

# **Justice for Palestine briefing**

**November 2022**

## Introduction

The TUC exists to make the working world a better place for everyone. We bring together more than 5.5 million working people who make up our 48 member unions.

This briefing updates the TUC report, 'Justice for Palestine: Promoting decent work and respect for Palestinian rights', published in 2020,<sup>1</sup> which sets out our democratically agreed policies and the supporting evidence base.

The TUC calls for an end to the illegal occupation of Palestinian territory and supports genuine efforts towards a just and lasting peace in Israel and Palestine that is consistent with international law and respect for labour and other human rights. Our policies support an inclusive peace process, based on a two-state solution that delivers security for Israel and Palestine, and which respects the right to self-determination and the right to return.

We recognise that Palestinian workers and wider civil society are resisting the illegal occupation and want freedom and respect for their rights. We stand in solidarity with them.

## Occupation and annexation

In violation of international law, Israel has occupied Palestinian territory for over 50 years, since the 1967 six-day war.<sup>2</sup> This continued occupation denies Palestinians of their fundamental human and labour rights.<sup>3</sup>

Under the terms of the Geneva Convention, Israel, as an occupying power, is prohibited from transferring parts of its own civilian population into the territory it occupies.<sup>4</sup> It is also prohibited from forcibly transferring and deporting protected persons from occupied territory. Despite this, around 600,000-700,000 Israeli settlers now live in about 250 settlements in the occupied West Bank, with about one-third in East Jerusalem.<sup>5</sup>

Israel's illegal acts are a threat to peace, and this has been acknowledged by the UN Security Council, of which the UK is a member. UN Resolution 2334 (2016) states:

*"the establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace".<sup>6</sup>*

The former UN Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967 has called for the settlements to be designated a war crime under the Rome Statute.<sup>7</sup> In spite of settlement building being a "flagrant violation under international law", plans to build a new settlement of over 3,000 units in the West Bank are still on the table, even though discussions related to objections have been postponed.<sup>8</sup>

So, while formal annexation plans appear to have been delayed, as the former UN Special Rapporteur noted, "Israel's de facto annexation of Palestinian territory is ongoing".<sup>9</sup> According to Palestinian human rights NGO, Al Haq, Israel has increasingly extended its sovereignty over the West Bank through legislative acts, in breach of its limited authority as a belligerent occupant, which amounts to de facto annexation.<sup>10</sup>

In Gaza, the illegal blockade of land, sea and air has continued for nearly 15 years. The former UN Special Rapporteur stated that the blockade amounts to a form of collective punishment, which is prohibited under international law.<sup>11</sup> The blockade controls and restricts the movement of people and goods in and out of Gaza, resulting in economic suffocation, social and familial isolation, and worsening living and health standards. The result is a state of near total economic collapse.<sup>12</sup>

The policies and practices of Israeli governments (such as building illegal settlements, constructing the separation barrier, checkpoints, seam zones, and designating large areas of land as closed military zones) have fragmented the West Bank - including East Jerusalem - disrupting its contiguity, and this too undermines the possibility of a just and sustainable two-state solution.<sup>13</sup>

The violence of the occupation has intensified (also highlighted in the following section). In August 2022, Israeli air raids on Gaza killed 48 Palestinians including 17 children.<sup>14</sup> The UN Special Rapporteur on the occupied territories reportedly said that these raids were "not only illegal but irresponsible" and called for a diplomatic solution.<sup>15</sup> In the same month seven Palestinian human rights and civil society organisations had their offices raided and temporarily shut down by the Israeli army. These actions were condemned by 24 UN human rights experts, who stated, "These actions amount to severe suppression of human rights defenders and are illegal and unacceptable."<sup>16</sup> This followed the designation of six of these organisations as terrorist groups by the Israeli Ministry of Defence in 2021, which was widely condemned.<sup>17</sup> The TUC and affiliates also released a joint statement condemning this decision.<sup>18</sup>

In May 2021, the escalation of violence in Palestine and Israel was, according to the UN, linked to the potential eviction of Palestinian families from East Jerusalem by Israeli settlers.<sup>19</sup> This violence resulted in the deaths of 261 Palestinians, including 67 children, with nearly 2,200 other Palestinians being injured. Ten Israeli citizens and residents were killed, including two children.<sup>20</sup> At the time, the TUC published two statements, one condemning the excessive use of force by Israeli security forces against Palestinians protesting the evictions and the Israeli air strikes on the Gaza strip,<sup>21</sup> and the other in solidarity with Palestinian workers during a general strike.<sup>22</sup>

At the March 2022 UN Security Council meeting, delegates denounced Israel's continued settlement activities, and evictions and demolitions of Palestinian-owned structures. The UN Special Coordinator for the Middle East Peace Process stated that, "Israel's settlement expansion continues to fuel violence in the Occupied Palestinian Territory, further entrenching the occupation and undermining the right of Palestinians to self-determination and independent statehood".<sup>23</sup>

The International Criminal Court has initiated an investigation into crimes committed since 13 June 2014 with respect to the Situation in Palestine, following a near five-year preliminary examination of evidence.<sup>24</sup> The UK government denounced this decision, sparking a response from the State of Palestine's mission to the UK stating, this "marks a low point in UK-Palestine relations and undermines the UK's credibility on the international stage.... It is clear that the UK now believes Israel is above the law".<sup>25</sup>

The ILO has stressed that the Palestinian Authority (PA) has limited authority and institutional capacity impedes progress in reforming labour and social security law, employment and social welfare services and occupational safety and health. The PA has not set new dates for the presidential and legislative elections that were indefinitely postponed in 2021 as Israel did not confirm that elections could take place in East Jerusalem.<sup>26</sup>

## **Violations of labour and other human rights**

Violations of international law and of labour and other human rights experienced by Palestinians living under occupation are well documented. These violations, according to UN experts, include land confiscation, forcible population transfer, home demolitions, excessive use of force, torture, labour exploitation, arbitrary detention, discriminatory law enforcement, discriminatory planning laws, confiscation of natural resources, lack of freedom of movement, and a “two-tier system of disparate political, legal, social, cultural, and economic rights based on ethnicity and nationality.”<sup>27</sup> Palestinian and Israeli NGOs have also documented grave human rights abuses.<sup>28</sup>

Palestine is also one of the worst countries to be a worker. The International Trade Union Confederation’s (ITUC) Global Rights Index (2022) places Palestine in its worst ranking with “no guarantee of fundamental rights due to the breakdown of the rule of law.”<sup>29</sup> The Palestine General Federation of Trade Unions, affiliated to the ITUC, has been clear that the illegal occupation of Palestinian territory has a negative impact on Palestinian workers.<sup>30</sup>

Around 80,000 Palestinian workers from the occupied Palestinian territory (OPT) work in Israel with permits, 60,000 of them in the construction industry. In 2021, the ITUC released a report documenting exploitation of Palestinian workers in the West Bank and Israel - finding evidence of low wages, sometimes payment below the legal minimum wage, unsafe conditions, gaps in social protection, and an oppressive work permit brokerage system.<sup>31</sup>

Work permit reforms aimed at ending the practice of binding workers to their employer and combatting the illegal trade in permits came into effect in December 2020. However, evidence from NGO Kav LaOved, which runs a hotline for workers, shows persistent violations of Palestinian workers’ rights, for example, 34 per cent of Palestinian construction workers still have to pay for Israeli permits, and 84 per cent have asked their employer for sick pay, but only 8 per cent have received it.<sup>32</sup> While, at crossing points, the ILO reports that Palestinian workers are subjected to humiliating treatment and harassment, including an increased risk of sexual harassment of women.<sup>33</sup>

Evidence shows that hundreds of Palestinian children and approximately 5,000 Palestinian women work in Israel’s illegal settlements, 45 per cent of them in agriculture.<sup>34</sup> Most of these workers do not have permits or a direct contract with the settler employer, leaving them vulnerable to poor conditions, job insecurity, and exposure to physical and verbal abuse.<sup>35</sup>

In 2020, in the context of the Covid-19 pandemic and Israeli imposed lockdowns on the occupied West Bank, only Palestinian workers in essential sectors like construction and health were able to keep their jobs, on condition that they did not return home for two months. During this period, no clear arrangements were made to guarantee workers’ safety or for adequate accommodation. Living conditions violated the Israeli Health Ministry’s own

hygiene guidelines. Workers' IDs were withheld by employers to monitor and restrict their movement, which was identified by the Israeli Ministry of Justice as a mark of forced labour. In addition, during this period, tens of thousands of Palestinian workers were placed on leave of absence without pay while others could not access work.<sup>36</sup>

Palestinian unions are prevented from acting legally in the settlements, leaving Palestinian workers with few avenues to pursue their employment rights. For Palestinian workers in Israel, the Population and Immigration Authority decided to cease automatic deductions of trade union dues in May 2020. In theory, this should mean that Palestinian workers in Israel can now choose to join a union of their choosing. However, we will need to wait and see how things change on the ground for workers.

The ILO has highlighted that administrative and physical restrictions on movement imposed by the occupation, together with the risk of violence, impairs the ability of workers to exercise their rights across the West Bank.<sup>37</sup>

Violence, restrictions on Palestinians' freedoms, and violations of rights are structural features of the illegal occupation. In March 2022, the former UN Special Rapporteur reported that:

*"the human rights situation of Palestinians in the West Bank, East Jerusalem and Gaza was marked by a significant deterioration. The amount of violence that Israel is employing in order to sustain its occupation, is constantly increasing...Palestinians continue to face daily and ongoing state violence with a high incidence of arbitrary use of force".<sup>38</sup>*

2021 marked the 7-year high in the number of Palestinian deaths resulting from confrontations with Israelis related to the occupation.<sup>39</sup> In May 2022, journalist Shireen Abu Akleh was shot dead while covering a raid on the occupied West Bank city of Jenin. Global unions condemned her killing, demanding an independent investigation and stating support for the case submitted to the International Criminal Court by the International Federation of Journalists regarding the systematic targeting of journalists working in Palestine.<sup>40</sup>

The UN Human Rights Office, after conducting its own independent monitoring into Abu Akleh's killing, concluded in June 2022 that, "All information we have gathered – including official information from the Israeli military and the Palestinian Attorney-General – is consistent with the finding that the shots that killed Abu Akleh and injured her colleague Ali Sammoudi came from Israeli Security Forces and not from indiscriminate firing by armed Palestinians, as initially claimed by Israeli authorities. We have found no information suggesting that there was activity by armed Palestinians in the immediate vicinity of the journalists."<sup>41</sup> The UN High Commissioner for Human Rights has urged Israeli authorities to open a criminal investigation into Abu Akleh's killing and into all other killings and serious injuries by Israeli forces in the West Bank and in the context of law enforcement operations in Gaza.<sup>42</sup>

Alongside this impunity for Israeli Security Forces, the consolidation of settlement blocks in the occupied West Bank continues, with networks of roads and the separation wall threatening a viable two-state solution. To facilitate the movement of settlers, the Israeli government has implemented extensive infrastructure projects, while the right to freedom

of movement for Palestinians continues to be restricted – impacting on their access to services and livelihoods.<sup>43</sup>

Despite access to safe drinking water and sanitation facilities being fundamental human rights, in the Gaza strip only one in ten people have direct access to safe water. About 1.8 million people require some form of humanitarian assistance for water, sanitation and hygiene services. The energy crisis in Gaza affects access to water, and also means that there are only a few hours of electricity each day, which results in the halting of some health services.<sup>44</sup>

Demolitions of Palestinian homes and evictions continue. The United Nations Relief and Works Agency (UNRWA) called for the immediate halt to all evictions and demolitions after a Palestinian family was evicted from their long-term home shortly before it was demolished, in East Jerusalem in January 2022. UNRWA stressed that these actions violated international law.<sup>45</sup> Over the last 12 months alone (15/09/21-14/09/22), 1,500 Palestinian-owned structures (including residential and those used for livelihoods) have been demolished by Israeli authorities and 1,887 Palestinians have been displaced, with 29,558 people affected in total.<sup>46</sup> UK government funding for UNRWA (which provides services to Palestinian refugees, such as primary health care and primary and vocational education), was cut by 50 per cent - from £42.5m in 2020 to £20.8m in 2021.<sup>47</sup>

As well as an increase in Israeli state violence experienced by Palestinians, settler violence has also intensified. Settler violence has been described by UN experts as an “extremely disturbing feature of the Israeli occupation” and in 2021, they expressed concern over the highest recorded levels of violence in recent years, noting that the Israeli government and military have done little to curb this violence and protect Palestinians.<sup>48</sup>

At TUC Congress 2022, the General Council (GC) statement recognised the conclusion of the UN Special Rapporteur on the Palestinian Territories this year that within those territories “the political system of entrenched rule ....satisfies the prevailing evidentiary standard for the existence of apartheid”.<sup>49</sup>

In his conclusion, the former UN Special Rapporteur stated that this political system, *“endows one racial-national-ethnic group with substantial rights, benefits and privileges while intentionally subjecting another group to live behind walls, checkpoints and under a permanent military rule “sans droits, sans égalité, sans dignité et sans liberté”.*

Under the International Convention on the Suppression and Punishment of the Crime of Apartheid, apartheid is defined as a crime against humanity. The Convention defines inhumane acts as those “committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them”.<sup>50</sup>

Earlier in 2022, Amnesty International published a report concluding that, “Israel’s policies of segregation, dispossession, and exclusion across all territories under its control amount to the crime of apartheid under international law.<sup>51</sup> The term apartheid has been discussed and related evidence documented by Palestinian trade unions and civil society for some time.<sup>52</sup>

The TUC Congress 2022 GC statement commits to ongoing solidarity with the Palestinian people in their struggle for freedom and equality, and states that we will oppose fully any UK legislation aimed at preventing legitimate democratic solidarity actions in support of the Palestinian people.

Ending the illegal occupation is central to achieving respect for Palestinians' labour and other human rights. The ILO has stated unequivocally that "Palestinian workers will only be able to enjoy their full rights and dignity if and when the occupation is brought to an end."<sup>53</sup>

## **Social and economic impact of the occupation**

The Palestinian labour market was among the worst-performing in the world, even prior to the coronavirus pandemic. It has been made structurally weak by decades of occupation-related obstacles, while the fiscal cost of occupation is equivalent to many billions of dollars yearly. This severely constrains the capacity of the State of Palestine to enact basic policies for sustainable development.<sup>54</sup>

In Palestine, for the first quarter of 2022, unemployment stood at around 25 per cent (similar to the same period in 2020 and 2021), and labour force participation for women was only 19 per cent. In Gaza, unemployment stood at 47 per cent. During this period, 64 per cent of wage employees in the private sector were hired without any employment contracts, and 43 per cent (around 60,000 employees) received wages less than the legal minimum.<sup>55</sup>

Evidence indicates that between 2000-2019, the estimated cumulative economic cost of Israeli imposed control measures in the West Bank was four and half times the size of the West Bank's regional economy. The cost of the occupation in terms of poverty is therefore substantial.<sup>56</sup>

International law strictly regulates what an occupying power may do with the resources of an occupied territory. Nonetheless, the confiscation of land, the forced diversion of water resources, the destruction of orchards and crops, and the seizure of water wells by Israeli settlers continues, with dire socioeconomic consequences for Palestinians.<sup>57</sup>

The potential contribution of natural resources to the Palestinian economy is large, but Israeli control of Palestinian natural resources finances the settlement enterprise and keeps the settlements economically viable for the Israeli state. At the same time, this hinders Palestinian economic development and access to decent jobs.

## **The UK-Israel trading relationship**

The UK carries out significant trade with Israel, but to date has not used this relationship to try to ensure adherence to labour and other human rights.

In March 2022, the TUC made a detailed submission to the UK government on the proposed UK-Israel free trade agreement (FTA).<sup>58</sup> This FTA is part of a new UK-Israel Bilateral Roadmap which aims to extend and deepen relations in a range of areas including trade, cyber, technology and defence.<sup>59</sup>

The TUC takes the position that trade deals can lift labour standards, provide good jobs and reduce inequality around the world.<sup>60</sup> But the UK government has rushed into trade deals with countries that systematically abuse labour and other human rights, such as Brazil,<sup>61</sup> India,<sup>62</sup> Turkey,<sup>63</sup> and the Gulf States,<sup>64</sup> and it is now doing the same with Israel. Therefore, the TUC rejects trade deals with all these countries until fundamental rights are respected.

Our policy supports having an ethical policy on UK trade with Israel. We have previously called for suspension of the existing UK-Israel Trade and Partnership Agreement until Palestinian rights are established. This agreement (in force from January 2021) has no binding safeguards for protecting human and labour rights, nor enforcement mechanisms or sanctions if there are violations of rights. In addition, the TUC calls for an end to the trade in goods from illegal settlements and ending military collaboration with Israel.<sup>65</sup>

On the proposed UK-Israel FTA, the UK government has stated

*"Britain's view is that the settlements in the Occupied Palestinian Territories are illegal under international law, so they are not covered within the scope of our trade agreement. This means that goods imported from illegal settlements are not entitled to the benefits from trade preferences".<sup>66</sup>*

However, in reality, the Israeli economy cannot be separated from activities in the OPT because Israel is in a customs union with it.<sup>67</sup> The Israeli economy benefits from the expropriation of Palestinian land and resources, and the exploitation of Palestinian labour in the settlements and in Israel, as cited in this briefing and our Justice for Palestine report. The realisation of proposals that the existing agreement be developed into a fully-fledged FTA would therefore only deepen the complicity of UK trade in supporting the illegal occupation. Despite what the UK government says on the proposed FTA, the current weak voluntary guidance approach to labelling means there is a high-risk that goods from the OPT are mislabelled as Israeli, and therefore benefit from trade preferences.

Mandatory, robust and transparent labelling of goods from the illegal settlements is required to ensure that these goods, tainted by pillage<sup>68</sup> and exploitation, are not imported into the UK.

Despite all the evidence of violations of international law and human rights linked to the illegal occupation, the UK has consistently sold arms to Israel. Between 2016 and 2020, the UK issued Single Individual Export Licenses (SIELs) for arms sales to Israel to the value of £387m.<sup>69</sup> British military hardware was used in the May 2021 bombardment of Gaza.<sup>70</sup>

The United Nations has recently recommended that international actors "[d]evelop a comprehensive set of accountability measures to be applied to Israel" until it complies with international law "respecting the administration and termination of the occupation".<sup>71</sup>

## Recommendations

To help end Israel's illegal occupation of Palestinian territory, and promote respect for Palestinian rights and decent work, the TUC is calling on the UK government to:

- recognise the State of Palestine



- ban the UK's trade in goods with the illegal settlements, supported by mandatory, robust and transparent labelling
- not sign a trade deal with Israel, Brazil, the Gulf States, India and Turkey – which are systematically abusing human rights
- end arms trading with Israel and military collaboration
- support a just, comprehensive and lasting peace that is consistent with international law and based on a two-state solution, which promotes equality and respect for human and labour rights.

## Endnotes

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