in Palestine as a result of the occupation. Looking further towards the future, studies show that 17% of youth are day labourers, working in unstable employment, with irregular income. Of all young men, only 17% are working jobs which will provide them with a pension, painting a worrisome picture of the years to come ⁶⁹. Decisions to emigrate for a better quality of life, including decisions to search for work in the more developed Israeli economy, leaves Palestine at a serious risk of brain drain, placing further strain on its prospects for future economic growth.



⁶⁶ Most recent available data, available at: https://www.pcbs.gov.ps/Portals/_Rainbow/Documents/employment-2019-02e.html.

⁶⁷ Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan, UN General Assembly, 2022, A/77/90-E/2022/66.

⁶⁸ Palestine 2030: Demographic Change: Opportunities for Development, UNFPA, 2017.

⁶⁹ Youth in Palestine, Friedrich Ebert Stiftung MENA Youth Study: Results Analysis, December 2022.

Aside from the faltering Palestinian economy, which, due in part to the occupation, is unable to absorb young workers into its ranks, restrictions on movement in Palestine implemented by the Israeli authorities, which include some 590 checkpoints, earth mounds, roadblocks, and trenches, along with the Annexation Wall, have a truly staggering effect on productivity and access to employment. Restrictions on movement severely reduce the possibility of being employed, reduce the number of hours and days worked, and dissuade potential workers, especially young women, from travelling to work for fear of harassment by Israeli soldiers. According to the Applied Research Institute - Jerusalem, Palestinians lose 60 million work hours per year, the equivalent of \$274 million of lost wages ⁷⁰. According to UNCTAD in 2021, easing movement restrictions in the West Bank would enlarge the Palestinian economy by one-third in just four years ⁷¹.

Lack of available employment in Palestine has pushed a large number of workers to seek employment in illegal Israeli settlements, or inside the Green Line. In 2021, 146,000 Palestinians, making up 11% of the workforce of the West Bank, were employed in Israel, or in illegal settlements ⁷². For workers to legally work in Israel or in the settlements, they must obtain a permit from Israeli authorities and, with few exceptions, Palestinian workers are prohibited from remaining in Israel or settlements overnight. Checkpoints crossing into Israel are often overflowing with workers on weekday mornings, who sometimes wait for hours in cramped and degrading conditions. Working conditions for Palestinians in Israel and in settlements are also often discriminatory and sub-standard. Workers lack social security, are often paid in cash without adequate documentation, and risk high fatality rates at construction sites ⁷³. Furthermore, some 40,000 Palestinians work in Israel without permits, and are thus not protected by Israeli law ⁷⁴, lacking many of the basic workers' rights acknowledged by the international community ⁷⁵.

70 Assessing the impacts of Israeli movement restrictions on the mobility of people and goods in the West Bank, Applied Research Institute-Jerusalem, 2019.

71 The economic costs of the Israeli occupation for the Palestinian people: Arrested development and poverty in the West Bank, United Nations Conference on Trade and Development, 2021.

72 Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan, UN General Assembly, 2022, A/77/90-E/2022/66.

73 The situation of workers of the occupied Arab territories. Report of the Director General-Appendix. International Labour Conference 109th session, International Labour Organization, 2021.

74 The situation of workers of the occupied Arab territories. Report of the Director General-Appendix. International Labour Conference 110th session, International Labour Organization, 2022.

75 Article 6 of the International Covenant on Economic, Social and Cultural Rights recognises the right to work, but article 7 states that this work should also have fair and favourable conditions; UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations.

III- In Focus: A Case Study of Impacts on Bethlehem

Bethlehem governorate stretches from the border of Israel all the way to the Dead Sea, and is a prime example to illustrate the obstacles to development and challenges faced by Palestinians so far mentioned by this report. Bethlehem is one of the areas of Palestine with the highest concentrations of Christians ⁷⁶, especially in Bethlehem city, Beit Jala and Beit Sahour, where Palestinian Christian communities largely rely on tourism, or operate small artisanal craft stores, often hoping to sell their wares to visitors to the Nativity Church and other Christian sites in the surrounding areas. As such, the case of Bethlehem allows a deeper look at the challenges facing Palestinian Christians, to see how obstacles to their economic, social and cultural self-actualisation can lead to increased levels of emigration among this increasingly isolated community, creating knock-on effects on the Palestinian Christian community's presence in Palestine as a whole.

With regard to Bethlehem's geographic make-up, more than 85% of Bethlehem governorate is made up of Area C, with only 1% zoned for Palestinian development. Of the rest of the land located there in Area C, 38% is designated as "firing zones", 34% as nature reserves, and 12% as settlements ⁷⁷. The part of Bethlehem adjacent to the Dead Sea is closed for exploitation for tourism, mining or other activities. Furthermore, 52km of the Annexation Wall runs through Bethlehem, designating a large area of Bethlehem as forming part of the Seam Zone. Among Bethlehem's population, it has the second largest number of inhabitants living in Area C in the West Bank, following Hebron. The economic and social difficulties faced by inhabitants of Area C are experienced by those in Bethlehem, as elsewhere. It is perhaps due, in part, to Bethlehem's large population in Area C that it is the governorate with the highest levels of unemployment in Palestine. With regard to property rights, the PCBS noted that in 2022, Bethlehem accounted for 18% of all demolition orders.

The construction of the Annexation wall cut off many Christian farming families from their land, leading to serious difficulties in its continued cultivation. Estimates place the amount of land annexed in Bethlehem as a result of the Wall's construction at approximately 22,000 dunams ⁷⁸. "Permits" issued by the Israeli military, when granted, only allow limited access to farmers for periods far shorter than what is necessary to maintain their crops, and they frequently face harassment, and at times violence when crossing Israeli checkpoints. In addition, the settlements of Gush Etzion, Har Homa and Gilo, comprising some 95,000 settlers ⁷⁹, are all located in close proximity to farmers' agricultural areas, and farmers often see violence and damage to their crops as a result of settler attacks.

The Annexation Wall not only cut off Palestinian Christian farmers from their land, but it also blocked the main road between Bethlehem and Jerusalem, severing their connection with their holy sites and the much larger Christian communities in Jerusalem, resulting in their community's isolation. The Wall's construction also affected and threatens the functioning of the Cremisan Monastery and Convent, along with destroying some of its adjacent agricultural lands. Important heritage and pilgrimage sites for Christians in Bethlehem, such as the Nativity Church and Shepherd's field, receive significantly fewer visitors than similar

⁷⁶ While Christians represent approximately 1% of all of Palestine, they make up approximately 12% of Bethlehem.

⁷⁷ Bethlehem governorate: fragmentation and humanitarian concerns, OCHA, 2015.

⁷⁸ The Last Nail in Bethlehem's Coffin - The Annexation Wall in Cremisan, St. Yves Catholic Centre for Human Rights, 2017.

⁷⁹ Available at: <https://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=4506>.

sites in Jerusalem, which is only 8km away, due to the climate of fear and insecurity that Israeli authorities create to discourage tourism to the West Bank. For the tourists that do visit sites in occupied West Bank, most do not stay overnight, and travel with Israeli tour guides who push a harmful narrative of Palestine, often underplaying the existence and relevance of Palestinian Christians. Moreover, these tour guides often steer visitors away from small artisanal shops selling religious iconography and crafts, harming the livelihoods of Palestinian Christians who rely on their custom ⁸⁰.

Taken as a whole, when considering the strangled economy that Palestinian Christians in Bethlehem are born into, the high rates of unemployment they face, the continued destruction, confiscation and annexation of their means of subsistence, their increasing community isolation, and the likelihood of worsening circumstances in the future, it becomes apparent as to why many Palestinian Christian youth consider that they have no hopes for life in freedom, dignity and development in their homeland, and may seek to emigrate. Sadly, given its small, and shrinking, size, the Palestinian Christian community is facing an existential threat as a result.



80 For more information, see: "Religious Tourism in the Occupied Palestinian Territory: Monopoly, Exclusion & Entrenchment of Israel's Annexation", Balasan Initiative for Human Rights (2021). Available at: https://balasan.org/wp-content/uploads/2022/02/Dalia-Religious-Tourism-in-the-Occupied-Palestinian-Territory_FINAL.pdf.

IV- Legal Analysis

The applicability of International law, including international Humanitarian Law (“IHL”) and International Human Rights Law (“IHRL”) to Palestine stems from the international community’s recognition of Palestine as “occupied territory” according to its 1967 borders, and thus Israel as the Occupying Power, by applying the definitions included in international law itself⁸¹. This was reiterated in the advisory opinion of the International Court of Justice on the “Legal Consequences of the Construction of a Wall in the OPT” where it confirmed that IHL and IHRL are both applicable in the Occupied Palestinian Territory ⁸². . Given that occupation is regulated by the laws applicable to armed conflict, IHL applies, notably the Fourth Geneva Convention and the rules of customary IHL, including the customary rules pronounced in the 1907 Hague Regulations. The International Court of Justice has also recognised that the protections and obligations contained in IHRL, and in the International Covenant on Economic, Social and Cultural Rights specifically ⁸³, also extend to Palestine, and thus both Israel and the Palestinian Authority are bound to act in accordance with their provisions⁸⁴ with regard to the local population.



81 For the UN Security Council, see, e.g., S.C. Res 2334 (Dec. 23, 2016); S.C. Res. 242 (Nov. 22, 1967). For the UN General Assembly, this is reaffirmed annually in its resolutions; see, e.g., most recently, Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, U.N. Doc. A/RES/75/97 (Dec. 10, 2020).

82 Advisory Opinion Concerning Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, International Court of Justice (ICJ), ¶ 78 ,9 July 2004.

83 Ibid, para. 112.

84 Ibid.; see also Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996, p. 226, International Court of Justice (ICJ), 8 July 1996;

Concerning the obligations contained in IHL, among the most important are article 43 of the Hague Regulations⁸⁵ and article 64 of the Fourth Geneva Convention⁸⁶, which require the occupier to maintain the civic life of the population⁸⁷ and administer the territory in a way which benefits them.. Similar provisions, including under international criminal law, prohibit exploitation of natural resources and infrastructure⁸⁸, along with requisitions⁸⁹, demolitions⁹⁰, and pillage⁹¹. With regard to settlements, IHL forbids the transfer of parts of the occupying power's population onto the occupied territory⁹², a prohibition which is flagrantly disregarded by the continued construction of settlements. The same article also prohibits the forced transfer of civilians, a systematic policy that Israel has sought to implement through the calculated infliction of circumstances of life upon the Palestinian people which leave them with no genuine choice but to leave their home⁹³. These actions are also prohibited under international criminal law⁹⁴.

As for IHRL, the occupation violates a number of essential provisions of human rights law relevant to the economic and social rights of the Palestinian people, including the right to self-determination⁹⁵, the right to just and favourable conditions of work⁹⁶, the rights to adequate food, adequate housing and an adequate standard of living⁹⁷, the right to health⁹⁸, the right to education⁹⁹, the right to freedom of movement¹⁰⁰, the right against arbitrary interference with one's home¹⁰¹, the right to freedom of religion¹⁰², and as described above, perhaps most centrally of all, the nascent right to development, which belongs not only to Palestinians as individuals, but collectively to the Palestinian people.

As shown, the Israeli occupation of Palestine gives rise to serious human rights violations and grave breaches of international humanitarian law. As a result, the international community as a whole has a duty to act. Indeed, both the human rights and humanitarian law obligations of Israel as an occupying force are erga omnes, owed to the international community as a whole¹⁰³. Israel's violations of international law also engage its international responsibility, and as such it must be held to account to cease immediately its violations, and to provide reparations and restitution¹⁰⁴.

85 Article 43, International Conferences (The Hague), Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land, 18 October 1907.

86 Article 64 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949.

87 The Economic Costs of the Israeli Occupation for the Palestinian People and their Human Right to Development: Legal Dimensions, UNCTAD, 2018, UNCTAD/GDS/APP/2017/2.

88 Article 55, Hague Regulations, 1907.

89 Article 52, Hague Regulations, 1907.

90 Articles 46 and 52, Hague Regulations, 1907, articles 33, 53 and 147 of the Fourth Geneva Convention, and article 8(2)(a)(iv) of the Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998.

91 Article 8(b)(2)(xvi), Rome Statute.

92 Article 49 of the Fourth Geneva Convention.

93 See interpretation of forced transfer included in Prosecutor v Stakić, (IT-97-24-A), ICTY Appeals Chamber Judgement, 22 March 2006, paras. 279-281.

94 Articles 7(1)(d), 8(2)(a)(vii) and 8(2)(b)(viii), Roma Statute.

95 Article 1, International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966, article 1 International Covenant on Civil and Political Rights (ICCPR), 16 December 1966, and article 1(2), Charter of the United Nations, 24 October 1945.

96 Article 7, ICESCR.

97 Article 11, ICESCR.

98 Article 12, ICESCR.

99 Article 13, ICESCR.

100 Article 12, ICCPR.

101 Article 17, ICCPR.

102 Articles 18 and 27, ICCPR.

103 Article 1, Fourth Geneva Convention; see also Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I. C. J. Reports 2004, p. 136, paras. 159 and 160, and The Economic Costs of the Israeli Occupation for the Palestinian People and their Human Right to Development: Legal Dimensions, UNCTAD, 2018, UNCTAD/GDS/APP/2017/2.

104 See article 3, Hague Regulations, 1907, article 29 Fourth Geneva Convention and the Draft Articles on Responsibility of States for

V- Conclusion

The Israeli occupation has introduced a multi-tiered system of restrictions on the Palestinian people aimed at depriving them of their rights of self-determination and development and forcing them out of their lands. All of this is directed to the benefit of Israel, which operates with the eventual aim of full annexation of the land of Palestine. Israel's perpetuation of states of affairs which were designed to be temporary, such as the Oslo Accords, the Paris Protocol and the occupation itself, allows it to keep in place the obstacles preventing the Palestinian people and State from self-realisation. The Palestinian State is hindered from accessing its own resources, controlling its own land and regulating its own economy, while individuals struggle to gain employment, build their homes and educate their children. Indeed, as recognised in the Declaration on the Right to Development, development under occupation is a myth.

The concrete effects of the occupation manifest in a lack of hope among today's youth, who see few prospects for a fruitful future in their homeland. Violence, poverty and dispossession are accompanied by the feeling that progress, no matter how hard fought, never seems to be won. In an increasingly globalised world, young people in Palestine look elsewhere to other countries where populations lift themselves out of poverty, where the realisation of human rights takes place on an upward curve, and are dissatisfied with the cards they are dealt. As a result, more and more young people seek to emigrate from Palestine, a choice which is hard to disapprove of, no matter the extent to which it plays into the hands of the occupying power.

Among those hit hardest are minority communities such as Palestinian Christians, who fear the loss of future generations to carry on their culture and centuries old traditions and maintain the steady presence that they have kept in Jesus' homeland since his birth. Their groupings in some of the areas most affected by the occupation feel the stress on their already dwindling community, and their separation from larger Christian communities in Jerusalem and proximity to Israel's illegal settlement enterprise foster a feeling of alienation in their ancestral lands.

Israeli policies which entail its systematic violations are not slowing down. In fact, with the current extremist government, its plans to increase settlement construction and ever more brazen attempts at annexation, emboldened by the failure of the international community to act, the situation in Palestine is likely to continue to deteriorate. The international community must now hear the clarion call to action, and act according to their legal, and moral obligations stipulated clearly in international law. Otherwise, not only will the international community have failed to fulfil its due legal obligations, but it would have also directly contributed as an enabler to the severe deterioration in the overall gravity of the violations in the oPt, one that might as well lead to the severe undermining of Palestinian Christian communities in Palestine.

VI - Recommendations

Third States and the International Community

- In line with their obligations under international law, including under article 1 of the four Geneva Conventions and under articles 146, 147 and 148 of the Fourth Geneva Convention, States should hold Israel to account for violations of human rights and international law, inter alia, for its continued de facto annexation and policy of illegal settlement construction as internationally wrongful acts;
- Increase efforts to push for the recognition of Palestinian right to self-determination and statehood, putting an end to Israel's use of temporary measures such as the occupation, the Oslo Accords, and the Paris Protocol, in favour of sovereign rule by the Palestinian people according to their right to self-determination;
- Continue to apply pressure on Israel for disrespect of international law in international fora, such as the UN Human Rights Council, the UN Security Council, the International Court of Justice and the International Criminal Court.

State of Palestine

- Continue to ensure that all Palestinian communities are represented both domestically and abroad;
- Increase protections programs and funding allocated for the resilience of Palestinians in Area C, including for agricultural activities, and provide targeted educational and vocational youth training programmes for communities suffering the most from occupation, including communities located in Area C and disadvantaged communities;
- Prioritize the inclusion of youth in meaningful civic and political engagement and decision making process;
- Promote and facilitate the work of non-governmental organisations working on economic, social and cultural rights in Palestine, especially those working with vulnerable and underrepresented communities.

Churches and Church Institutions

- Work in cooperation with local civic and faith-based communities, including Palestinian civil society, to advocate for the rights of Palestinian Christian communities as Palestinians and as Christians, and to raise issues affecting them before the relevant actors;
- Increase outreach to Palestinian Christians, including youth groups, including through the establishment of youth groups who are facilitated and empowered to advocate for their own causes;
- Raise awareness and inform international counterparts about the situation facing Palestinian Christian youth and the associated risks to the community as a whole which have been brought about by the Israeli occupation.



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