



AL-HAQ



JOINT PARALLEL REPORT ON ISRAEL'S VIOLATIONS OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

ON THE OCCASION OF
THE UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS'
REVIEW OF THE FOURTH PERIODIC REPORT OF ISRAEL

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AL-HAQ, LAW IN THE SERVICE OF MAN

Al-Haq is an independent Palestinian non-governmental human rights organisation based in Ramallah, West Bank. Established in 1979 to protect and promote human rights and the rule of law in the Occupied Palestinian Territory, the organisation has special consultative status with the United Nations Economic and Social Council.

AL-MARSAD – ARAB HUMAN RIGHTS CENTRE IN GOLAN HEIGHTS

Al-Marsad is the only human rights organization operating in the occupied Syrian Golan. Guided by international law, Al-Marsad engages in a variety of legal, advocacy, cultural enrichment, and educational activities. Founded in 2003 by a group of Syrian human rights activists, today Al-Marsad has become an essential tool for protecting and promoting human rights in the occupied Syrian Golan.

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I. Background

1. Following the 1967 Arab-Israeli war, Israel occupied the Gaza Strip (“Gaza”), the West Bank, and East Jerusalem, collectively referred to as the Occupied Palestinian Territory (“OPT”),¹ and the Syrian Golan. The OPT is home to approximately five million Palestinians.² The occupied Syrian Golan (“Golan”), in southwest Syria, comprises of about 1,230 km² where approximately 27,000 Syrians reside.³
2. In the last half century of occupation, Israel, as Occupying Power, has devised a myriad of methods to systematically deepen and expand its territorial control.⁴ Israel’s measures are designed to hamper the economic, social, and cultural rights of the Palestinians and Golani Syrians,⁵ while favouring the interests of Israeli and multinational corporate entities. This submission examines the systemic and manifestly unlawful exploitation of renewable and non-renewable energy resources in the OPT and Golan and how this exploitation denies numerous rights guaranteed in the International Covenant on Economic, Social and Cultural Rights (“Covenant”) for both occupied populations.

A. Legal Status of the Occupied Palestinian Territory and Occupied Syrian Golan under International Law

3. Since 1967, Israel has remained the *de facto* Occupying Power of the OPT and Golan.⁶ As Occupying Power, Israel is bound by the laws of belligerent occupation and obliged to govern the territories it occupies in accordance with international humanitarian law, including the Fourth Geneva Convention (1949) and the Hague Regulations (1907).⁷ Under the laws of occupation, Israel is a temporary administrator of the territories it occupies; therefore, it is prohibited from transferring its civilian population into, applying its laws in, or moving to annex these territories.⁸ Additionally, the laws of occupation require Israel to limit its use of natural resources in the OPT and Golan and refrain from exploiting such resources for its own economic benefit.⁹ Israel’s responsibilities include, *inter alia*, acting in good faith, maintaining the capital of natural resources for the benefit of the occupied population, and ensuring that the occupied population has an adequate standard of living.¹⁰
4. Israel, however, consistently denies and ignores these obligations and instead governs the OPT and Golan in a sovereign-like manner, permanently alienating public immovable land and natural resources and applying its domestic laws to unlawfully annexed parts of the occupied territories. The international community has continually warned that Israel’s occupations violate international humanitarian law.¹¹ It has also repeatedly recognized Palestinians’ right to self-determination and sovereignty over the OPT¹² and Syria’s right to self-determination and permanent sovereignty over their resources in the Golan.¹³

B. Applying Unlawful Sovereign Control over the Occupied Territories

5. Israel exercises control over the Golan and OPT through a combination of military orders and civilian laws. Israel treats each region differently although both territories have identical status as occupied territory under international law. Israel purported to annex the Golan in 1981 when it passed the Golan Heights Law, which extended Israel’s civilian jurisdiction to the territory.¹⁴ In

response, the United Nations (“U.N.”) Security Council passed Resolution 497 (1981), which declares Israel’s attempted annexation of the Golan “null and void.”

6. Similarly, in 1967, Israel annexed East Jerusalem, through an amendment to the Law and Administrative Ordinance 1948, providing that the law, jurisdiction, and administration of the State shall extend to any area of Eretz (Land) Israel, as designated by an order of the government. On 28 June 1967, the Israeli authorities used this amendment to place 30,000 dunums (7,413 acres) of East Jerusalem, including the Old City, under Israeli judicial and administrative control. On the same day, and using another amended law, the Israeli Municipality of West Jerusalem extended its borders over the same land, bringing East Jerusalem within its jurisdiction. The East Jerusalem Municipality was ordered to cease operations the next day and Israel completed its annexation under the banner of “integrating services.”¹⁵ In 1980, Israel *de jure* annexed East Jerusalem, applying its own civil laws and jurisdiction.¹⁶ The U.N. Security Council, with Resolution 478 (1980), called on all States to “not to recognize the ‘basic law’ and such other actions by Israel that, as a result of this law, seek to alter the character and status of Jerusalem.”¹⁷
7. The Oslo Accords divided the OPT’s West Bank into Areas A, B, and C, and established the Palestinian Authority (“PA”).¹⁸ Though the PA obtained varying degrees of administrative responsibility over Areas A and B, Israel maintains overall effective control of these areas.¹⁹ Israel holds “full civil and security authority” over Area C,²⁰ which comprises of more than 60 percent of the West Bank. The Israeli Civil Administration, a branch of the Israeli military, retains authority over all planning decisions including any construction in Area C.²¹ The Israeli Civil Administration’s decisions governing natural resource extraction in Area C consistently favour Israel and Israeli settlers,²² as well as corporations operating there.
8. Israel maintains effective control over Gaza’s air, waters, and perimeter, as well as administrative control over its population register, despite the presence of Palestinian authorities and Israel’s declared official “disengagement” in 2005.²³ Since 2007, Israel has imposed a tighter punitive closure and blockade on Gaza, along with a number of other sanctions, including power cuts, restrictions on access, and limits on the movement of people and goods.²⁴

C. Israeli Measures to Unlawfully Seize Natural Resources in the Occupied Territories

9. Since occupying the Golan, Israel has progressively consolidated its power over the region’s natural resources, treating them as if they are within Israel’s sovereign control. To date, Israel has expropriated over 95 percent of the Golan²⁵ while refusing to acknowledge the vast majority of Syrian public or private ownership of any land.²⁶ Israel also institutes discriminatory pricing on and distribution of utilities in the Golan, subsidizing illegal Israeli settlement businesses while suffocating Syrian industries, particularly the agricultural sector.²⁷
10. In the OPT, Israel’s prolonged occupation has featured the appropriation and exploitation of Palestinian natural resources for the benefit of Israel’s economy and settlement enterprise. While Israel profits immensely from these natural resources, it prohibits Palestinian access to and development of the same resources. These natural resources include land, agriculture, water, minerals, mud, gas, oil, stone reserves, and more.²⁸ Notably, Israel maintains military and civil control over the most resource-rich area in the OPT, Area C, as part of an intentional policy to

benefit the Israeli economy and allow for settlement expansion with the ultimate goal of annexation.²⁹

11. Israel has spent the last half century consolidating its control over land and natural resources in the OPT through, among other practices, military orders, the transfer of settlers into the OPT through various incentives, the construction of, *inter alia*, housing units and infrastructure for its settler population, the construction of the Annexation Wall, and the privatization of the water sector. Israel has forcibly integrated the Palestinian water sector with its own in order to benefit Israeli civilians, settlers, and the Israeli economy as a whole. Israel exploits and extracts nearly 90 percent of the West Bank's water resources for its own use and allocates only approximately 10 percent to Palestinians.³⁰ Palestinians are prohibited from accessing their own water resources in the OPT.³¹
12. Israel's practices of consolidating its grasp on occupied land, forcibly displacing its residents and altering demographics,³² seizing and exploiting its natural resources,³³ and developing new avenues for resource exploitation³⁴ amount to grave breaches of international humanitarian law. Although international humanitarian law is not contemplated within the Committee on Economic, Social and Cultural Rights' ("Committee") mandate, it is essential to note Israel's complete failure to uphold its obligations under the Geneva Conventions,³⁵ the Hague Regulations,³⁶ International Court of Justice rulings,³⁷ and customary international humanitarian law.³⁸ International human rights and humanitarian law are complementary. The Committee has itself acknowledge this with regards to its observations of Israel's actions:

"The Committee repeats its position that even in a situation of armed conflict, fundamental human rights must be respected and that basic economic, social and cultural rights, as part of the minimum standards of human rights, are guaranteed under customary international law and are also prescribed by international humanitarian law. Moreover, the applicability of rules of humanitarian law does not by itself impede the application of the Covenant or the accountability of the State under [A]rticle 2 (1) for the actions of its authorities."³⁹

Therefore, as the following issues are addressed under the Covenant, the Committee is also asked to recognize Israel's consistent disregard for its obligations to the occupied populations in the OPT and Golan under international humanitarian law.

II. Israel's Exploitation of Oil and Gas Resources in the Occupied Territories

13. Israel exploits gas and oil resources in the territories it occupies while prohibiting Syrians and Palestinians from utilizing the same resources. Israel relies heavily on the private sector to conduct extractions. This unlawful exploitation of resources in the occupied territories gives rise to a number of human rights violations. Israel is not only responsible for its own actions, it is also responsible for the conduct of private enterprises in the territories it occupies,⁴⁰ and must ensure that the private sector honours international human rights obligations in those territories.

A. Factual Overview

14. Since the outbreak of the Syrian conflict in 2011, Israel has advanced gas and oil exploration in the Golan.⁴¹ It is estimated that the Golan contains "billions of barrels" of oil.⁴² Israel issued its first license to drill exploratory wells for gas and oil reserves in 2013 to Afek Oil and Gas ("Afek"), a subsidiary of Genie Energy, a massive United States-based energy corporation.⁴³ Afek's license

covered the majority of the southern half of the Golan, where it dug 10 wells before halting drilling activities in 2017.⁴⁴ Although Afek has paused its drilling, it remains optimistic about large oil reserves in the Golan⁴⁵ and is still actively seeking licenses in the region.⁴⁶

15. In Gaza, Israel began unilaterally exploiting contiguous gas resources in 2011, but has blocked Palestinians' access to gas resources in Gaza's maritime zone for nearly 20 years. The Gaza Marine gas field is located within the agreed upon Palestinian Maritime Zone in the Mediterranean Sea, 36 kilometres west of Gaza City, and has substantial gas reserves estimated at 1.4 trillion cubic feet.⁴⁷ Since 2007, Israel has imposed naval restrictions on shipping and blockaded all sea access to Gaza, leaving an area of just three to six nautical miles for Palestinian use. This has also negatively affected the Palestinian fishing industry as fishermen are constantly subjected to indiscriminate and disproportionate attacks by Israeli forces, including arbitrary arrests and the excessive use of lethal force, which has resulted in deaths.⁴⁸
16. Israel not only exploits the OPT's energy resources, it also locates strategic gas infrastructure in maritime waters that Palestinians cannot access. For instance, the \$15 billion USD El-Arish pipeline, operated by Noble Energy and Delek Drilling,⁴⁹ is located in Gaza's maritime zone, approximately 13 nautical miles off the Palestinian coast.⁵⁰ Israel soon expects to use the El-Arish pipeline, which will connect Israel's pipeline network to Egypt's, for gas export. The El-Arish pipeline, although carrying gas processed from Israel's existing fields, will run through Palestinian waters. Israel's placing of the El-Arish pipeline off Gaza's coast incentivizes Israel to continue to block the development of Gaza's maritime zone and continental shelf through naval closures under the pretext of security.⁵¹ Additionally, the Mari-B gas storage facility, which is an integral part of Israel's domestic gas infrastructure, is also positioned just 13 nautical miles from Gaza's coast, in Israeli waters. Israel maintains a heavy security perimeter around the platform, which extends into Palestine's maritime waters.⁵²

B. Legal Analysis

17. When Israel exploits gas and oil resources in the territories it occupies, and blocks Syrians' and Palestinians' access to the same resources, it violates the Covenant. Private entities like Afek, Genie Energy, and Noble Energy are complicit in these illegal activities. Article 1 of the Covenant states that "[a]ll peoples may, for their own ends, freely dispose of their natural wealth and resources."⁵³ It adds that "[i]n no case may a people be deprived of its own means of subsistence."⁵⁴ The U.N. Human Rights Committee has stated this principle affirms the right to economic self-determination.⁵⁵ In this vein, the U.N. Security Council and General Assembly have specifically recognized Palestinians' and Syrians' inherent rights to sovereignty over their resources.⁵⁶
18. The Committee has, numerous times, taken issue with States' and private parties' commercial exploitation of natural resources, especially when it interferes with local populations' ability to profit off and use their own land for their own means of subsistence.⁵⁷ Similarly, the Committee has criticised State policies in occupied territory that infringe on peoples' right to freely utilize their resources.⁵⁸ Israel has a similar obligation under international humanitarian law, as a belligerent occupier, to protect and ensure Syrians' and Palestinians' rights to access and freely dispose of their natural resources.⁵⁹

19. Under both international human rights and humanitarian law, Israel has uniformly failed in its responsibilities to protect economic self-determination. Syrians and Palestinians have never consented to Israel's exploitation of their natural resources, nor have they ever been genuinely or meaningfully consulted about Israel's use of their natural resources. International law requires that States engage relevant local authorities and community representatives when contemplating exploiting natural resources in an occupied territory.⁶⁰ This responsibility is heightened when the land and resources belong to minority and indigenous communities whose ways of life are often threatened by large scale development.⁶¹ Instead of heeding its obligations, Israel facilitates the pillage of oil and gas resources in the Golan and OPT in violation of Article 1.⁶²
20. Israel's blockade of Gaza, a deliberate act of collective punishment in contravention of international humanitarian law,⁶³ is enforced discriminatorily in violation of Article 2 of the Covenant. Under Article 2(2), States must "guarantee that the rights enunciated in the present Convention will be exercised without discrimination of any kind."⁶⁴ The Committee has noted that this encapsulates all forms of discrimination, including direct, indirect, formal, and substantive discrimination.⁶⁵ Thus, States are required to, in addition to ensuring they do not discriminate, eliminate environments and conditions that facilitate discrimination.⁶⁶ The Committee has, many times, criticised States' willingness to institute policies and laws that directly, or by their impact, discriminate against indigenous communities, minorities, and marginalized populations.⁶⁷ Notably, the Committee has done so regarding Israel's discriminatory treatment of non-Jews in the areas under its control.⁶⁸
21. While supporting the production and expansion of its own gas industry off the coast of Gaza, Israel continues to intentionally limit Palestinians' right to move within and outside of Gaza and prohibits them from utilizing their own territorial waters. This results in many violations of rights enshrined in the Covenant, including the rights to life, dignity, health, and work. Israel's actions in discriminatorily enforcing its blockade directly cause these rights violations, clearly infringing on Article 2.
22. By preventing Palestinians and Syrians from utilizing their own gas and oil reserves, Israel is also depriving these peoples of their fundamental rights to work freely and achieve an adequate standard of living in violation of Articles 6⁶⁹ and 11⁷⁰ of the Covenant. In the OPT, Israel's Gaza blockade has restricted Palestinians' right to work freely, including in the energy and fishing industries. The blockade further restricts the movement of people and goods in and out of Gaza. This, in combination with constant military attacks by land and sea, restricts Palestinians from achieving an adequate living standard and has completely stifled life, development, and economic growth. In fact, the Palestinian Central Bureau of Statistics has recorded a sharp increase in the unemployment rate in Gaza, from 44 percent in 2017 to 52 percent in 2018.⁷¹
23. Golan Syrians, although not under siege, are similarly limited in their development and living standards. They are unable to develop their own gas and oil industries due to Israel's illegal⁷² enforcement of its own laws and regulations that support Israeli companies and their multinational parent companies.⁷³ Israel's actions in this regard restrict Syrians' rights to freely choose their work and benefit from potentially lucrative gas and oil deposits. Israel's selective development in the Golan contributes to the high unemployment rate: only about 51 percent of working age Syrians in the Golan are employed.⁷⁴ Approximately 90 percent of those individuals do not work in any

industry that utilizes natural resources despite the fact that prior to occupation the indigenous community worked mostly in agricultural.⁷⁵

III. Israel's Exploitation of the Renewable Energies Sector in the Occupied Territories

24. Israel exploits renewable energy resources in the territories it occupies, while restricting Syrians and Palestinians from accessing the same resources, in violation of Syrians' and Palestinians' rights as recognized by the Covenant. Again, these violations have been perpetrated by Israel in coalition with private entities despite the fact that Israel has a duty to ensure these private businesses do not violate international law in areas under its control.⁷⁶

A. Factual Overview

25. Under the cloak of pursuing sustainable, clean energy goals,⁷⁷ Israel continues to attempt to illegally extend its jurisdiction into the occupied territories by launching renewable energy projects in the Golan and OPT. Simultaneously, Palestinians and Syrians are denied access to their natural resources and territory while being forced into permanent energy dependence on Israel through the creation of captive economies.

26. Out of Israel's numerous wind and solar energy projects in the Golan,⁷⁸ the Clean Wind Energy Project will have the most dramatic impact on Syrians' health⁷⁹ and environment.⁸⁰ The company behind the project is Energix Renewable Energies Ltd. ("Energix"), which is incorporated and traded on Israel's main stock exchange.⁸¹ To advance the project, Energix is following Israeli regulations and seeking to obtain Israeli licenses.⁸² Energix also hopes to secure a contract with the State-owned Israeli Electric Corporation ("IEC") to supply Israel's main power grid.⁸³

27. Energix's project proposes to build 31 wind turbines that can reach heights of 220 meters.⁸⁴ The project will be built atop Syrian agricultural lands and in close proximity to Syrian population centres.⁸⁵ The project's full structural footprint is still unknown but it is estimated that the project as a whole will occupy about 4,300 dunums (1,062 acres), almost a quarter of the limited agricultural land remaining in Syrians' possession. The project is planned to generate 130-150 megawatts of energy per year, producing revenues of \$38-44 million USD each year.⁸⁶ Al-Marsad estimates, based on testimonials it has received and after viewing land contracts for the project, that if the project is built, Syrian landowners will receive less than one percent of its total profits.⁸⁷

28. Energix's project poses serious health risks to Syrians. For example, turbines emit an inaudible, low-frequency sound wave known as infrasound, which can cause motion sickness, headaches, dizziness, and nausea.⁸⁸ The turbines are also likely to affect nearby residential populations through "flickering."⁸⁹ Even minimal exposure to flickering can be disturbing and harmful, especially to those with epilepsy.⁹⁰ Most concerning though is the risk Energix's project poses to Syrians' cultural life in the Golan. Indigenous Syrians are deeply attached to their ancestral land. This attachment is strong despite Israel's repeated attempts to dispossess Syrians of their small plots.⁹¹

29. Israel is similarly advancing clean energy projects for its benefit in violation of international law in the OPT, mostly in the form of solar energy farms. In October 2014, the Israeli government approved commercial solar fields in the OPT.⁹² In 2016, Israel mandated that all solar farm projects in Israel and the OPT with a capacity of over 800 megawatts be connected to Israel's power grid.⁹³

As of February 2017, four large-scale Israeli commercial solar fields were operating in illegal industrial settlements in the West Bank.⁹⁴

30. It must be noted that Israel took control of Palestine's electricity grid following its occupation in 1967, placing it under the control of the IEC, terminating Palestinian providers' concessions for the supply of electricity, and conferring new supply concessions to the IEC.⁹⁵ All the electricity generated from the West Bank's solar fields is sold to the IEC then distributed to illegal Israeli settlements, Israel, or sold back at inflated prices to Palestinians in the OPT.⁹⁶ Israel's actions in this regard create a captive market.
31. Kalia Solar Field in Kibbutz Kalia on the northern Dead Sea Shore is a prime example of Israel's settlement solar fields. Kalia Solar Field is connected to Israel's power grid and occupies approximately 133 dunums (33 acres) of illegally seized Palestinian land.⁹⁷ This field generates enough power to provide electricity for about 5,000 houses. As of December 2016, there were 104,000 solar panels in Kalia Solar Field. The IEC has committed to buy all of Kalia Solar Field's energy production for the next 20 years.⁹⁸ Several companies have been involved in the Kalia Solar Field's construction and operation, including Clal Sun (Israel), First Solar (United States), PADCON (Germany), SMA Solar Technology (Germany), and ABB Group (Sweden and Switzerland).⁹⁹
32. While advancing its own renewable energy interests in the OPT, Israel actively prevents and prohibits Palestinians from pursuing renewable energy projects. In Area C of the West Bank, Israel has made it almost impossible for Palestinians to obtain building permits for construction,¹⁰⁰ including for houses, solar panels, and other basic structures.¹⁰¹ This policy of denial has led to a long-standing and mounting practice of Palestinian house and property demolitions and confiscations by the Israeli authorities, particularly in Area C and East Jerusalem.¹⁰² Over the years, Al-Haq has documented the demolition and confiscation of solar panels, including those donated by the international community for humanitarian purposes.¹⁰³
33. These actions are not dissimilar from Israel's tactics in the Golan, where Israel maintains extremely restrictive zoning and building policies on Syrians, including the incessant issuance of demolition orders for Syrian structures, while facilitating illegal settlement expansion.¹⁰⁴ Israel also recently initiated a process to zone some of the only viable land for the expansion of the Golani Syrian villages as a national park, which is effectively a mechanism of appropriation.¹⁰⁵ This would make it nearly impossible for the creation of any future Syrian development projects that would need to be built on new land. Further, it has been reported that in 2014 Israel sought to stop a local Syrian renewable energy project from advancing in the Golan.¹⁰⁶
34. It is important to note that the IEC operates Israel's, Palestine's, and the Golan's electric grids as one territorial contiguous entity and controls 75 percent of electricity generation for that grid.¹⁰⁷ In 2017, Israel provided the West Bank with 99 percent of its electricity.¹⁰⁸ Palestinians in the OPT, as well as Golani Syrians, have been forced to become dependent on Israel's electric grid for their power. Israel also deliberately denies many Palestinian communities, especially in Area C, access to the electric grid, creating coercive environments to force Palestinians to leave areas to create space for illegal settlement expansion. This forces some Palestinians to seek out alternative means of electricity to meet their basic needs.¹⁰⁹ Meanwhile, the EuroAsia Interconnector Project, which is set to launch by 2023, will connect Israel's power grid, including its settlements as well

as illegally occupied Palestine and Golan, to mainland Europe.¹¹⁰ This energy infrastructure integration further entrenches Israel's occupation and colonisation.

B. Legal Analysis

35. Israel, along with numerous private companies, both Israeli and international, is exploiting Syrians' and Palestinians' lands to create renewable energy industries in violation of Syrians' and Palestinians' right to self-determination under Article 1 of the Covenant. In the Golan, Energix's project will prevent Syrians from being able to use, cultivate, and exercise control over their fertile agricultural lands. By approving Energix's project, Israel will deprive Golani Syrians of their right to "freely dispose of their natural wealth and resources."¹¹¹ Similarly in the OPT, by not allowing Palestinians to make use of their solar energy potential and confiscating Palestinian land and solar panels, Israel, with complicit corporations, is depriving Palestinians of their sovereign right to utilise their natural resources.
36. Israel's activities in facilitating the exploitation of Palestinians' and Syrians' lands for its own renewable energy projects violate Article 2 of the Covenant because they discriminate against Palestinians and Syrians. Israel severely restricts Palestinians' and Syrians' ability to build their own renewable energy industries and destroys infrastructure for such industries when built. Meanwhile, Israel supports large Israeli and settlement-based projects that breach the territorial integrity and political independence of the Golan and OPT. Israel's discrimination in this regard is patently clear.
37. The installation of private renewable energy projects in the Golan and OPT violates Syrians' and Palestinians' right to work and freely choose their work under Article 6 of the Covenant. Installing wind turbines on Syrians' agricultural land in the Golan threatens farming, a staple of the Syrian economy in the region. Not only does the physical presence of the 200-plus-meter turbines reduce the land available for cultivation, but the climate conditions created by the turbines may negatively affect the land that can still be farmed. These pressures risk forcing Syrians out of the agricultural sector altogether. In the OPT, Israel's solar farm policies thwart Palestinians' efforts to use their land and build their own renewable energy initiatives, and thus violate their right to choose their own work. Golani Syrians face similar restrictions if they attempt to build their own renewable energy industries.
38. By manipulating renewable resources in the territories it occupies, Israel also infringes on Article 11 of the Covenant, which guarantees an adequate standard of living. Israel's absolute control of the renewable energies sector thwarts Syrians' and Palestinians' ability to profit and benefit from their own renewable resources. Energy is the backbone of any modern economy. In particular, many renewable energy projects are potentially lucrative because they supply affordable energy from a sustainable source. Israel's control over energy resources allows it to determine the commercial success of Syrian and Palestinian enterprises. Israel has used this power to stifle prosperity in the OPT and Golan, thwarting Palestinians' and Syrians' access to an adequate standard of living.
39. In controlling the renewable energies sector in the territories it occupies, Israel is also infringing on its obligations to protect Syrians' and Palestinians' right to the highest attainable standard of health, as articulated in Article 12 of the Covenant.¹¹² In the Golan, wind turbines' health impacts,

outlined above, can cause serious medical issues for the people living and working in proximity to them.¹¹³ Energix's project may build turbines within one kilometre, in some locations, of remaining Syrian villages in the Golan.¹¹⁴

40. Israel's control of the electric supply for Syrians and Palestinians also threatens both communities' health because it allows Israel the ability to withhold vital medical supplies and instruments that rely on electricity. This has been strikingly evident in Gaza where Israel's blockade has limited electricity to the point where that the World Health Organization has voiced concern that necessary medical care is being threatened.¹¹⁵ Since 2012, U.N. reports have repeatedly warned that Gaza will become unfit for human inhabitancy by the year 2020 should Israel fail to reverse its discriminatory policies and practices there.¹¹⁶
41. Israel's and private companies' control of the renewable energies sector not only dispossesses Syrians and Palestinians of their natural resources, but also threatens cultural survival, as illustrated in the Golan. Article 15 of the Covenant protects cultural diversity,¹¹⁷ which, as acknowledged by the Committee, includes a group's or individual's traditions and practices tied to their natural environment and resources.¹¹⁸ For Golani Syrians, land is precious. Israel's occupation and subsequent restrictions on the Syrian community's land use has only heightened Syrians' cultural attachment to their ancestral lands. The time Golani Syrians spend on their lands is how they "express their humanity and give meaning to their existence."¹¹⁹ Energix's project threatens to alter this land permanently and further limit Syrians' access to it. This will rupture the community's way of life and destroy important cultural activities tied to the land.

IV. Conclusion and Recommendations

42. Israel's violations of the Covenant through its exploitation and prevented development of the Golan's and OPT's oil, gas, and renewable energies industries are part of Israel's concerted, calculated efforts to profit off the lands it occupies to the detriment of those under occupation. Such actions are unambiguously contrary to international human rights and humanitarian law. Multinational and Israeli companies play a vital role in these international law abuses. Israel actively encourages and subsidizes these private actors, facilitating their access to the occupied territories. The international law violations discussed here are not unique to a given region or peoples, Syrian or Palestinian; rather, Israel's systematic discrimination, oppression, and exploitation of the local populations of the territories it occupies knows no bounds.
43. In light of the above, in its review of Israel, the Committee should:
- Call on Israel to fulfil its obligations under international human rights law, notably its obligations under the Covenant, and international humanitarian law in the Golan and OPT;
 - Condemn Israel's failure to safeguard Palestinians' and Syrians' rights as guaranteed by the Covenant, notably the right to self-determination and permanent sovereignty over natural resources, among others;
 - Condemn Israel's discriminatory application of laws and regulations in the areas under its control, especially laws and regulations that prohibit Syrians and Palestinians from controlling, accessing, and developing their natural resources;

- Call on Israel to ensure the genuine consent of the occupied populations in the OPT and Golan before engaging in any projects that extract their resources, including by holding extensive and effective consultations;
- Call on Israel to establish policies, while it insists on maintaining its unlawful occupations, that allow Syrians and Palestinians within their respective homelands, in line with international law, to freely develop their natural resources and foster natural resource-based industries;
- Call on Israel to stop providing incentives that allow for and facilitate the expansion of illegal settlements in occupied territories;
- Call on Israel to cease its encouragement and authorization of Israeli and multinational commercial enterprises' activities in occupied territories under circumstances that violate Israel's obligations under international humanitarian and human rights law. Further, Israel must regulate, in line with international law, the operations and activities of Israeli and multinational corporations in the occupied territories;
- Call on Israel, as a U.N. Member State, to respect the work, independence, and impartiality of the U.N. High Commissioner for Human Rights, including U.N. Human Rights Council resolution 31/36 (2016);
- Call on Israel, as an Occupying Power, to comply with the U.N. Guiding Principles on Business and Human Rights in relation to business activities in the OPT and Golan;
- Condemn Israel's attempts to silence opposition to its policies and practices that violate rights under the Covenant through such mechanisms as "anti-BDS" laws;
- Call on Israel to guarantee the right of human rights defenders in occupied territories to exercise free speech, including their right to criticize the policies and practices of the Israeli government and other private entities that violate the rights enshrined in the Covenant.

¹ U.N. General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967*, ¶29, U.N. Doc. A/HRC/40/73 (15 March 2019).

² U.N. General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967*, ¶27, U.N. Doc. A/HRC/40/73 (15 March 2019).

³ NIZAR AYOUB ET AL., FORGOTTEN OCCUPATION: LIFE IN THE SYRIAN GOLAN AFTER 50 YEARS OF ISRAELI OCCUPATION 13 (2018); Al-Marsad, Majority of Syrians Continue to Refuse Israeli Citizenship, <https://golan-marsad.org/majority-of-syrians-continue-to-refuse-israeli-citizenship/> (last visited 3 September 2019).

⁴ See U.N. Conference on Trade and Development, *Report on UNCTAD assistance to the Palestinian people: Developments in the Economy of the Occupied Palestinian Territory*, 8, U.N. Doc. TD/B/65(2)/32 (23 July 2018).

⁵ See Orhan Niksic, Nur Nasser Eddin, & Massimiliano Cali, *Area C and the Future of the Palestinian Economy*, World Bank Studies (2014), available at: <http://documents.worldbank.org/curated/en/257131468140639464/pdf/Area-C-and-the-future-of-the-Palestinian-economy.pdf>; Al-Haq, Palestinian Human Rights Organisations Submit File to ICC Prosecutor: Investigate and Prosecute Pillage, Appropriation and Destruction of Palestinian Natural Resources, <https://www.alhaq.org/advocacy/6144.html> (last visited 4 September 2019); U.N. Conference on Trade and Development, *The Economic Costs of the Israeli Occupation for the Palestinian People: The Unrealized Oil and Natural Gas Potential*, U.N. Doc. UNCTAD/GDS/APP/2019/1 (22 August 2019); *Parallel Report to the United Nations Committee on Economic, Social and Cultural Rights: Israel*, Al-Marsad – Arab Human Rights Centre in

Golan Heights (14 January 2019), available at: http://golan-marsad.org/wp-content/uploads/Al-Marsad_Parallel-Report-to-CESCR_14.01.2019.pdf.

⁶ U.N. General Assembly, *Applicability of the Geneva Conventions Relative to the Protection of Civilian Persons in a Time of War, of 12 August 1949, to the Occupied Palestinian Territory, Including East Jerusalem, and the Other Occupied Arab Territories*, U.N. Doc. A/C.4/73/L.19 (14 November 2018); Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, ¶ 8, 2004 I.C.J. 136 (July 9); U.N. General Assembly, *The Occupied Syrian Golan*, U.N. Doc. A/C.4/73/L.22 (23 October 2018).

⁷ U.N. General Assembly, *Applicability of the Geneva Conventions Relative to the Protection of Civilian Persons in a Time of War, of 12 August 1949, to the Occupied Palestinian Territory, Including East Jerusalem, and the Other Occupied Arab Territories*, U.N. Doc. A/C.4/73/L.19 (14 November 2018).

⁸ U.N. General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967*, ¶29-34, U.N. Doc. A/HRC/40/73 (15 March 2019); U.N. General Assembly, *Israeli Settlements in the Occupied Palestinian Territory, Including East Jerusalem, and the Occupied Syrian Golan*, U.N. Doc. A/C.4/73/L.20 (14 November 2018); U.N. Security Council, *Resolution 497*, U.N. Doc. S/RES/497 (17 December 1981).

⁹ See Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 33, 53, 55, 75 UNTS 287 (12 August 1949); Hague Convention on the Laws and Customs of War on Land and its Annex: Regulations concerning the Laws and Customs of War on Land, art. 23(g), 46, 52, 53, 187 CTS 227 (18 October 1907).

¹⁰ U.N. General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967*, ¶34, U.N. Doc. A/HRC/40/73 (15 March 2019).

¹¹ U.N. General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967*, ¶36, U.N. Doc. A/HRC/40/73 (15 March 2019).

¹² U.N. General Assembly, *Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967*, ¶36, U.N. Doc. A/HRC/40/73 (15 March 2019); U.N. General Assembly, *Resolution adopted by the General Assembly on 29 November 2012*, A/RES/67/19 (4 December 2012) (“Reaffirming its resolution 58/292 of 6 May 2004 affirming, *inter alia*, that the status of the Palestinian territory occupied since 1967, including East Jerusalem, remains one of military occupation and that, in accordance with international law and relevant United Nations resolutions, the Palestinian people have the right to self-determination and to sovereignty over their territory.”).

¹³ U.N. Security Council, *Resolution 497*, U.N. Doc. S/RES/497 (17 December 1981); U.N. General Assembly, *The Occupied Syrian Golan*, U.N. Doc. A/C.4/73/L.22 (23 October 2018); U.N. General Assembly, *Resolution adopted by the General Assembly on 20 December 2018*, A/RES/73/255 (15 January 2019); U.N. General Assembly, *Resolution adopted by the Human Rights Council on 22 March 2019*, A/HRC/RES/40/24 (17 April 2019).

¹⁴ The Golan Heights Law, 5741-1981 (Isr.).

¹⁵ See *40 Years after the Unlawful Annexation of East Jerusalem: Consolidation of the Illegal Situation Continues through the Construction of the Jerusalem Light Rail*, Al-Haq (12 October 2010), available at: <http://alhaq.org/advocacy/topics/wall-and-jerusalem/144-40-years-after-the-unlawful-annexation-of-east-jerusalem-consolidation-of-the-illegal-situation-continues-through-the-construction-of-the-jerusalem-light-rail>.

¹⁶ Basic Law: Jerusalem, Capital of Israel, 5740-1980 (Isr.).

¹⁷ U.N. Security Council, *Resolution 478*, U.N. Doc. S/RES/478 (20 August 1980).

¹⁸ *Destination: Occupation*, 21, Amnesty International (2019), available at: <https://www.amnesty.org/download/Documents/MDE1594902019ENGLISH.PDF>.

¹⁹ *Destination: Occupation*, 21, Amnesty International (2019), available at: <https://www.amnesty.org/download/Documents/MDE1594902019ENGLISH.PDF>.

²⁰ *Destination: Occupation*, 21, Amnesty International (2019), available at: <https://www.amnesty.org/download/Documents/MDE1594902019ENGLISH.PDF>.

²¹ Article 34(4) of the Jordanian Planning Law amended by Military Order 418.

²² U.N. General Assembly, *Situation of Human Rights in the Palestinian Territories Occupied Since 1967*, ¶46, U.N. Doc. A/73/45717 (22 October 2018).

²³ Andrew Sanger, *The Contemporary Law of Blockade and the Gaza Freedom Flotilla*, 13 YIHL 397, 429 (December 2010) (“Pursuant to the Disengagement Plan, Israel dismantled all military institutions and settlements in Gaza and there is no longer a permanent Israeli military or civilian presence in the territory. However, the Plan also provided that ‘Israel will guard and monitor the external land perimeter of the Gaza Strip, will continue to maintain exclusive authority in Gaza air space, and will continue to exercise security activity in the sea off the coast of the

Gaza strip,' as well as maintaining an Israeli military presence on the Egyptian/Gaza border, and reserving the right to re-enter Gaza at will.”).

²⁴ Andrew Sanger, *The Contemporary Law of Blockade and the Gaza Freedom Flotilla*, 13 YIHL 397, 429 (December 2010); *The Conflict in Gaza: A Briefing on Applicable Law, Investigations, and Accountability*, 7, Amnesty International (January 2009), available at: <https://www.amnesty.org/download/Documents/48000/mde150072009en.pdf>; U.N. General Assembly, *Situation of Human Rights in the Palestinian Territories Occupied Since 1967*, ¶ 9, U.N. Doc. A/73/45717 (22 October 2018); U.N. High Commissioner for Refugees, *Country of Origin Information on the Situation in the Gaza Strip, Including on Restrictions on Exit and Return*, 15 (23 February 2018).

²⁵ U.N. Economic and Social Council, *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*, ¶115, U.N. Doc. A/73/87 E/2018/69 (25 May 2018).

²⁶ See International Labour Organization, *The Situation of Workers of the Occupied Arab Territories*, ¶146, ILC.108/DG/APP (June 2019); United Nations Economic and Social Council, *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*, ¶120, U.N. Doc. A/73/87 E/2018/69 (25 May 2018); U.N. Human Rights Council, *Human Rights in the Occupied Syrian Golan*, ¶21, U.N. Doc. A/HRC/34/37 (10 January 2017).

²⁷ U.N. Economic and Social Council, *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*, ¶117, U.N. Doc. A/73/87 E/2018/69 (25 May 2018); International Labour Organization, *The Situation of Workers of the Occupied Arab Territories*, ¶123, ICL.106/DG/APP (May 2017); See also NIZAR AYOUB ET AL., FORGOTTEN OCCUPATION: LIFE IN THE SYRIAN GOLAN AFTER 50 YEARS OF ISRAELI OCCUPATION 13-24, 54-76, 91-101, 119-126 (2018).

²⁸ See *Business and Human Rights in Palestine*, Al-Haq (7 December 2016), available at: <http://www.alhaq.org/publications/8063.html>; *Israel's Control of Water in the Occupied Palestinian Territories*, 25, EWASH (September 2012), available at: <https://reliefweb.int/report/occupied-palestinian-territory/israels-control-water-occupied-palestinian-territories>; Nijm Basheer K., *Water Resources in the History of the Palestine-Israeli Conflict*, 21 GeoJournal 317, (August 1990).

²⁹ Jeffrey Heller, *Netanyahu repeats pledge to annex Israeli settlements in occupied West Bank*, REUTERS, 1 September 2019, available at: <https://www.reuters.com/article/us-israel-palestinians-settlement/netanyahu-repeats-pledge-to-annex-israeli-settlements-in-occupied-west-bank-idUSKCN1VM10D>.

³⁰ Mathew Richard & Jad Isaac, *The Water Regime in the West Bank*, This Week in Palestine (October 2012), available at: <http://archive.thisweekinpalestine.com/detaNIS.php?id=3844&ed=211&edid=211>; *Palestine – The Right to Water*, 4, Palestinian Water Authority, available at: <http://www.pwa.ps/userfiles/file/marselya.pdf>.

³¹ *Israeli Occupying Authorities Continue to Demolish Palestinian Homes, Property and Water Infrastructures, Reporting Period: 8 – 21 July 2019*, Al-Haq (3 August 2019), available at: <http://www.alhaq.org/monitoring-documentation/14804.html>.

³² *Profile of Internal Displacement: Syrian Arab Republic*, 4, Global IDP Database (14 April 2005) available at <https://www.refworld.org/pdfid/3bd98d5d0.pdf>; NIZAR AYOUB ET AL., FORGOTTEN OCCUPATION: LIFE IN THE SYRIAN GOLAN AFTER 50 YEARS OF ISRAELI OCCUPATION 15-18 (2018).

³³ U.N. General Assembly, *Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and the Occupied Syrian Golan*, ¶60, U.N. Doc. A/72/564 (1 November 2017); United Nations Economic and Social Council, *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*, ¶113, U.N. Doc. A/73/87 E/2018/69 (25 May 2018); NIZAR AYOUB ET AL., FORGOTTEN OCCUPATION: LIFE IN THE SYRIAN GOLAN AFTER 50 YEARS OF ISRAELI OCCUPATION 54-63, 119-126 (2018).

³⁴ NIZAR AYOUB ET AL., FORGOTTEN OCCUPATION: LIFE IN THE SYRIAN GOLAN AFTER 50 YEARS OF ISRAELI OCCUPATION 91-101 (2018); Aaron Southlea & Dr. Nazeem Brik, *Windfall: The Exploitation of Wind Energy in the Occupied Syrian Golan*, 32-34, 39-50, Al-Marsad - Arab Human Rights Centre in Golan Heights (January 2019), available at: <http://golan-marsad.org/wp-content/uploads/Windfall-%E2%80%93-The-Exploitation-of-Wind-Energy-in-the-Occupied-Syrian-Golan.pdf>.

³⁵ Israel consistently violates its obligations under the Geneva Conventions by allowing for and itself engaging in the pillage, destruction, and alteration and excessive use of public immovable property in the territories it occupies. Israel also violates the Geneva Conventions by blockading parts of the OPT to stop food from entering certain territories and inhibits the occupied population's access to medical supplies and care. Geneva Convention Relative

to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 33, 53, 55, 75 UNTS 287 (12 August 1949).

³⁶ Israel consistently violates its obligations under the Hague Conventions by allowing for and itself engaging in the pillage, destruction, and alteration and excessive use of public immovable property in the territories it occupies. Israel also violates the Hague Conventions by unlawfully seizing private property and enforcing its own laws in the territories it occupies. Hague Convention on the Laws and Customs of War on Land and its Annex: Regulations Concerning the Laws and Customs of War on Land, art. 23(g), 43, 46, 52, 53, 187 CTS 227 (18 October 1907).

³⁷ See Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. 136 (July 9).

³⁸ JEAN-MARIE HENCKAERTS & LOUISE DOSWALD-BECK, CUSTOMARY INTERNATIONAL HUMANITARIAN LAW, VOLUME 1: RULES 178-180, 457-461 (2009).

³⁹ U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Israel*, ¶31, U.N. Doc. E/C.12/1/Add.90 (26 June 2003).

⁴⁰ U.N. Human Rights Council, *Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporation and Other Business Enterprises, John Ruggie – Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework*, 6-7, 10, U.N. Doc. A/HRC/17/31 (21 March 2011); See also Case Concerning Armed Activities on the Territory of the Congo (Dem. Rep. Congo v. Uganda) ¶248, 2005 ICJ 168 (Dec. 19).

⁴¹ *Israel Approves Drilling for Oil in Golan Heights*, THE JERUSALEM POST, 22 February 2013, available at: <https://www.jpost.com/Enviro-Tech/Israel-approves-drilling-for-oil-in-Golan-Heights>; Amiram Barkat, *Israel Awards First Golan Oil Drilling License*, GLOBES, 20 February 2013, available at: <https://en.globes.co.il/en/article-1000824062>.

⁴² Jonathan Zalman, ‘Billions of Barrels of Israeli Oil’ Tapped in the Golan Heights, TABLET, 7 October 2015, available at: <https://www.tabletmag.com/scroll/194012/billions-of-barrels-of-israeli-oil-tapped-the-golan-heights>.

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⁴⁴ *2018 Annual Report*, 13, Genie Energy Ltd. (2018), available at:

http://www.annualreports.com/HostedData/AnnualReports/PDF/NYSE_GNE_2018.pdf.

⁴⁵ Jonathan Zalman, ‘Billions of Barrels of Israeli Oil’ Tapped in the Golan Heights, TABLET, 7 October 2015, available at <https://www.tabletmag.com/scroll/194012/billions-of-barrels-of-israeli-oil-tapped-the-golan-heights>.

⁴⁶ *2018 Annual Report*, 13, Genie Energy Ltd. (2018), available at:

http://www.annualreports.com/HostedData/AnnualReports/PDF/NYSE_GNE_2018.pdf.

⁴⁷ Dr. Susan Power, *Annexing Energy - Exploiting and Preventing the Development of Oil and Gas in the Occupied Palestinian Territory*, 28-29, Al-Haq (August 2015), available at: <http://www.alhaq.org/publications/publications-index/item/annexing-energy>.

⁴⁸ Dr. Susan Power, *Annexing Energy - Exploiting and Preventing the Development of Oil and Gas in the Occupied Palestinian Territory*, 57-59, Al-Haq (August 2015), available at: <http://www.alhaq.org/publications/publications-index/item/annexing-energy>; See also *Israeli Navy Attacks Gaza Fishermen*, Al-Haq (8 December 2011), available at: <http://www.alhaq.org/documentation/weekly-focuses/509-israeli-navy-attacks-gaza-fishermen>; *Ongoing Attacks against Palestinian Fishermen in the Buffer Zone at Sea*, Al-Haq (6 June 2014), available at:

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⁴⁹ David Lazarus, *Leviathan Gas Rig on Its Way to Israel*, ISRAEL TODAY, 1 August 2019, available at:

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⁵⁴ International Covenant on Economic, Social and Cultural Rights, art. 1(2), 993 UNTS 3 (16 December 1966).

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⁵⁶ See U.N. General Assembly, *Future Government of Palestine*, U.N. Doc. A/RES/181(II) (29 November 1947); U.N. General Assembly, *Palestine - Progress Report of the United Nations Mediator*, U.N. Doc. A/RES/194(III) (11 December 1948); U.N. General Assembly, *Status of Palestine in the United Nations*, U.N. Doc. A/RES/67/19 (4 December 2012); U.N. Security Council, *Resolutions 242*, U.N. Doc. S/RES/242 (22 November 1967); U.N. Security Council, *Resolution 338*, U.N. Doc. S/RES/338 (22 October 1973), U.N. Security Council, *Resolution 1402*, U.N. Doc. S/RES/1402 (30 March 2002).

⁵⁷ See U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Democratic Republic of the Congo*, ¶13, U.N. Doc. E/C.12/COD/CO/04 (16 December 2009) (identifying that the Congo was allowing private companies to exploit natural resources to the detriment of the local population.); U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Madagascar*, ¶12, U.N. Doc. E/C.12/MDG/CO/2 (16 December 2009) (finding that a local law allowing foreign investors to acquire land was having an adverse impact on local persons' ability to access and cultivate land.); U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Cambodia*, ¶16, U.N. Doc. E/C.12/KHM/CO/1 (12 June 2009) (expressing concern at the "adverse effects of the exploitation of natural resources ... being carried out in indigenous territories, contravening the right of indigenous peoples to their ancestral domains, lands, and natural resources.").

⁵⁸ U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Israel*, ¶17, 39, U.N. Doc. E/C.12/1/Add.27 (4 December 1998) (noting with concern that the restrictions on Palestinian movement "cut off Palestinians from their own land and resources, resulting in widespread violations of ... Article 1(2) of the Covenant."); U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Morocco*, ¶10, U.N. Doc. E/C.12/1994/5 (30 May 1994) (acknowledging the negative consequences of Morocco's occupation-based policies on the economic, social and cultural rights of the native population in Western Sahara.).

⁵⁹ Hague Convention on the Laws and Customs of War on Land and its Annex: Regulations concerning the Laws and Customs of War on Land, art. 55, 187 CTS 227 (18 October 1907).

⁶⁰ Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria, Communication 155/96, African Commission on Human and People's Rights ¶53, 58 (2001); U.N. General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, art. 18, 27, U.N. Doc. A/Res/61/295 (2 October 2007).

⁶¹ U.N. Education, Scientific and Cultural Organization, *Convention Concerning the Protection of the World Cultural and Natural Heritage*, ¶XI(1)(e), U.N. Doc. WHC-99/CONF.205/5Rev (19 November 1999).

⁶² Israel's exploitation of the Golan and OPT in search of oil and gas violates the international humanitarian law principles outlawing pillage, destruction, alteration of, and excessive use of public immovable property in occupied territories as well as infringing on the principle outlawing an occupying power's enforcement of its own laws in occupied territory. Additionally, it violates international humanitarian law's ban on seizing private property in occupied territory. Hague Convention on the Laws and Customs of War on Land and its Annex: Regulations Concerning the Laws and Customs of War on Land, art. 43, 46, 52, 53, 187 CTS 227 (18 October 1907).

⁶³ See *Closure of Gaza Commercial Crossing: UN Experts Call on Israel to Reverse Decision*, U.N. Office of the High Commissioner for Human Rights (13 July 2018), available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23375&LangID=E>.

⁶⁴ International Covenant on Economic, Social and Cultural Rights, art. 2(2), 993 UNTS 3 (16 December 1966).

⁶⁵ BEN SAUL, DAVID KINLEY & JACQUELINE MOWBRAY, *THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS: COMMENTARY, CASES, AND MATERIALS* 181-182 (2014).

⁶⁶ BEN SAUL, DAVID KINLEY & JACQUELINE MOWBRAY, *THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS: COMMENTARY, CASES, AND MATERIALS* 181-182 (2014).

⁶⁷ U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Bolivia*, ¶14, U.N. Doc. E/C.12/1/Add.60 (21 May 2001) (voicing concern with the "marginalization of, and discrimination against, indigenous communities in Bolivia ... who suffer from inadequate access to basic education, adequate housing, and health services.... [T]he State party does not acknowledge the economic, social and cultural rights of indigenous populations as a distinct group."); U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Chile*, ¶13, U.N. Doc. E/C.12/1/Add.105 (1 December 2004) (noting with concern that "indigenous

peoples, despite the existence of various programmes and policies to improve their situation, remain disadvantaged in the enjoyment of their rights guaranteed by the Covenant.”); U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Kenya*, ¶21, E/C.12/1993/6 (3 June 1993) (expressing “concern about the marginalization of ethnic minorities in Kenya, particularly of the nomadic pastoralists and the ethnic Somalis in the North Eastern Province.”); U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Sri Lanka*, ¶8, U.N. Doc. E/C.12/1/Add.24 (16 June 1998) (observing with concern the “uncertain situation of 85,000 Tamils of Indian origin living in Sri Lanka [that] poses neither Indian nor Sri Lankan citizenship, have no access to basic services such as education, and do not enjoy their economic, social and cultural rights.”); *See also* U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Israel*, ¶16, U.N. Doc. E/C.12/1/Add.90 (26 June 2003).

⁶⁸ U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Israel*, ¶16, U.N. Doc. E/C.12/1/Add.90 (26 June 2003). Since the Committee made these observations in 2003, Israel has only doubled down on its systemic discrimination against non-Jews, most recently in July 2018 with its “Nation State law.” Basic Law: Israel - The Nation State of the Jewish People, 5778-2018 (Isr.).

⁶⁹ International Covenant on Economic, Social and Cultural Rights, art. 6(1), 993 UNTS 3 (16 December 1966) (recognizes “the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts.”). The Committee has previously criticized the failure of States to uniformly apply this Article to disadvantaged, minority, and indigenous groups. *See* U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations: New Zealand*, ¶14, 17, U.N. Doc. E/C.12/1993/13 (4 January 1994) (noting with concern that “despite relevant efforts by the Government, the Maori and Pacific Islands people continue to figure disproportionately in relation to unemployment, low salary levels, and poor educational and technical qualifications.”); U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Colombia*, ¶11, U.N. Doc. E/C.12/COL/CO/5 (7 June 2010) (finding that “unemployment remains high in particular in rural areas and among young persons, women, indigenous and Afro-Colombian peoples.”).

⁷⁰ International Covenant on Economic, Social and Cultural Rights, art. 11, 993 UNTS 3 (16 December 1966) (enshrines the “right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”). The Committee has addressed the deprivation of these declared rights for local communities - specifically the rights to food, water, and housing - due to natural resource exploitation by governments and other private entities on several occasions. *See* U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Columbia*, ¶22, E/X.12/Col/CO/5 (7 June 2010) (recommending that Columbia “implement programmes that ... ensure the restitution of lands taken from indigenous and Afro-Colombian peoples, as well as peasant communities” because the impact of the government’s land and agriculture policies negatively impact the specified populations’ right to food); U.N. Committee on Economic, Social and Cultural Rights, *General Comment No. 15: The Right to Water (Articles 11 and 12)*, ¶3, 21, U.N. Doc. E/C.12/2002/11 (20 January 2003) (determining that the legal obligation to “respect” the right to water requires States to refrain from interfering “directly or indirectly with the enjoyment of the right to water” including by denying or limiting “equal access to adequate water; arbitrarily interfering with customary and traditional arrangements for water allocation; ... [and] destroying[] water services and infrastructure.”); U.N. Committee on Economic, Social and Cultural Rights, *Concluding Observations: Bolivia*, ¶21, U.N. Doc. E/C.12/1/Add.60 (21 May 2001) (stating that the Committee is “concerned about the large housing shortage [and] the incidence of forced evictions with respect to peasants and indigenous populations in favour of mining and lumber concessions.”).

⁷¹ *PCBS: Unemployment rate sharply increased in Gaza in 2018*, MA’AN NEWS AGENCY, 14 February 2019, available at: <https://www.maannews.com/Content.aspx?id=782555>.

⁷² Hague Convention on the Laws and Customs of War on Land and its Annex: Regulations Concerning the Laws and Customs of War on Land, art. 43, 187 CTS 227 (18 October 1907) (stating that an Occupying Power should respect the laws in force in an occupied territory).

⁷³ *See* NIZAR AYOUB ET AL., FORGOTTEN OCCUPATION: LIFE IN THE SYRIAN GOLAN AFTER 50 YEARS OF ISRAELI OCCUPATION 54-76, 106-115, 119-126 (2018); *See also* U.N. Economic and Social Council, *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*, ¶111-122, U.N. Doc. A/73/87 E/2018/69 (25 May 2018).

⁷⁴ International Labour Organization, *The Situation of Workers of the Occupied Arab Territories*, ¶146, ILC.108/DG/APP (June 2019).

⁷⁵ International Labour Organization, *The Situation of Workers of the Occupied Arab Territories*, ¶150, ILC.107/DG/APP (May 2018).

⁷⁶ U.N. Human Rights Council, *Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporation and Other Business Enterprises, John Ruggie – Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework*, 6-7, 10, U.N. Doc. A/HRC/17/31 (21 March 2011); *See also* Case Concerning Armed Activities on the Territory of the Congo (Dem. Rep. Congo v. Uganda) ¶248, 2005 ICJ 168 (Dec. 19).

⁷⁷ *See* Aaron Southlea & Dr. Nazeh Brik, *Windfall: The Exploitation of Wind Energy in the Occupied Syrian Golan*, 8-9, Al-Marsad - Arab Human Rights Centre in Golan Heights (January 2019), available at: <http://golan-marsad.org/wp-content/uploads/Windfall-%E2%80%93-The-Exploitation-of-Wind-Energy-in-the-Occupied-Syrian-Golan.pdf>.

⁷⁸ Aaron Southlea & Nazeh Birk, *Windfall: The Exploitation of Wind Energy in the Occupied Syrian Golan*, Annex II, Al-Marsad - Arab Human Rights Centre in Golan Heights (January 2019), available at: <http://golan-marsad.org/wp-content/uploads/Windfall-%E2%80%93-The-Exploitation-of-Wind-Energy-in-the-Occupied-Syrian-Golan.pdf>.

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