



General Assembly

Distr.: General
15 September 2020

English only

Human Rights Council

Forty-fifth session

14 September–2 October 2020

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by BADIL Resource Center for Palestinian Residency and Refugee Rights, 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.

[20 August 2020]

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



Undermining the Palestinian People’s Right to Development through Policies and Practices of Segregation, Fragmentation, and Isolation

Introduction

1. The right to development is recognized under international law as an inalienable and inclusive human right geared towards economic, social, cultural and political advancement and well-being through free participation and contribution,¹ as such “a necessary precondition to the achievement of real and sustainable progress, expanded capacities and enlarged freedoms for the entire population.”²

2. Since its creation, Israel has developed a comprehensive set of policies and practices of segregation, fragmentation and isolation aimed at creating a situation of Palestinian de-development and denying Palestinians economic, social, and cultural rights. Such policies and practices imbue all aspects of life controlled by Israel, including education, health, worship, civil and criminal justice, employment, available industries, agricultural development, or transportation infrastructure.³

Unlawfulness of the Israeli System of Segregation, Fragmentation and Isolation under International Law

3. Segregation refers to the enforced systemic separation, partial or total, of the Jewish-Israeli community from the Palestinian community, in a manner that discriminates against the latter group for the benefit of the former group. Fragmentation refers to the fracturing of the collective identity of the Palestinian people, both territorially through the division of Mandatory Palestine in different areas subjected to distinct legal regimes; and socio-politically by way of the legal re-classification and hierarchization of Palestinians depending on their place of residence. Isolation relates to the confinement, concentration and disconnection of already fragmented Palestinian communities.

4. The policies and practices of segregation, fragmentation and isolation of the Palestinian people not only violate Article 3 of the Convention on the Elimination of All Forms of Racial Discrimination,⁴ but also constitute widespread and systematic practices of apartheid under Article 2 of the Apartheid Convention,⁵ and qualify as a crime against humanity.⁶

Segregation, Fragmentation, Isolation, and Undermining the Right to Development: The Case of Bethlehem

5. For example, in the city of Bethlehem, control over transportation through segregation, fragmentation and isolation has taken the form of: a concentrated and isolated enclave disconnected from its twin city Jerusalem along the Pilgrimage Route; the full Israeli

¹ United Nations General Assembly (UNGA), Declaration on the Right to Development: resolution adopted by the General Assembly, 4 December 1986, A/RES/41/128, Article 1(1).

² UNGA, Situation of Human Rights in the Palestinian Territories Occupied since 1967: Note by the Secretary-General, 19 October 2016, A/71/554, para. 40.

³ See BADIL, Forced Population Transfer: The Case of Palestine – Segregation, Fragmentation and Isolation, working paper no.23 (February 2020), available at: <http://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/WP23-SFI.pdf>.

⁴ UNGA, International Convention on the Elimination of All Forms of Racial Discrimination, 660 UNTS 195, 21 December 1965, Article 3.

⁵ UNGA, International Convention on the Suppression and Punishment of the Crime of Apartheid, 1015 UNTS 243, 30 November 1973, Article 2(b)-(d).

⁶ UNGA, Rome Statute of the International Criminal Court, 2185 UNTS 3, 17 July 1998, Article 7(1)(j).

control of over 87 percent of the Bethlehem governorate including all transportation thoroughfares, supported by 48 closure mechanisms;⁷ the re-direction of the road networks through checkpoints and roads deviation; the diversion of major thoroughfares and their monopolization dedicated for Israeli-Jewish use only, such as the Jerusalem-Hebron Route 60; the forced relegation of freight traffic between the north and the south of the West Bank via Bethlehem to the dangerous Wadi al-Nar road, with its share of traffic jams, brake failures and deadly accidents; chronic underfunding and diverse impediments to transportation infrastructure projects; its encirclement by Gilo, Har Homa and Giv'at HaTamos settlements; the absence of a commercial checkpoint that renders the transport of goods to and from Jerusalem more difficult and expensive; and a shutdown on public transportation that used to connect Bethlehem to other Palestinian cities via Jerusalem. These combined mechanisms have enabled Israel to control and undermine Palestinian economic, social and cultural development and cultivate the domination of Israeli-Jewish communities over them.

6. These Israeli policies and practices have severed Palestinians' access and connection to their lands, natural wealth, resources and markets, curtailed freedom of movement of people and goods, restricted imports and exports under the veil of security concerns, and undermined the overall production and manufacturing capacity. Increased travel expenses due to extended distances, in particular along the Bethlehem-Ramallah route, traffic congestion, and uncertainty in relation to checkpoints impose a significant economic burden on the Palestinian economy of approximately 54.7 million USD per year.⁸

7. In the case of Bethlehem, the encirclement of 83.9 percent of its agricultural lands by bypass roads and settlements,⁹ coupled with the highest rate of households suffering from access and cultivation restrictions,¹⁰ contribute to further isolating the city from its traditional markets. This paves the way for undermining traditional agricultural industries, with agricultural jobs having decreased from 11.6 percent in 2000,¹¹ to 3.5 percent of the employment sector in 2016,¹² and having one of the highest unemployment rates in the West Bank.¹³

8. The only alternative to the declining traditional industries lies in the increasing dependence on alternative unstable industries, that are the Israeli-controlled tourism industry, and the exploitative Israeli labor market in settlements, with Palestinian workers paid less

⁷ United Nations Office for the Coordination of Humanitarian Affairs, Bethlehem Access Restrictions, Map of Bethlehem, July 2018, available at: <https://www.ochaopt.org/content/bethlehem-access-restrictions-july-2018> [accessed 24 May 2020].

⁸ Jad Isaac et al., The Economic Cost of the Israeli Occupation of the Occupied Palestinian Territories (ARIJ, 2015), 26, available at: https://www.arij.org/files/arijadmin/2016/The_Economic_Cost_of_the_Israeli_occupation_Report_updated.pdf.

⁹ ARIJ, A Review of the Palestinian Agricultural Sector (Bethlehem: ARIJ, 2007), Figure 1, 14, available at: http://www.arij.org/files/admin/2007-2_Geopolitical_Status_of_Bethlehem_Governorate.pdf.

¹⁰ Palestinian Central Bureau of Statistics [PCBS], "Statistics Table 30: Percentage of Households that Faced Restrictions on the Movement of their Members by Region, Governorate and Area of Movement During the First Half of 2018," in "Survey of Social and Economic Conditions" [Arabic], 2019, 79, available at: <http://www.pcbs.gov.ps/Downloads/book2431.pdf>.

¹¹ Palestinian Central Bureau of Statistics (PCBS), "Statistics Table 27: Percentage Distribution of Employed Persons from the West Bank by Economic Activity, Sex and Governorate (Place of Residence)," in "Palestinian Labour Force Survey: Annual Report," [Arabic], 2000, 75, available at: <http://www.pcbs.gov.ps/Downloads/book713.pdf>.

¹² PCBS, "Statistics Table 30: Percentage Distribution of Employed Individuals Aged 15 Years and Above from the West Bank by Sex, Economic Activity and Governorate," in "Palestinian Labour Force Survey: Annual Report 2018," [Arabic], 2019, 93, available at: <http://www.pcbs.gov.ps/Downloads/book2433.pdf>.

¹³ PCBS, "The Labour Force Survey Results 2019," webpage, 13 February 2020, available at: www.pcbs.gov.ps/post.aspx?lang=en&ItemID=3666# [accessed 24 May 2020].

than half the salary of Israeli-Jewish workers¹⁴ while subjected to a degrading working permit system.

9. Moreover, the decline of the Palestinian economy enhances growing inequalities throughout Palestinian localities. In Bethlehem, the tourism industry inflates living costs to unaffordable levels for locals. Policies of fragmentation of Palestinians along socio-economic lines successfully fracture and isolate Bethlehem, a city with both the highest numbers of wealthy people – 12.4 percent – and disadvantaged people – 16.5 percent, in the West Bank.¹⁵

10. Segregation, fragmentation and isolation eventually leads to the ever-increasing integration of the Palestinian economic, social and cultural fabric into the Jewish-Israeli structure, causing the growing dependency of Palestinian local economies on Israeli-Jewish ones and enabling the appropriation of Palestinian natural resources for Israeli-Jewish interests.

Conclusion and Recommendations

11. The Declaration on the Right to Development recognizes the interconnectedness between the economic, social and cultural development of a people, and the exercise of their right to self-determination.¹⁶ Through policies and practices of segregation, fragmentation and isolation that entrench the de-development of Palestinian communities, Israel deprives the Palestinian people from access and sovereignty over their natural wealth and resources, hinders the enjoyment of their inalienable human rights, asserts its domination over the people and the land of Palestine, and thwarts the Palestinian people's right to self-determination.

Accordingly, BADIL calls on:

12. Member States of the UN Human Rights Council (HRC) to acknowledge the apartheid practices and policies of segregation, fragmentation and isolation as an impediment to the pursuance of the Palestinian people's right to development.

13. The HRC to request the Special Rapporteur on the Right to Development to request a country-visit, investigate and report on the impact of Israel's apartheid-alike mechanisms of segregation, fragmentation and isolation on the de-development of Palestinian communities, for the purpose of annihilating the Palestinians' legitimate right to self-determination.

14. All UN Member States to adopt effective measures to render Israel accountable for its flagrant human rights violations, in the light of the recommendations regarding the right to development, issued by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, submitted on the occasion of the 71st session of the UN General Assembly.¹⁷

¹⁴ United Nations Conference on Trade and Development, Working Inside the Green Line (Geneva: United Nations Conference on Trade and Development, 2017), 16, available at: https://unctad.org/en/PublicationsLibrary/tdb64d4_embargoed_en.pdf.

¹⁵ PCBS, "Statistics Table 19: Percentage of Households in Palestine that Received Assistance by Region and Governorate," in *supra* 10, 67.

¹⁶ *Supra* 1, Article 1(2).

¹⁷ *Supra* 2, para. 61.