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Regional and global issues**Palestine under occupation and the Fourth Geneva Convention****Summary**

While the Israeli occupation of Palestine is neither the first nor the only military occupation in the world, it is among the longest, if not the longest, in recent history. What makes it unique is not only its duration, but also the strategies and policies employed by the occupying power and the regime that it has established in Palestine. Resolution 316 (XXVIII) of the Economic and Social Council for Western Asia (ESCWA) on support for the Palestinian people requests the ESCWA secretariat to submit periodic reports to the ministerial sessions of the Commission on the practices of the Israeli occupation that violate the economic and social rights of the Palestinian people and other rights guaranteed by international law, charters and conventions; and to monitor the social and economic repercussions of the Israeli occupation.

The present report examines Israeli policies and practices and highlights aspects of international humanitarian law that have been violated by Israel, namely articles of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. The violations committed during the 2014 summer offensive on Gaza are not fully covered since an independent investigation into such violations is currently underway.

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Introduction

1. Resolution 316 (XXVIII) of the Economic and Social Council for Western Asia (ESCWA) on support for the Palestinian people condemns the practices and policies of the Israeli occupation in the occupied Palestinian territory, which amount to apartheid, cause a continuous deterioration of economic and social conditions in Palestine and violate the collective and individual rights of the Palestinian people. It also requests the ESCWA secretariat to submit periodic reports to the ministerial sessions of the Commission on the practices of the Israeli occupation that violate the economic and social rights of the Palestinian people and other rights guaranteed by international law, charters and conventions; and to monitor the social and economic repercussions of the Israeli occupation.

2. The present report examines aspects of Israeli policies and practices and highlights areas of international humanitarian law that have been violated by Israel, namely articles of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.¹ The violations committed during the 2014 summer offensive on Gaza are not fully covered since an independent investigation into such violations is currently underway.

I. ISRAELI MEASURES, PRACTICES AND POLICIES

3. While the Israeli occupation of Palestine is neither the first nor the only military occupation in the world, it is among the longest, if not the longest, in recent history. What makes it unique is not only its duration, but also the strategies and policies employed by the occupying power and the regime that it has established in Palestine.

4. Israel employs a strategy in the occupied Palestinian territory seeking to consolidate its control and create facts on the ground by displacing Palestinian and seizing their land. It engages in systematic oppression to enforce this strategy. Israeli measures, policies and practices can be viewed under the following three broad categories.

Systematic oppression, including:

(a) Collective punishment

- (i) The blockade against the 1.8 million Palestinians in the Gaza Strip since 2007, under which the movement of persons and goods is severely restricted, may represent the most prominent case of collective punishment;
- (ii) The 712 kilometre-long and 8-9 metre-high wall that meanders into the West Bank affects hundreds of thousands of Palestinians, including 11,000 stranded in the closed area between the wall and the Green Line;²
- (iii) The Israeli military has employed the practice of punitive home demolitions against Palestinians since 1967. A total of 2,422 family homes of Palestinians, suspected of attacking Israeli targets, have been demolished or sealed regardless of the innocence of the other occupants;³
- (iv) Other mobility restrictions are systematically imposed only on Palestinians in the West Bank, including East Jerusalem, in the form of curfews, closed military areas, “Israeli-only roads”

¹ United Nations, *Treaty Series*, vol. 75, No. 973.

² See Office for the Coordination of Humanitarian Affairs (OCHA), “10 Years since the International Court of Justice (ICJ) Advisory Opinion”, 9 July 2014. Available from http://www.ochaopt.org/documents/ocha_opt_10_years_barrier_report_english.pdf.

³ ESCWA calculations based on Hamoked, “Punitive house demolitions”. Available from www.hamoked.org/timeline.aspx?pageID=timelinehousedemolitions.

and more than 500 physical obstacles and checkpoints.⁴ Israeli settlers are not subjected to such measures and can move freely within the West Bank.

(b) *Targeting of civilians and civilian structures*

- (i) A pattern of excessive force by Israeli security forces and settlers against Palestinian civilians has been documented since 1987, including wilful and unlawful killing, without accountability;
- (ii) More than 1,960 Palestinian children killed between 2000 and 2014 alone;⁵
- (iii) During the 2014 summer offensive on Gaza, at least 1,492 civilians were killed (70 per cent of the casualties), including over 551 children;⁶
- (iv) During the same summer offensive, some 25,581 housing units were severely damaged or totally destroyed⁷ moreover, 26 schools were completely destroyed and 122 damaged,⁸ in addition to 17 hospitals and 56 clinics that incurred damage.⁹

(c) *Arbitrary detention, torture and ill-treatment*

- (i) Israeli security apparatuses and the military have arrested over 800,000 Palestinians since 1967, many of them arbitrarily. At the end of January 2015, 6,592 Palestinians, including 163 children, were detained in Israeli prisons;¹⁰
- (ii) The use of administrative detention is widespread, whereby Palestinians are detained based on “secret evidence” and denied access to counsel, independent doctors and family members;¹¹
- (iii) By 2013, 125 Palestinian prisoners had died because of torture or medical neglect.¹² The use of torture and other forms of ill-treatment against Palestinian detainees in Israeli prisons include the widespread, systematic and institutionalized ill-treatment of Palestinian children.¹³ No criminal investigations were initiated into the 800 complaints of torture during interrogations by Israeli security services filed since 2001.¹⁴

⁴ See General Assembly and Economic and Social Council (2014), A/69/81-E/2014/13, paras. 54-66.

⁵ Defense for Children International-Palestine, “Fatalities and injuries”. Available from www.dci-palestine.org/content/child-fatalities; and OCHA, *Fragmented Lives: Humanitarian Overview 2014*, p. 6.

⁶ OCHA, *Fragmented Lives*, p. 6.

⁷ *Ibid.*, p. 10.

⁸ UNESCO, “Rapid assessment of higher education institutions in Gaza: data analysis report”, 31 January 2015. Available from <http://unispal.un.org/UNISPAL.NSF/0/99D281AA4285EE8985257DEF00549B0E>.

⁹ Health Cluster, *Gaza Strip: Joint Health Sector Assessment Report* (2014). Available from www.emro.who.int/images/stories/palestine/documents/Joint_Health_Sector_Assessment_Report_Gaza_Sept_2014-final.pdf?ua=1.

¹⁰ See www.btselem.org/statistics/detainees_and_prisoners.

¹¹ Human Rights Committee (2014), CCPR/C/ISR/CO/4, para. 10.

¹² See General Assembly and Economic and Social Council (2013), A/68/77-E/2013/13, para. 21.

¹³ CCPR/C/ISR/CO/4, para. 15.

¹⁴ The Public Committee Against Torture in Israel, *Prosecutorial Indifference: Systematic Failures in the Investigation of Soldier Violence against Detainees in the Occupied Palestinian Territory, Periodic Report* (June 2014), p. 5.

Population displacement, including:**(a) *Revocation of residency permits***

- (i) In addition to the millions of refugees who are denied their right to return, more than 250,000 Palestinians, including approximately 15,000 East Jerusalemites, have been de facto exiled through the revocation of their residency permits by the Israeli authorities;¹⁵
- (ii) Israeli practices and laws have denied an estimated 10,000 Palestinian children in East Jerusalem from registration, thereby preventing thousands from living with their parents, while others live with the fear of being separated because of severe Israeli restrictions;¹⁶
- (iii) Israeli authorities consider Palestinians originating from Gaza and living in the West Bank as infiltrators; they face imprisonment unless they hold permits issued by the Israeli military. In contrast, Israelis can move freely into the West Bank and receive economic and other incentives if they do so;¹⁷
- (iv) The Israeli authorities have called for changing the demographic constitution of East Jerusalem, where the Israeli municipality openly aims to reach a 60/40 demographic balance in favour of Jewish residents at the expense of Palestinians in what it calls the “demographic balance” policy.

(b) *Israeli restrictions on construction*

- (i) Israel implements a dual construction system in the West Bank (including East Jerusalem), where it employs policies that make it nearly impossible for Palestinians to obtain a construction permit, forcing them to build homes and other structures without permits that risk being demolished; whereas Israeli construction on occupied land is encouraged and supported by the Israeli Government;
- (ii) Palestinian construction is permitted on only 0.5 per cent of Area C, which makes up 62 per cent of the total area of the West Bank, while 26 per cent of Area C has been designated for the construction of Israeli settlements;¹⁸
- (iii) Israeli authorities rejected 94 per cent of the Palestinian construction permit applications in Area C between 2000 and 2012;¹⁹
- (iv) Only 13 per cent of East Jerusalem is available for Palestinian construction; much of that area is already built-up and construction permits are extremely difficult and expensive to obtain.²⁰

(c) *Demolition of structures and homes*

- (i) A total of 33 per cent of all Palestinian homes in East Jerusalem, housing 93,000 people, were built without permits and are thus under threat of demolition;²¹

¹⁵ A/68/77-E/2013/13, para. 11.

¹⁶ See A/69/81-E/2014/13, paras. 16-17.

¹⁷ Association of Civil Rights in Israel (ACRI), *One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank*, (October 2014), pp. 117-119.

¹⁸ *Ibid.*, pp. 94-99.

¹⁹ B'tselem, *Acting the Landlord: Israel's Policy in Area C* (June 2013), p. 19.

²⁰ OCHA, “East Jerusalem: Key humanitarian concerns – Update August 2014”. Available from <http://unispal.un.org/UNISPAL.NSF/0/D0378180CEC6DEFB85257D3800543D5A>.

²¹ A/69/81-E/2014/13, para. 13.

- (ii) Around 135,000 Palestinians were displaced between 1967 and August 2014 owing to evictions and home demolitions in the occupied Palestinian territory;²²
 - (iii) Between 1967 and 2014, Israeli authorities demolished at least 26,800 Palestinian structures in the occupied Palestinian territory.²³
- (d) *Harassment, threats and denial of access to services*
- (i) Israeli settlers continue to attack and harass Palestinians and destroy their property, resulting in physical harm and damage to livelihood sources, including fruit trees, crops and water sources, prompting the forced displacement of Palestinians;
 - (ii) Israeli-imposed mobility and construction restrictions, particularly in Area C and the Seam Zone, as well as to and from East Jerusalem, have severely hampered access to health services and educational facilities;
 - (iii) Palestinians in many areas of the West Bank suffer from limited access to water and connectivity to sewage networks, thereby exacerbating living conditions and forcing Palestinians to leave certain areas.

Land grabbing and annexation:

(a) *Annexation*

- (i) In June 1967, Israel illegally annexed 70 square kilometres of land, thus incorporating East Jerusalem and a number of nearby Palestinian villages into the expanded boundaries of the Israeli-defined municipality of Jerusalem;
- (ii) The wall has annexed 9.4 per cent of the West Bank land and has completely severed East Jerusalem from the rest of the West Bank.²⁴

(b) *Israeli settlement activity*

- (i) A total of 35 per cent of East Jerusalem has been also allocated for Israeli settlement expansion;²⁵
- (ii) Approximately 40 per cent of the West Bank falls under the jurisdiction of Israeli local or regional councils that administer the settlements, including buffer zones and closed areas surrounding settlements.²⁶

(c) *Land confiscation*

- (i) Israeli authorities have designated 12.4 per cent of the West Bank as closed military areas;²⁷

²² See www.internal-displacement.org/middle-east-and-north-africa/palestine/figures-analysis.

²³ General Assembly and Economic and Social Council (2012), A/67/91–E/2012/13, para. 16; and OCHA, *Humanitarian Bulletin – Monthly Report*, March 2015. Available from https://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2015_03_english.pdf.

²⁴ OCHA, 10 Years since the International Court of Justice (ICJ) Advisory Opinion, p. 3.

²⁵ A/69/81-E/2014/13, para. 12.

²⁶ See A/68/77 E/2013/13, para. 63.

²⁷ United Nations Conference on Trade and Development (UNCTAD), *Report on UNCTAD assistance to the Palestinian people: Developments in the economy of the Occupied Palestinian Territory*, TD/B/61/3 (July 2014), para. 36.

- (ii) Israeli authorities have also designated 13 per cent of the West Bank as natural reserves, forbidding Palestinian construction and development within them;²⁸
- (iii) In 2014, Israeli authorities confiscated an additional 7.3 square kilometres of Palestinian privately owned land;²⁹
- (iv) By 2013, Israel had officially confiscated more than 1,000 square kilometres of Palestinian owned land.³⁰

II. VIOLATIONS OF THE FOURTH GENEVA CONVENTION

5. The above-mentioned Israeli measures and policies entail violations of various aspects of international law and the Charter of the United Nations. Most of these violations have been documented by United Nations agencies and by Palestinian, Israeli, regional and international entities.

6. The International Committee of the Red Cross (ICRC) states that international humanitarian law primarily stems from the four Geneva conventions of 1949 and the additional protocols of 1977 relating to the protection of victims of armed conflicts.³¹ The most serious violations of the Fourth Geneva Convention are considered war crimes. In the case of military occupation, the Fourth Geneva Convention is the most relevant and most referred to.

7. Israel refuses to acknowledge the applicability of the Fourth Geneva Convention in the occupied Palestinian territory, despite 18 Security Council resolutions³² that reaffirm this applicability and the 2004 Advisory Opinion of the International Court of Justice.³³ Israel, as the occupying power, has ignored and violated a large number international humanitarian law obligations as a State party to the Fourth Geneva Convention since 1951, including, but not limited to, the following articles:

- Article 16: *“The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect”*
 - At least 10,000 of 46,000 pregnant women in Gaza have been forcefully displaced as a result of the 2014 Israeli summer offensive.³⁴ Prior to that, a number of Palestinian mothers had been forced to give birth at Israeli checkpoints in the West Bank, which had resulted in nearly 70 cases of death of the mother and/or child between 2000 and 2005;³⁵
 - Israel requires Palestinian patients seeking medical assistance to acquire permits to access medical services outside their area (particularly the Gaza Strip and the Seam Zone). Delays or denials have resulted in the death of patients who could not access timely treatment.

²⁸ Ibid.

²⁹ Calculations based on data from the Applied Research Institute – Jerusalem (ARIJ), “Report on Israeli violations in the oPt: Period from June 13, 2014 – April 15”, 2015. Available from <http://www.poica.org/upload/Image/may%202015/israeli%20violation%20final%2028-5.pdf>.

³⁰ Human Rights Council (2013), A/HRC/22/63, paras. 63-64.

³¹ ICRC, What is international humanitarian law? Available from www.icrc.org/eng/assets/files/other/what_is_ihl.pdf.

³² Resolutions 237 (1967), 271 (1969), 446 (1979), 465 (1980), 471 (1980), 476(1980), 484 (1980), 592 (1986), 605 (1987), 636 (1989), 641 (1989), 672 (1990), 673 (1990), 681 (1990), 726 (1992), 799 (1992), 1322 (2000) and 1544 (2004).

³³ See International Court of Justice, *Legal consequences of the construction of a wall in the Occupied Palestinian Territory: advisory opinion* (2004).

³⁴ OCHA, “Occupied Palestinian Territory: Gaza emergency situation report (as of 8 August 2014, 0800 hrs)”. Available from <http://unispal.un.org/UNISPAL.NSF/0/0E30BD96DDDD136585257D2E00549063>.

³⁵ General Assembly and Economic and Social Council (2005), A/60/65–E/2005/13, para. 50.

- Article 18: *“Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict”*
 - During the 2014 Israeli summer offensive on Gaza, 17 hospitals and 56 clinics incurred damage;³⁶
 - A total of 23 health workers were killed (16 while on duty) and 83 were injured, the majority of whom were ambulance drivers,³⁷ and 32 Palestinian Red Crescent Society ambulances were damaged or destroyed.³⁸
- Article 27: *“Protected persons are entitled in all circumstances, to respect for their persons [...]. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats”*

8. As mentioned above, Israel has systematically and persistently employed policies that directly harm civilians not participating directly in the conduct of hostilities.

- Article 33: *“No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited”*

9. Collective punishment is illegal under Israeli law, yet it is still implemented in the occupied Palestinian territory in the various forms mentioned above.

- Article 49: *“Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory [...], are prohibited, regardless of their motive”*

10. As mentioned above, forced displacement of the Palestinian population by Israel has been systematic, multifaceted and widespread and constitutes a major part of Israeli policies.

- Article 49 (continued): *“The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”*
 - Consecutive Israeli Governments have encouraged, supported and funded the expansion of illegal Israeli settlements in the occupied Palestinian territory and provide incentives for individuals and businesses to move into such settlements;
 - By the end of 2013, an estimated 206,705 Israeli settlers were living in occupied East Jerusalem and approximately 374,096 were living in the West Bank;³⁹
 - Between 1995 and 2013, Israel built over 50,000 settlement-housing units in the occupied Palestinian territory;⁴⁰

³⁶ Health Cluster, *Gaza Strip: Joint Health Sector Assessment Report* (2014).

³⁷ Ibid.

³⁸ International Federation of Red Cross and Red Crescent Societies, *DREF Operation-Final Report - Occupied Palestinian Territory: Complex Emergency* (2 February 2015).

³⁹ Palestinian Central Bureau of Statistics, “Press release on Israeli settlements in Palestine, 2013”, 17 September 2014. Available from http://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_SetlIsr2013E.pdf.

⁴⁰ Palestine Liberation Organization, *Oslo Process, 20 years of Oslo*. Available from http://www.nad-plo.org/userfiles/file/New%20Publications/OSLOPROCESS_PUBLICATION_2013.pdf.

- In 2013, 100 Israeli settlements in the occupied Palestinian territory were listed as level A national priority areas, which receive maximum government benefits in all fields.⁴¹
- Article 53: *“Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations”*
- The practice of demolition of homes and other Palestinian structures remains a prominent Israeli policy in the occupied Palestinian territory, as mentioned above.

11. In addition to the aforementioned violations, Israeli policies and practices breach the following articles of the Fourth Geneva Convention:

- Articles 17-21, 23, 55, 56 and 59 have been repeatedly violated by the Israeli army through the regular denial of free passage to medical, humanitarian and relief convoys and through directly attacking medical and humanitarian facilities, vehicles and vessels, as exemplified by the attack on the Turkish Flotilla in May 2010.
- The treatment of Palestinian detainees by the Israeli security apparatuses and military violates articles 5, 27, 31, 32, 37, 70-73 and 76, which prohibit committing illegal acts of torture and inhuman treatment and the violation of basic judicial rights under the framework of administrative detention; these articles also prohibit the transfer of prisoners by the occupying power outside the occupied territory.
- Articles 23, 26, 33, 34, 49 and 53 are violated by Israel’s regular use of collective punishment through the destruction of Palestinian property aimed at expelling many from their homes and land to make way for Jewish settlements; these acts constitute illegal forced displacements under the Fourth Geneva Convention.

12. Many of the violations of the Fourth Geneva Convention constitute grave breaches and may amount to war crimes for which the Israeli authorities must be held accountable.⁴² Given the failure of the Israeli judiciary to seriously prosecute those responsible for such acts, as ordered by article 146 of Fourth Geneva Convention,⁴³ the international community should make way for specific mechanisms to seek restorative justice for Palestinian victims. Although international instruments have been deployed to investigate war crimes in other countries, no such measures have been taken in the case of Palestine.

⁴¹ A/69/81-E/2014/13, para. 41.

⁴² Article 147 identifies these grave breaches as *“those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly”*.

⁴³ Article 146 (1 and 2): *“The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.*

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a ‘prima facie’ case”.

III. SOCIAL AND ECONOMIC IMPACT OF THE ISRAELI OCCUPATION

13. In addition to violating international laws, Israeli policies and practices in the occupied Palestinian territory have deterred social and economic development in Palestine and caused severe humanitarian crises, thus increasing the dependency of Palestinian households on aid for sustenance and causing de-development in many economic and social sectors.

14. While it is difficult to quantify the cumulative social and economic impact of the Israeli occupation and its practices on the Palestinian people, several indicators can provide a clear picture of their devastating effects.

A. IMPACT OF THE 2014 SUMMER OFFENSIVE

15. The 2014 summer offensive was the most severe, since the onset of the occupation of Gaza in 1967, in terms of devastation and casualty rates. A total of 2,220 Palestinians were killed, of whom at least 1,492 were civilians, including 551 children,⁴⁴ as a result of around 35,000 Israeli artillery rounds⁴⁵ fired into one of the most densely populated areas in the world, in addition to airstrikes and naval bombardment; 11,231 Palestinians were injured, 10 per cent of whom sustained long-term or permanent disabilities. Of that 10 per cent, almost a third were children.⁴⁶

16. The social and economic physical infrastructure was devastated. Approximately 44 per cent of all housing units in Gaza sustained damage, including 25,581 that were severely damaged or totally destroyed.⁴⁷ In addition, Israeli bombardment damaged 20-30 per cent of the already deteriorated water and wastewater networks, leaving 450,000 with reduced access to water and 1 million with reduced access to water and limited sanitation services.⁴⁸ In addition to the damage incurred by the agricultural sector, 20 per cent of Gaza's industrial enterprises and over 4,000 commercial and trade enterprises were destroyed or damaged.⁴⁹

17. Despite all the available figures, the real social and economic impact of the 2014 Israeli summer offensive cannot be disaggregated from the cumulative impact of Israeli policies and practices, particularly the eight-year blockade of Gaza, the imposition of land and maritime access-restricted areas and the recurrent military offensives and sporadic attacks. The situation in Gaza has never been worse, reflected in an increase in the number of food aid recipients of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), from 72,000 (10 per cent of the population) in 2000 to 868,000 (almost 50 per cent of the population) in 2015.⁵⁰

18. In February 2015, 30 international aid agencies issued a statement warning that little of the \$5.4 billion pledged at the Cairo Conference on Palestine had reached Gaza.⁵¹ As a result, in January 2015, UNRWA suspended its Gaza cash assistance programme to repair 100,000 damaged and destroyed homes of Palestinian refugees and provide rental subsidies for the homeless.

⁴⁴ OCHA, *Fragmented Lives: Humanitarian Overview 2014*.

⁴⁵ ACRI, *The state of human rights in Israel and the OPT: situation report (2014)*, p. 87.

⁴⁶ OCHA, *Fragmented lives*.

⁴⁷ *Ibid.*, p. 10.

⁴⁸ UNICEF, "State of Palestine: humanitarian situation report", 25 September 2015.

⁴⁹ State of Palestine, *The National Early Recovery and Reconstruction Plan for Gaza* (October 2014), p. 9.

⁵⁰ Information provided by UNRWA.

⁵¹ Joint statement by 30 international aid agencies entitled "We must not fail in Gaza", 26 February 2015.

B. ECONOMIC IMPACT OF THE ISRAELI OCCUPATION

19. The situation in the West Bank is not as dire as in Gaza, but Israeli restrictions and policies continue to impede social and economic development; Palestinians in the West Bank suffer from restrictions on construction, the movement of people and goods and on access to natural resources, including agricultural land and water sources.

20. Overall, in 2014, the Palestinian economy continued to lose ground. Real per capita income declined, and unemployment, poverty and food insecurity worsened. More recently, because of the Palestinian fiscal crisis and other longstanding supply constraints, real gross domestic product (GDP) growth in the West Bank has been particularly weak, and Gaza's economy continues to suffer from the ongoing Israeli blockade and the 2014 summer offensive. Consequently, the overall unemployment rate in the occupied Palestinian territory reached a record high in both Gaza and the West Bank. Unemployment in Gaza is catastrophically high owing to the ongoing Israeli blockade and the destruction of infrastructure during recurrent Israeli military offensives, including the 2014 summer offensive.

21. As a result of the 2014 summer offensive and tensions in the West Bank and East Jerusalem, the International Monetary Fund (IMF) has estimated that real GDP in Palestine has fallen by almost 1 per cent, the first contraction since 2006; GDP fell by about 15 per cent in Gaza but grew by 4.5 per cent in the West Bank. There was, however, a sharp deceleration in the third quarter of 2014.⁵²

22. The Fund has also forecast that uncertainty will continue to restrain economic recovery in 2015, exacerbated by the stifling blockade in Gaza, the slower than expected Gaza reconstruction process and the punitive Israeli tax revenue freeze⁵³ that constitutes around two-thirds of net revenue and is essential to the Palestinian Authority budget and the Palestinian economy.⁵⁴

23. The latest available data indicates that, in 2011, poverty rates stood at 39 per cent in Gaza and 18 per cent in the West Bank. Given the stunted economic performance and developments in Gaza since then, it is almost certain that the situation has deteriorated and more Palestinian families have been pushed into poverty. This is especially true given the unfolding recession following the 2014 Israeli offensive and the resulting high unemployment rates, which stood at 42.8 per cent in the Gaza Strip and at 17.4 per cent in the West Bank in the fourth quarter of 2014.⁵⁵

24. Failing economic prospects show that, without ending the occupation and dismantling Israeli occupation policies, many of which violate international law, there is no potential for sustainable economic activity.

25. In this context, food insecurity in the occupied Palestinian territory remained at significantly high levels in 2013, with one-third of households (or 1.6 million Palestinians) suffering from food insecurity, and 635,000 people vulnerable to food insecurity; a situation primarily driven by a lack of economic access to food, stemming from a continual erosion of livelihoods.⁵⁶

⁵² International Monetary Fund (IMF), "Statement at the end of an IMF mission to the West Bank and Gaza, Press Release No. 15/24", 29 January 2015. Available from www.imf.org/external/np/sec/pr/2015/pr1524.htm.

⁵³ Revenues collected by Israel on goods imported into the occupied West bank and Gaza.

⁵⁴ IMF, "Statement at the end of an IMF mission to the West Bank and Gaza, Press Release No. 15/24", 29 January 2015.

⁵⁵ Palestinian Central Bureau of Statistics (PCBS), Press release on the results of the labour force survey, October-December 2014.

⁵⁶ UNRWA, "Food insecurity in Palestine remains high", 3 June 2014. Available from www.unrwa.org/newsroom/press-releases/food-insecurity-palestine-remains-high.

26. Based on 2013 data, 57 per cent of households in Gaza suffered from food insecurity; and 188,397 people (14 per cent of households) were vulnerable to food insecurity. In the West Bank, food insecurity remained at 19 per cent.⁵⁷

27. The health sector continues to suffer across the occupied Palestinian territory due to Israeli measures and practices, albeit with differences between Gaza and the West Bank.

28. In Gaza, the health sector was already in a dire situation prior to the 2014 summer offensive as a result of the Israeli blockade that severely inhibits health sector development, the financial situation of the Palestinian Government and inter-Palestinian divisions. The destruction and casualties during the 2014 summer offensive surpassed any contingency plans and worst-case-scenario expectations. A tracer study of 48 critical drugs has shown that 40 per cent were at zero stock at the district level and 46 per cent at clinic level in June 2014.⁵⁸

29. The psychosocial stress caused by the offensive and violence has left 425,000 Palestinian children in need of psychosocial support, including focused counselling in many cases.⁵⁹ UNRWA school-based counsellors have reported that refugee children in Gaza, especially boys, exhibit emotional and behavioural problems and academic underperformance, primarily as a result of psychosocial distress.⁶⁰

30. In the West Bank, particularly in Area C, Palestinian institutions and their development partners cannot construct basic health clinics, which forces communities to rely upon expensive mobile-clinic services for basic health care. Restrictions on the rehabilitation, repair and construction of basic water and sanitation infrastructure severely impedes access to adequate water, sanitation and hygiene services in many communities, reducing their resilience and increasing their risk of displacement.

IV. CONCLUSIONS

31. The present report has reached the following conclusions:

(a) Israel continues to employ measures and practices that violate international humanitarian law. The Israeli authorities do not hold Israeli soldiers or civilians accountable for violations of Palestinian rights and international law, while Israel itself has enjoyed exceptional impunity in the international arena;

(b) The potential for sustainable social and economic development, already limited by the occupation itself, is further constrained by the Israeli blockade, which has been suffocating Gaza since 2007, and restrictions on economic activity in the West Bank, especially in Area C and East Jerusalem;

(c) The international community has assumed significant responsibility for recovery and reconstruction efforts in Gaza, but all efforts should take into account that the devastation in Gaza is not only the result of the latest military offensive but is rooted in long-term constraints imposed by the ongoing occupation and its policies, including the blockade;

(d) The combined effects of Israeli policies result in systematic oppression of and domination over the Palestinian people, thus raising the question of whether these policies amount to apartheid.⁶¹

⁵⁷ Ibid.

⁵⁸ World Health organization (WHO), "Health response to the crisis in Gaza". Available from www.emro.who.int/images/stories/WHO_Gaza_donor_alert.pdf.

⁵⁹ UNICEF, *Humanitarian Action for Children: State of Palestine* (2015). Available from www.unicef.org/appeals/files/Final_2015_HAC_State_of_Palestine.pdf.

⁶⁰ Information provided by UNRWA.

⁶¹ Human Rights Council (2014), A/HRC/25/67, para. 77.

V. RECOMMENDATIONS

32. The present report sets out the following recommendations to ESCWA and its member States:

(a) ESCWA and its member States should enhance their support to the Palestinian people and their efforts to raise awareness of illegal Israeli practices and their impact on social and economic development in the occupied Palestinian territory;

(b) ESCWA and its member States should support Palestinian institutions in their efforts to hold Israel accountable for its violations of international law, including the Fourth Geneva Convention;

(c) ESCWA should further examine Israeli violations of international law in the occupied Palestinian territory, including the possibility that some policies and practices in the context of the prolonged occupation constitute racial segregation and apartheid as highlighted by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.⁶²

⁶² Ibid., para. 78.