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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by Al-Haq, Law in the Service of Man, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.



Climate Change Adaptation under Occupation: How the Israeli Occupation and its Settlement Enterprise Deepen Palestinians' Climate Vulnerability

1. The Israeli Occupation and the Occupied Palestinian Territory's (OPT) Climate Vulnerability

Within the context of a prolonged military occupation of the Palestinian territory since 1967, Israel has systematically and unlawfully exploited Palestinian natural resources, resulting in their destruction and pillage,¹ contrary to international law, while causing extensive environmental degradation, further deepening and exacerbating environmental vulnerabilities for Palestinians, particularly pastoral, herding, and farming communities. Climate and environmental vulnerabilities in the Occupied Palestinian Territory (OPT) are inherently linked to political vulnerabilities, primarily due to Israel's control over Palestinian natural resources, as well as the limitations against vulnerable pastoral communities in facing adaptation to climate change, stemming from Israel's discriminatory measures and policies, particularly in Area C of the West Bank.² In fact, the Occupied Palestinian Territory (OPT) illustrates an example where armed conflict contributes to, and may result in, substantial environmental harm and further marginalization of communities who are primarily dependent on natural wealth, particularly indigenous communities, especially where the exploitation of natural resources has been a major driver of the occupation.

As Occupying Power, Israel does not have sovereign rights over any part of the Occupied Palestinian Territory (OPT), including natural resources, and may only act as temporary administrator and *usufructuary* of the resources and natural wealth. Notably, the occupied Palestinian population retains the right to self-determination which encompasses permanent sovereignty over natural resources. Contrary to the rule of usufruct, which regards Israel only as a temporary administrator of the natural resources of the Occupied Palestinian Territory (OPT)³, Israel has unlawfully extended rights akin to sovereignty over the Occupied Palestinian Territory (OPT)'s natural resources, as evidenced by the permanent nature of the settlement construction, including agricultural settlements. Critically, the vast majority of land in Area C continues to be either heavily restricted or entirely inaccessible to Palestinians, as land kept on hold for Israel's settlement expansion. In doing so, the military authorities impose various discriminatory measures, exemplified in physical barriers, obstructing Palestinians' freedom of movement, access to land and resources, as well as the appropriation and confiscation of Palestinian private and public land, ultimately designated for settlement expansion. Israel has confiscated and appropriated Palestinian land under varying pretexts, including abandoned land, 'State land', closed military zones, firing zones, and so-called nature reserves,⁴ while creating coercive environments driving Palestinians out and resulting in their forced displacement.⁵

¹ Al-Haq, "Pillage of the Dead Sea: Israel's Unlawful Exploitation of Natural Resources in the Occupied Palestinian Territory", 2012, available at: <http://www.alhaq.org/publications/publications-index/item/pillage-of-the-dead-sea-israel-s-unlawful-exploitation-of-natural-resources-in-the-occupied-palestinian-territory>

² Al-Haq, "Settling Area C: The Jordan Valley Exposed", 2018, available at: <http://www.alhaq.org/publications/publications-index/item/settling-area-c-the-jordan-valley-exposedcategoryid10>

³ Article 55, The Hague Regulations concerning the Laws and Customs of War on Land (1907)

⁴ Al-Haq, Settling Area C: the Jordan Valley Exposed, 2018, available at: http://www.alhaq.org/publications/publications-index/item/settling-area-c-the-jordan-valley-exposedcategoryid10?category_id=7.

⁵ Coercive environments refer to the inhabitable living conditions created by the Israeli authorities targeting Palestinian communities, which often result in the direct or indirect forcible transfer of these communities. Such coercive environments created by Israel undermine the rights of Palestinians to adequate housing, adequate food, and to water and sanitation, amongst numerous others. *See: Al-*

2. Thwarting climate change adaptation

2.1 Livestock Production

Two of the sectors most vulnerable to climate change in the Occupied Palestinian Territory (OPT), and that are expected to be the most adversely impacted by existing and projected future climatic changes therein, are the water and agriculture sectors, including livestock production. While the two inherently connected sectors are expected to be adversely impacted by climate change, Israel's continued prolonged occupation remains the primary cause for the degradation of the Occupied Palestinian Territory (OPT)'s water and agriculture sectors. This creates the greatest challenge facing Palestinians' economic and political stability, thus contributing to the creation of a climate-vulnerable occupied population.

In order for Palestinian pastoral communities to overcome vulnerabilities related to irrigation, crop production and a-forestation, access to and sovereignty over water and land resources are key. Similarly, reducing vulnerabilities associated with livestock production and soil erosion requires access to rangelands and water resources in order to sustain livestock production, as well as sovereignty over building and construction in order to implement options needed to prevent soil erosion. Ensuring sustainable grazing practices and adopting alternative agricultural practices are amongst the methods that Palestinians in the Occupied Palestinian Territory (OPT) ought to adopt in order to facilitate positive adaptation to climate change. Palestinians, however, are systematically restricted from accessing rangelands for flock feeding, mainly due to Israel's restrictions on access to most grazing areas, which results in over-grazing and degradation of the vegetation cover. This is coupled with the constant threat of settler violence against Palestinians, including when attempting to reach grazing areas and cultivable lands, further restricting their access.⁶ Palestinians are also systematically denied access to water resources in the West Bank, further hindering their ability to sustain livestock production and to adopt alternative agricultural practices, among others. As of today, the greatest challenge facing small-scale farmers and herders' ability to cope with existing and projected climatic changes are Israel's discriminatory policies and practices and maladministration of Area C of the West Bank and the expansion of illegal Israeli settlements.

2.2 Water Resources and Israel's Illegal Settlement Enterprise

As the impacts of climate change on the Occupied Palestinian Territory (OPT) are expected to cause a significant decline in the average annual rainfall, Palestinians must access surface and groundwater resources in order to sustain agricultural production, including livestock production. However, control over, and exploitation of Palestinian natural resources, notably water resources, has been central to build, sustain and develop Israel's illegal settlement enterprise, comprising residential, agricultural and industrial settlements. Due to the systematic denial of access to natural resources, the Israeli occupation has resulted in massive economic impacts to the detriment of the occupied Palestinian people, largely attributed to discriminatory water allocation⁷ and restrictions on

Haq, Unpacking Gender in Coercive Environments: The Case of the Jordan Valley, 2018, available at: http://www.alhaq.org/publications/publications-index/item/unpacking-gender-in-coercive-environments-the-case-of-the-jordan-valleycategoryid10categoryid10?category_id=10. *See also* Badil, Coercive Environments: Israel's Forcible Transfer of Palestinians in the Occupied Territory, 2017, available at: <https://badil.org/phocadownloadpap/badil-new/publications/research/working-papers/FT-Coercive-Environments.pdf>.

⁶ See for example: <http://www.alhaq.org/documentation/weekly-focuses/868-the-olive-harvest-season-disrupted-by-settler-violence-and-israeli-restrictions-imposed-on-palestinian-farmers>; <http://www.alhaq.org/documentation/weekly-focuses/749-israeli-settlers-attack-and-destroy-palestinian-olive-trees->; <http://www.alhaq.org/documentation/weekly-focuses/711-settler-arson-attacks-against-palestinian-farmers-spread-in-the-west-bank>

⁷ Al-Haq, "Exploitation of Water Resources", 2017, available at: <http://www.alhaq.org/publications/papers/Exploitation.of.Water%2cResources.Fact.Sheet.pdf>. *See*

access to land and water, amongst other resources, particularly in Area C of the West Bank, where rich natural resources are the most abundant.

The agricultural produce and exports of Israeli settlements, sold within Israel and around the world, generate vital income and profit that further sustain the illegal presence and growth of Israel's settlement enterprise, namely agricultural settlements, in the Occupied Palestinian Territory (OPT).⁸ While Palestinians continue to suffer the consequences of Israel's discriminatory water allocation and supply, particularly in Area C where most Palestinian communities are not connected to the water grid, Israeli settlers enjoy exclusive and uninterrupted connection to the water network through pipelines laid out by Israel's National Water Company, Mekorot. Unlike Israeli settlers, Palestinians are forced to purchase water tankers at elevated prices. Because water prices depend on the distance from which the water is transported; the more remote and less accessible the community is, the higher the price of water becomes.

3. Conclusion and Recommendations

Al-Haq affirms that Palestinians who are most vulnerable to climate change, will not be able to properly adapt to future climatic changes without the genuine realisation of the collective right to self-determination and sovereignty over natural resources. Al-Haq recalls that by virtue of the temporary nature of the situation of occupation, Israel is obliged to temporarily administer Palestinian natural resources in accordance with the rules of usufruct. Accordingly, Israel is prohibited from exploiting them in a way that undermines their capital and results in economic benefits for Israel and its settlement enterprise.

Accordingly, Al-Haq calls upon the Human Rights Council to:

Condemn Israel's systematic denial of Palestinians' right to sovereignty and self-determination, including the right to sovereignty over natural resources, and to urge Israel to act in accordance with its obligations, as Occupying Power, to safeguard the occupied territory's environment and to refrain from exploiting its natural resources.

Urge Israel to act in accordance with its responsibilities stipulated under the Paris Agreement on Climate Change, namely under Article 7 of the Paris Agreement, which affirms States Parties' responsibilities to reduce climate vulnerabilities of vulnerable populations, and to respect, promote and consider their human rights obligations when taking action to address climate change

Ensure the occupied Palestinian population has access to its natural resources for sustainable development for the 'benefit of the occupied population' for its own means of subsistence.

In light of Israel's continued impunity, ensure that the Palestinian population has access effective remedies for environmental harm, including harm caused by private actors.

Urge the Office of the High Commissioner for Human Rights to immediately release the UN Database of businesses engaged in activities with Israeli settlements, as mandated by the Human Rights Council in 2016, to provide interpretative guidance to corporations to undertake enhanced due diligence about their operations and activities in the Occupied Palestinian Territory (OPT) to prevent contributing to climate injustice.

Ensure the protection of environmental human rights defenders. Recommend that the Human Rights Council hold a special session on the protection of the environment during armed conflict and occupation.

also, Al-Haq, "Water for One People Only, Discriminatory Access and 'Water Apartheid' in the OPT", 2013, available at: <http://www.alhaq.org/publications/Water-For-One-People-Only.pdf>

⁸ See WhoProfits, "Made in Israel: Agricultural Export from Occupied Territories", 2014, available at: <https://whoprofits.org/report/made-in-israel-agricultural-export-from-occupied-territories/>.