



AL-HAQ

Captive Markets

Captive Lives

Palestinian Workers in Israeli Settlements



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1 Introduction

This position paper examines the experiences of Palestinian workers in Israel's unlawful settlement enterprise in the Occupied Palestinian Territory (OPT). Al-Haq illustrates Israel's reliance on the Oslo Accords to maintain control over the occupied Palestinian population and deepen their fragmentation, while holding the Palestinian economy captive, in what amounts to 'economic annexation'. Since 1948, Israel has de-developed the Palestinian economy, and the continuing Nakba has forced internally displaced and vulnerable Palestinians to seek employment in the illegal settlements. These workers are caught in a jurisdictional limbo as the Palestinian Authority is unable to exercise enforcement jurisdiction over the settlements, and Palestinian workers do not have the same rights afforded to Israeli citizens. This precarious and inferior position is manipulated by unscrupulous Israeli and international corporations to exploit a cheap and easily disposable Palestinian labour force. The report will present documentation by Al-Haq, in which Palestinian workers in Israeli settlements were subjected to human rights violations.



2

The Oslo Accords: Entrenching a Captive Economy

Israel's control of the economy of the OPT preceded the signing of the Oslo Accords in 1993, yet the post-Oslo era has seen an entrenchment of economic annexation. This section identifies three primary reasons as to how the Oslo Accords have enforced the captivity of the Palestinian economy, denying the occupied Palestinian population opportunities to develop an independent economy, and forcing them to seek job opportunities in the illegal Israeli settlement enterprise in the occupied West Bank.

It is important to note that the Oslo Accords were signed while leaving the negotiations of issues that violate peremptory norms, including the right to self-determination of the Palestinian people and the prohibition on the acquisition of territory by force, until the conclusion of a five-year interim period.¹ Israel did not act in good faith to conclude the occupation and hand over governing authority to the Palestinian Authority within the interim period. In that, the Oslo process can be better understood as having facilitated a legalistic shield under which Israel has been permitted to entrench its de facto annexation and apartheid of the occupied Palestinian territory, in violation of international law. There is nothing within the Oslo process which can detract from the primacy of international law,

¹ Article V (i), Declaration of Principles on Interim Self-Government Arrangements («Oslo Accords») (13 September 1993)

nor is there any element of the Oslo process, or in international law, which can deny or legitimately reduce, the State of Palestine's territory.

2.1 Furthering Physical, Territorial, and Demographic Fragmentation

The Oslo Accords stipulated that the occupied West Bank would be divided into three geographic control areas for an interim period: Areas A, B and C. According to the 1993 Oslo Accords, Area C, which constitutes around 60 per cent of the West Bank and falls under full Israeli civil and military control, surrounds Areas A and B completely. This has allowed Israel to practice effective Israeli control over the West Bank by concentrating the Palestinian population into Areas A and B, and entrenching its settler-colonial goals in Area C.²

Fragmentation is a main tool through which Israel maintains its apartheid regime over the Palestinian people.³ The strategic geographic control areas of the Oslo Accords have contributed to the deepening and institutionalisation of physical, territorial, and demographic fragmentation. In turn, this has undermined Palestinian territorial and social contiguity and integrity,⁴ while ensuring the maintenance of Israel's institutionalised regime of racial domination and oppression over the indigenous Palestinian people.

2 Haidar Eid and Andy Clarno, 'Rethinking Our Definition of Apartheid: Not Just A Political Regime' (Al-Shabaka, 27 August 2017) <<https://al-shabaka.org/briefs/rethinking-definition-apartheid-not-just-political-regime/>> accessed 18 December 2020; Tariq Dana and Ali Jarbawi, 'A Century of Settler Colonialism in Palestine: Zionism's Entangled Project' (December 2017) xxiv Brown Journal of World Affairs 1, 15.

3 Al-Haq, and others, 'Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel's Seventeenth to Nineteenth Periodic Reports' (10 November 2019) <https://www.alhaq.org/cached_uploads/download/2019/11/12/joint-parallel-report-to-cerd-on-israel-s-17th-19th-periodic-reports-10-november-2019-final-1573563352.pdf> accessed 18 December 2020.

4 Tariq Dana and Ali Jarbawi, 'A Century of Settler Colonialism in Palestine: Zionism's Entangled Project' (December 2017) xxiv Brown Journal of World Affairs 1, 15.

2.2 Concentrating Settler Colonialism in Area C and Impeding Palestinian Development

By leaving the dismantlement of illegal settlements to be negotiated in so-called ‘final status’ talks, the Oslo framework has given Israel a green light to advance its settlement enterprise in the OPT, as evidenced by the sharp increase in settlement construction and expansion.⁵

Post-Oslo, the settlement enterprise has also been accompanied by the entrenchment of a physical infrastructure including the Annexation Wall, settler-only bypass roads, and military checkpoints, which impose enormous restrictions on the movement of the Palestinian people, and of goods, between Palestinian communities in the West Bank, and between the West Bank and East Jerusalem and the Gaza Strip.⁶

The full Israeli control stipulated by the Oslo Accords on Area C has allowed Israel to further expand its settler-colonial goals. Area C is rich in natural resources, including lands, water resources, stone, and natural minerals and accordingly is vital for Palestinian development. The accelerated settler-colonial policies and practices in Area C have impeded Palestinian development. The World Bank stated that if the movement and administrative restrictions imposed by Israel were lifted in Area C, the Palestinian gross domestic product would increase by 35 per cent.⁷

The Jordan Valley, which constitutes about 40 per cent of Area C⁸ and comprises over of a fifth of the territory of the West Bank, contains rich water resources and vast potential for agricultural, industrial, and tourism industries. Around 90 per cent of the Jordan Valley area is designated as Area C, and is almost completely inaccessible to Palestinians, including farmers and herders.⁹ The Israeli occupation forces continue to appropriate and confiscate Palestinian private and public

5 *ibid.*

6 *ibid.*

7 World Bank, ‘Area C and Future of Palestinian Economy’ (2013), 34 <<http://documents1.worldbank.org/curated/en/257131468140639464/pdf/Area-C-and-the-future-of-the-Palestinian-economy.pdf>> accessed 18 December 2020.

8 B’Tselem, ‘Jordan Valley’ <https://www.btselem.org/jordan_valley> accessed 18 December 2020.

9 Al-Haq, ‘Settling Area C: The Jordan Valley Exposed’ (2018) <https://www.alhaq.org/cached_uploads/download/alhaq_files/publications/SettlingAreaCTheJordanValleyExposed.pdf> accessed 18 December 2020.

property in order to permanently entrench Israeli control over Area C.¹⁰ The Israeli authorities then allocate this Palestinian land for Israeli settlement construction and expansion, including for residential, agricultural, and industrial settlements, all of which are established in violation of international law.¹¹

Despite repeated international criticism of Israel's illegal settlement enterprise,¹² settler presence in the Jordan Valley has increased considerably over the past decade. Today, approximately 13,000 Israeli settlers reside in 30 settlements and 20 outposts across the Jordan Valley.¹³ The State of Israel and the World Zionist Organization,¹⁴ along with other official and non-official Zionist entities, have systematically encouraged and incentivised the transfer of settlers into the Jordan Valley area by subsidizing housing, assisting in residential costs, reducing living and tuition expenses, as well as providing settler council tax cuts, income tax cuts, and subsidizing property loans.¹⁵ Such incentives have naturally resulted in more illegal settler land-grabs, and an increase in the number of business settlements, primarily agricultural settlements. Produce from these settlements is exported to Israel, the occupied West Bank, and the rest of the world, while generating profit and sustaining settlement development and growth. As a result, the settlement enterprise is not only sustained through the illegal businesses therein, but is a component of Israel's national economy.

10 "Since 1967, in an attempt to justify its illegal appropriation of Palestinian land, the Israeli authorities have utilised four complementary methods to seize control of land: (i) declaration of land as abandoned property; (ii) requisition of land for military needs; (iii) expropriation of land for public needs; and (iv) declaration of vast portions of land as 'State Land'", Al-Haq, 'Settling Area C: The Jordan Valley Exposed' (2018), 20.

11 Israeli settlements in the occupied West Bank, including East Jerusalem, constitute a grave breach of international humanitarian law for which there is individual criminal responsibility. They are in violation of Articles 49 and 147 of the Fourth Geneva Convention (1949) and amount to a war crime under Article 8(2)(a)(vii) of the Rome Statute of the International Criminal Court.

12 The International Court of Justice as well as the United Nations Security Council have condemned Israel's settlement enterprise as illegal and called on Israel, as Occupying Power, to dismantle its settlements and cease the transfer of settlers into the OPT. See: Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion) [2004] ICJ Rep 136 [120]; United Nations Security Council, Resolution 2334 (23 December 2016), UN Doc. S/RES/2334 (2016).

13 Peace Now, 'The Jordan Valley Policy of Palestinian Dispossession in the Jordan Valley & North Dead Sea Area' (2020) <<http://peacenow.org.il/wp-content/uploads/2020/11/JordanValley2020ENG.pdf>> accessed 18 December 2020.

14 Chaim Levinson, 'Document Confirms World Zionist Organization Allocates Land to Settlers in Jordan Valley', (Haaretz, 09 September 2013) <<https://www.haaretz.com/document-settlers-got-palestinian-land-1.5331372>> accessed 18 December 2020.

15 Al-Haq, 'Settling Area C: The Jordan Valley Exposed' (2018), 32.

2.3 Neoliberal Racial Capitalism and Israel's Monopoly over the Palestinian Economy

The Paris Economic Protocol (PER) of 1994 was incorporated into the Oslo Accords and has structured the Palestinian economy post-Oslo. The PER has made the Palestinian economy subordinate to the Israeli one, by maintaining an Israeli monopoly over the main pillars of the Palestinian economy.¹⁶

In the 1980s, Israel restructured its economy into a neoliberal racial capitalism paradigm and the Oslo Accords were central to this neoliberal restructuring. In the immediate aftermath of the Oslo Accords, Israel signed free trade agreements with neighbouring countries, and large numbers of migrant workers entered the country, significantly reducing the Israeli economy's reliance on Palestinian labour. While Palestinian workers continue to constitute a significant number of labourers in Israel's construction sector, which is vital for settlement construction and expansion, life amongst the Palestinian working class has become increasingly difficult and the Palestinian market has remained captive to Israel.¹⁷ As of 2019, between 23,000 and 34,000 Palestinians were working in Israeli settlements, the majority working in the construction sector.¹⁸ Palestinian workers in agricultural and other settlements are particularly vulnerable to human rights abuses. In 2017, Al-Haq documented cases of dangerous working conditions, as well as cases where the fundamental rights of Palestinian settlement workers, particularly agricultural settlement workers, are systematically denied and disregarded.

16 Tariq Dana and Ali Jarbawi, 'A Century of Settler Colonialism in Palestine: Zionism's Entangled Project' (December 2017) *Brown Journal of World Affairs* 1, 16.

17 Haidar Eid and Andy Clarno, 'Rethinking Our Definition of Apartheid: Not Just A Political Regime' (Al-Shabaka, 27 August 2017) <<https://al-shabaka.org/briefs/rethinking-definition-apartheid-not-just-political-regime/>> accessed 18 December 2020.

18 International Labour Organization, 'The situation of workers of the occupied Arab territories' (2020) paras 23, 94 <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_745966.pdf> accessed 18 December 2020.



3

Labour Rights, Working Conditions in Israeli Settlements

Most Israeli employers in settlements apply a discriminatory system whereby Israeli workers are treated under the Israeli labour law, which means that they are paid according to the Israeli pay-scale and are provided with health insurance, as well as social benefits. Most Palestinian workers, on the other hand, are treated under antiquated Jordanian labour laws on significantly lower pay-scales with no benefits or healthcare.¹⁹ In some smaller agricultural settlements, Palestinian workers are not treated under either Israeli or Palestinian laws, but according to the settler employers' individual policies, where they could sometimes be paid anywhere between 50-90 ILS (approximately 15-28 USD) for a seven to ten hour working day. In such cases, weekends, holidays, and sick leaves are excluded, while health insurance and social benefits are completely disregarded.²⁰ Around 71 percent of Palestinian workers in settlements do not receive salary-slips, which effectively means that they do not have evidence of their employment, further endangering their rights in case of dispute that requires engagement in legal

19 Amir Paz-Fuchs, 'How Israel withholds labour rights from the West Bank's Palestinian workers' (20 August 2015), <https://theconversation.com/how-israel-withholds-labour-rights-from-the-west-banks-palestinian-workers-45508> accessed 13 March 2021.

20 Field information obtained by Al-Haq.

proceedings in Israeli courts.²¹

In an attempt to improve their working conditions in Israeli settlements, Palestinian workers have unionized on several occasions. This has led to many Palestinian workers losing their jobs and/or being arrested and considered a security threat by Israeli employers.²² In November 2020, 75 Palestinians who work in the Nitzanei Shalom industrial settlement unionised and went on a strike after the Israeli Yamit Filtration company refused to negotiate with them about their working conditions and exploitation of their labour. The company responded by employing new workers. The workers appealed the company's decision at the Jerusalem Labour Court and are accordingly having negotiations in January 2021. One worker at the factory said:

*"We feel insecure about our working conditions, especially regarding the compensation and pension money that the company is hiding from us. We are united in our position... and we shall continue to fight until our rights are achieved, including the regulation of our wages and working conditions."*²³

Palestinian workers in settlements are exposed to dangerous working conditions and are often required to perform tasks that require manual labour and the handling of hazardous materials. These include but are not limited to managing solid and liquid toxic waste with direct skin contact, moving and lifting heavy objects, intensive construction work, agricultural harvesting, packaging... etc. In addition, Human Rights Watch has reported cases of human rights abuses against Palestinian child workers in Israeli agricultural settlements in the Jordan Valley, including children working under hazardous conditions in exchange for low income.²⁴

21 Majid Sbeih, 'Executive Summary of a study on "Palestinian wage workers in Israeli settlements in the West Bank – Characteristics and Work Circumstances' (The Democracy and Workers' Rights Center in Palestine, 2011) <<https://www.dwrc.org/en/1/32/198/Executive-Summary-of-a-Study-on-Wage-Workers-in-Israeli-Settlements.htm>> accessed 18 December 2020.

22 Miriam Berger, 'Palestinian Workers are Now Unionizing in the West Bank' (The Nation, 04 Oct 2017) <<https://www.thenation.com/article/archive/palestinian-workers-are-now-unionizing-in-the-west-bank/>> accessed 18 December 2020.

23 MAAN-Workers Association, 'On strike: Palestinian workers of Yamit Filtration in the Nitzanei Shalom industrial zone (near Tulkarm)' (14 December 2020) <<http://eng.wac-maan.org.il/?p=2502>> accessed 18 December 2020.

24 Human Rights Watch, 'Ripe for Abuse Palestinian Child Labor in Israeli Agricultural Settlements in the West Bank' (2015) <<https://www.hrw.org/report/2015/04/13/ripe-abuse/palestinian-child-labor-israeli-agricultural-settlements-west-bank>> accessed 18 December 2020.

Additionally, Al-Haq has documented several cases where workers were not provided with basic and necessary protective gear, resulting in injuries, including in some cases long-term disabilities and other physical side effects. The treatment of injuries is almost never covered by the employer. Workers are forced to pay for their own medical treatments due to the absence of a healthcare scheme or health insurance covering Palestinian workers.

3.1 Stories from the Field

*"If my family and relatives were able to regain their land, along with the water spring, which is already being exploited due to the large number of wells constructed by the settlers, I would not need to work a degrading low-wage job for settlers on our confiscated land."*²⁵

At the time of the collection of the affidavit by Al-Haq in January 2018, A.F.²⁶ was a 20-year-old Palestinian living and working in the Jordan Valley and one of the 13.2 per cent of the Palestinian population working in Israel and in Israeli settlements in the West Bank.²⁷ In 1968, Israel built the agricultural settlement of Mehola on land appropriated from A.F's family in the Palestinian village of 'Ein Al-Baiyda. Prior to Israel's occupation in 1967, A.F's family owned a total of 15 dunums (about 3.7 acres) of land, which the Israeli occupying forces confiscated to construct settler homes and develop agricultural settlements in the area.

The land belonging to A.F's family is now primarily cultivated by one Israeli settler by the name of Yodi, who produces medicinal herbs. In January 2018, approximately 40 Palestinian workers from 'Ein Al-Baiyda and Toubas worked in the settlement of Mehola. Almost half of them own lands that are now controlled by settler Yodi. According to A.F and several other workers, they are forced to work up to nine hours a day for as little as 70 ILS (approximately USD 21) a day. The Palestinian workers are paid on a daily basis, while weekends, holidays, and sick leaves are not covered. Palestinian workers are not provided with health benefits or health insurance. They are also regularly denied access to basic safety

25 Al-Haq Affidavit No. 6A/2018, 'Ein al-Bayda, Toubas (15 Jan 2018).

26 Name redacted to protect the individual from punitive measures that may be imposed by their employer or by the Israeli authorities.

27 Palestinian Central Bureau of Statistics, 'Labour Force Participation 2019' 73 <<http://www.pcbs.gov.ps/Downloads/book2515.pdf>> accessed 18 December 2020.

wear, such as gloves, helmets, and eye protection.²⁸

“The settlement of Muswa Al-Jathima was constructed on lands belonging to Palestinians from the village of Al-Jiftlik. This means that I work the land owned by my uncles and relatives prior to the 1967 Israeli occupation of the West Bank.”²⁹

A.M³⁰ is a Palestinian resident of Al-Jiftlik village, located north of the Palestinian city of Jericho in the Jordan Valley. He is the only breadwinner in a family of eight. During the winter, he cultivates seasonal vegetables on the remaining 16 dunums (approximately four acres) of his family’s land. During the summer, he is forced to work in the settlement of Muswa Al-Jathima due to the lack of water and the high costs imposed by Israel to purchase it. Water is scarce during the summer due to the Israeli appropriation of water wells in the villages of Al-Jiftlik and Furush Beit Dajan upon which residents rely. In the summer, A.M works on his relative’s land, which has been confiscated and is currently controlled by Israeli settlers in the settlement of Muswa Al-Jathima.

In the Muswa Al-Jathima settlement, Palestinian workers are sometimes paid as little as 10 ILS an hour (approximately USD 3). Workers’ safety is completely disregarded, as workers are exposed to chemicals, such as pesticides, whereas health insurance is not provided to them. According to A.M:

“Working conditions in the settlement are very difficult due to the lack of safety procedures. We are not provided with [necessary] safety helmets, safety suits, or safety gloves, given that the nature of my work requires exposure to, and the [handling] of pesticides. I normally spray pesticides on the vegetation that the settler I work for grows. The settler usually grows bell peppers, tomatoes, and dates. I am paid approximately 80 ILS [approximately USD 25] on a daily basis, and work for eight hours a day. The settler does not pay me for the days that I am not working [holidays and weekends] and does not cover my health insurance. In case of illness or injury, I am forced to stay at home and pay my own medical expenses.”

28 AL-Haq Affidavit No.6A/2018, ‘Ein al-Bayda, Toubas (15 Jan 2018).

29 AL-Haq Affidavit No.7A/2018, Al-Jiftlik, Jericho (16 Jan 2018).

30 Name redacted to protect the individual from punitive measures that may be imposed by their employer or by the Israeli authorities.

A.M has witnessed several instances where co-workers were injured and were denied healthcare by the settlers. In one of the cases, the worker fell from a crane, was disabled for six years, and died in November 2017:

*"I know a worker [name omitted] from the village of Tammoun, near the city of Toubas, who fell from a crane during working hours while preparing palm trees for cultivation. His injury left him unable to work for six years. Since then, he has remained under treatment in hospitals and at home until he passed away two months ago. I also know other workers who were injured while working in settlements; they were forced to stay at home or at a hospital without pay or compensation. Rarely, some workers are given funds to cover hospital fees."*³¹

31 Al-Haq Affidavit No. 7A/2018, Al-Jiftlik, Jericho (16 Jan 2018).

3.2 Psychological and Emotional Hardships

In addition to exploitative working conditions and the denial of fundamental workers' rights, Palestinians working in settlements are required to apply for Israeli permits to enter the settlements.³² The process of applying for work permits in Israel and Israeli settlements is complex, prolonged and degrading for Palestinians. Palestinian workers undergo a strict screening process entailing interrogation by Israeli intelligence officials. In 2019, four in five Palestinians worked in Israeli settlements with Israel granted workers' permits. Around 45 per cent of these obtained their permits by paying to an intermediary broker. The permit broker regime is yet another exploitative regime, whereby Palestinian workers pay a fee to an intermediary, which is estimated to be between nine and 15 per cent of the total Palestinian wage earned in Israel and settlements per year.³³

Meanwhile, in order to enter and exit Israeli agricultural or industrial settlements, workers experience long waits at crowded checkpoints, often undergo full body checks and in some cases, have their personal belongings, including phones, confiscated until working hours are complete. Al-Haq has documented several cases of harassment and physical abuse by private security firms while entering and exiting Israeli industrial and agricultural settlements, such as the industrial settlement of Geshuri and the agricultural settlement of Mehola.³⁴

Israeli settlers are known for their frequent and violent attacks on Palestinians in the occupied West Bank.³⁵ Palestinian workers are not excluded from such attacks and violence. In one case, Palestinian workers in the Gush Etzion settlement were threatened by Israeli settlers to lose their jobs and to ban their entry into the settlement because of their cooperation with human rights organizations.³⁶ Similarly, leaflets were distributed in the Palestinian villages of Bruqin and Salfit,

32 Who Profits, 'Palestinian Workers in Settlements' (January 2016) <<https://www.whoprofits.org/position-papers/palestinian-workers-in-settlements/>> accessed 18 December 2020.

33 International Labour Organization, 'The situation of workers of the occupied Arab territories' (2020) para 69-71, <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_745966.pdf> accessed 18 December 2020.

34 Al-Haq has documented the process in regards to workers in the Israeli settlements of Geshuri, Burkan, Mevo Horon, and Mehola.

35 See: Al-Haq, 'Institutionalised Impunity: Israel's Failure to Combat Settler Violence in the Occupied Palestinian Territory' (2013).

36 Edo Konrad, 'Settlers to Palestinian laborers: 'Work with human rights groups and lose your job' (+972mag, 4 February 2019) <<https://www.972mag.com/settlers-palestinian-jobs-human-rights/>> accessed 18 December 2020.

informing the Palestinian workers and residents of the villages that the Shomron Regional Council (a settlement council) and other settlements decided to ban their entry for their alleged ‘support for terrorism and violence’ and ‘lack of trust’.³⁷ As such, Palestinians are regularly at risk of losing their jobs and livelihoods should they advocate for their rights.

It is important to also note that Palestinian workers often express their general dissatisfaction working in settlements, and their genuine desire for better and more viable employment options:

“I don’t feel happy or pleased working in the settlement considering that the land that this settlement is built on and which is being exploited by settlers belongs to my relatives.”³⁸

Another Palestinian worker expressed concerns about his children’s future, and how his work in a settlement negatively impacts their economic status:

“I feel forced to worked in Israeli settlements. It is very hard to work as a paid labourer on my own land while watching settlers grow on the same land that I inherited from my parents and grandparents. I always imagine how my life would have turned out if I had control over my land and how my children’s lives will turn out.”³⁹

This is in addition to the social stigma that working in settlements carries around Palestinian communities.⁴⁰ Around 82 per cent of Palestinians working in Israeli settlements are willing to leave their jobs in settlements if they find a viable alternative.⁴¹

37 Leaflet copy on file with Al-Haq.

38 Al-Haq Affidavit No. 7A/2018, Al-Jiftlik, Jericho (16 Jan 2018).

39 Al-Haq Affidavit No. 11A/2018, Beit Nouba, Ramallah (20 Jan 2018).

40 International Labour Organization, ‘The situation of workers of the occupied Arab territories’ (2020) para 94, <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_745966.pdf> accessed 18 December 2020.

41 Majid Sbeih, ‘Executive Summary of a study on “Palestinian wage workers in Israeli settlements in the West Bank – Characteristics and Work Circumstances’ (The Democracy and Workers’ Rights Center in Palestine, 2011) <<https://www.dwrc.org/en/1/32/198/Executive-Summary-of-a-Study-on-Wage-Workers-in-Israeli-Settlements.htm>> accessed 18 December 2020.



4

Attempts by Multinational Corporations to Legitimize Illegal Activity in Israeli Settlements

Trying to whitewash their involvement in illegal Israeli settlements, some multinational corporations claim that their operations or involvement with illegal settlements benefit the occupied Palestinian population. This section illustrates two multinational corporations who, in response to confrontations by human rights organizations, claimed they provide job opportunities to Palestinians with equal rights to their Israeli counterparts, thereby denying complicity with human rights violations against Palestinian workers, and disregarding their obligations under international law.

4.1 HeidelbergCement

German multinational HeidelbergCement and its subsidiary Hanson Israel have been quarrying in the Nahal Raba stone quarry, which is located in the settlement of *Mazor Atiqa* since 2007.⁴² HeidelbergCement reports that it employs Palestinians from the West Bank with “the same benefits and salaries as their Israeli counterparts.”⁴³

42 Maha Abdallah and Lydia de Leeuw, ‘Violations set in stone: HeidelbergCement in the Occupied Palestinian Territory’ (SOMO and Al-Haq, February 2020) < <https://www.alhaq.org/publications/16408.html> > last accessed 13 March 2021.

43 Human Rights Watch, ‘Occupation, Inc. – How Settlement Businesses Contribute to Israel’s Violations of Palestinian Rights’ (January 2016) 47.

The Office of the High Commissioner for Human Rights (OHCHR) has noted that: “[T]he employment of Palestinians, even on favourable terms, does not exempt businesses of their responsibilities under the Guiding Principles concerning their overall engagement in or with the settlements. The Guiding Principles make clear that, while business enterprises may undertake certain commitments or activities to support and promote human rights, these ‘do not offset a failure to respect human rights throughout their operations.’”⁴⁴

In the case of HeidelbergCement’s activities, the Nahal Raba stone quarry is situated on confiscated Palestinian land of Al-Zawiya and Rafat in the West Bank and currently HeidelbergCement’s is planning to further expand and confiscate more privately-owned land from Rafat. As such, HeidelbergCement is benefiting from the illegal appropriation of private and public property that belongs to the protected Palestinian population.

The quarry has been exploiting Palestinian natural resources from the occupied territory for 13 years and transferring the materials into Israel and Israeli settlement. Notably, the Israeli Ministry of Interior has acknowledged that the mining quarries in Area C will be exhausted in 2048, if the rate of the activities and plans remain as they are.⁴⁵ Substantially, the potential value which could be generated from the mining and quarrying industries in the occupied West Bank, including the Nahal Raba quarry, is estimated at USD 900 million annually.⁴⁶

In effect, the illegal activities in the quarry benefit the Israeli economy and expand the settlement enterprise, while denying the Palestinian people’s right to self-determination and permanent sovereignty over their natural resources, as well as capturing and de-developing their economy.⁴⁷ The depletion of non-renewable and finite natural resources may amount to the war crime of environmental

44 United Nations High Commissioner for Human Rights (OHCHR), ‘Database of all business enterprises involved in the activities detailed in paragraph 96 of the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem’ (1 February 2018), UN Doc A/HRC/37/39, paras 52–57.

45 Maha Abdallah and Lydia de Leeuw, ‘Violations set in stone: HeidelbergCement in the Occupied Palestinian Territory’ (SOMO and Al-Haq, February 2020) 37.

46 The Palestinian Ministry of National Economy and the Applied Research Institute- Jerusalem (ARIJ), ‘The economic costs of the Israeli occupation for the occupied Palestinian territory’ (September 2011) 20 <<http://www.mne.gov.ps/pdf/EconomiccostsofoccupationforPalestine.pdf>> accessed 18 December 2020.

47 Maha Abdallah and Lydia de Leeuw, ‘Violations set in stone: HeidelbergCement in the Occupied Palestinian Territory’ (SOMO and Al-Haq, February 2020).

destruction and the pillage of natural resources.⁴⁸

In an anonymous statement to Al-Haq, a former employee confirmed that Nahal Raba quarry has discharged about 26 Palestinian workers over the past two years.⁴⁹ Another former worker anonymously stated that he was discharged in 2019 after having worked at the quarry for 19 years:

*"In [2018], the company started to discharge the Palestinian workers from the West Bank at intervals, because of minimized work, and because the land where the quarry operates had been depleted and there were no longer enough mountains to plant gunpowder and quarry stones. The process of ending our service was carried out in groups, each group of five to ten workers would be discharged at once. The employers would promise the discharged workers they would bring them back once the company acquired new lands."*⁵⁰

The promise to bring the employees back should the company acquire more land confirms the attempts by HeidelbergCement to illegally appropriate land in the occupied village of Rafat and expand the operations of the quarry since February 2019.

In relation to working conditions in the Nahal Raba quarry, the former Palestinian worker who worked in the quarry for 19 years talked about the exhausting movement restrictions and their impacts on Palestinian workers:

*"I used to leave my house in the village of Az-Zawiya every day at 4:00 am, reaching Qalqilya checkpoint at 4:30 am. After waiting at the checkpoint for more than an hour and a half for inspection, I would be on the other side of the checkpoint... From there, a car from the company would drive my colleagues and I through streets allocated for permit holders to the quarry."*⁵¹

48 Conflict and Environment Observatory (COEOBS) and Al Haq, 'Strengthening the International Law Commission's draft principles on environmental protection in situations of occupation' (October 2018) <<https://ceobs.org/ceobs-al-haq-strengthening-the-international-law-commissions-draft-principles-on-environmental-protection-in-situations-of-occupation/>> accessed 18 December 2020.

49 Maha Abdallah and Lydia de Leeuw, 'Violations set in stone: HeidelbergCement in the Occupied Palestinian Territory' (SOMO and Al-Haq, February 2020).

50 Affidavit on file with Al-Haq (3 March 2020).

51 Affidavit on file with Al-Haq (3 March 2020).

In addition to the poor working conditions and the systematic denial of worker' rights in quarries that are administrated by Israelis, Palestinians in the quarrying industry are often employed "without pay-slips or paper records of any kind", and with "little or no protection from the environmental hazards of extraction, processing, and asphalt production on site".⁵²

*"In the event of work injury endured by workers from the West Bank, the company used to send the injured to hospitals in the West Bank for treatment. I think none of the workers asked for official work compensation in the event of injury, for fear that they would be discharged. The injured workers would return the next day of their injury to work, even before they had recovered."*⁵³

Another former Palestinian worker in the Nahal Raba quarry stated anonymously that he did not have an employment contract when he worked there and he would receive his salary in bank cheques.⁵⁴

52 Andrew Ross, *Stone Men: The Palestinians Who Built Israel*, (Verso 2019), 166.

53 Affidavit on file with Al-Haq (3 March 2020)

54 Maha Abdallah and Lydia de Leeuw, 'Violations set in stone: HeidelbergCement in the Occupied Palestinian Territory' (SOMO and Al-Haq, February 2020) 45.

4.2 General Mills

General Mills Israel (Pillsbury), which is a subsidiary of the U.S. multinational General Mills has a factory that produces brand products in the Atarot industrial settlement in occupied East Jerusalem and is known as Shalgal (Food) Ltd.⁵⁵

As of 2019, Shalgal deployed more than 200 employees, with more than 128 Palestinian workers from the West Bank and a similar number of Israeli Jews. Kelsey Roemhildt, the spokesperson of General Mills, stated in an email statement that “General Mills... regularly monitor[s] to ensure... compliance with labor and human rights laws”, and that about half of the factory workers are Palestinians, who work “alongside” Israelis and who receive “full social benefits without prejudice to race, religion or nationality.”⁵⁶

As stressed by the OHCHR, employing Palestinian workers in business enterprises in settlements, “even on favourable terms” does not mean that businesses are not failing to respect human rights through their operations.⁵⁷ In fact, both General Mills Israel Ltd. and General Mills Inc. (US) are listed in the UN Database of businesses engaged in activities in or with Israel’s illegal settlement enterprise.⁵⁸

The Atarot Industrial settlement in East Jerusalem was constructed on three confiscated Palestinian villages and contains 160 businesses and factories, three of which are multinational corporations, including the Pillsbury factory.⁵⁹ This factory was built on land appropriated from the Palestinian town of Beit Hanina, which was further split in half after the construction of the Annexation Wall in 2002.⁶⁰

Having Palestinians working in illegal settlements in East Jerusalem is a product

55 Who Profits, ‘General Mills (Pillsbury)’ <<https://www.whoprofits.org/company/general-mills-pillsbury/>> accessed 18 December 2020.

56 Camille Caldera, ‘Harvard Invests Almost \$200 Million in Companies UN List Tied to Israeli Settlements in Palestine’ (The Harvard Crimson, 19 March 2020), <<https://www.thecrimson.com/article/2020/3/19/harvard-israel-palestine-investments/>> accessed 18 December 2020.

57 OHCHR, ‘Database of all business enterprises involved in the activities detailed in paragraph 96 of the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem’ (1 February 2018), UN Doc A/HRC/37/39, paras 52–57.

58 *ibid.*

59 See: Al-Haq, ‘Atarot Settlement: The Industrial Key in Israel’s Plan to Permanently Erase Palestine’ (2019).

60 Investigate, ‘GENERAL MILLS INC’ <<https://investigate.afsc.org/company/general-mills>> accessed 18 December 2020.

of Israel's creation of a coercive environment for Palestinians in East Jerusalem. Palestinian residents of East Jerusalem are subject to accelerated and intensified measures and policies to coerce their forcible transfer, by targeted de-development of their economy, expansion of settlements, discriminatory planning and zoning policies, house demolitions, residency revocations and forced evictions.⁶¹

Many Palestinian business owners in Jerusalem have been forced to relocate to the Atarot industrial settlement because of Israel's continuing appropriation and annexation of Palestinian land and the discriminatory policy of provision of public services. Should Palestinian business owners decide not to relocate to the Atarot Industrial settlement, they become captive to the Israeli and multinational companies therein. For example, the Israeli "Rami Levy" Mall in the industrial settlement offers lower prices than Palestinian businesses outside the settlement, which captures Palestinian businesses and forces Palestinians into becoming "captive clients".⁶²

While Palestinian lands, resources and economy are under Israeli control in East Jerusalem, Palestinian residents of Jerusalem, constrained by the 'centre of life' policy,⁶³ have no other options but seek job opportunities in illegal settlements such as the Atarot industrial settlement under poor labour conditions.⁶⁴

61 See: Al-Haq, 'Atarot Settlement: The Industrial Key in Israel's Plan to Permanently Erase Palestine' (2019).

62 *ibid.*

63 Palestinian residents of East Jerusalem are at risk of having their residency status revoked as of the "centre of life" policy since 1995, should they decide to move outside of Israel or East Jerusalem. See: Al-Haq, 'Residency Revocation: Israel's Forcible Transfer of Palestinians from Jerusalem' (03 July 2017) <<https://www.alhaq.org/advocacy/6331.html>> accessed 18 December 2020.

64 See: Al-Haq, 'Atarot Settlement: The Industrial Key in Israel's Plan to Permanently Erase Palestine' (2019).



5 Conclusion

Israel, as the Occupying Power and administrator of the OPT, has an obligation to ensure the welfare of the occupied population including, and not limited to, securing the right of everyone to the enjoyment of just and favourable conditions of work as stated in the Covenant on Economic, Social, and Cultural Rights.⁶⁵ Under international law, Israeli settlements and outposts in the OPT are illegal, as reaffirmed by the international community⁶⁶, while the broader settlement enterprise is defined by, and complicit in, ongoing perpetration of a range of international crimes. States have an obligation under international law to ensure that public and private entities within their jurisdiction are not directly or indirectly aiding and abetting the maintenance and expansion of Israel's illegal settlement enterprise.⁶⁷

The post-Oslo era has seen the fragmentation of Palestinian territorial integrity, expansion of settlements, and land confiscation, accompanied by Israel's restrictions on Palestinian access to and control over natural resources, the

65 International Covenant on Economic, Social and Cultural Rights (ICESCR) Article 87,8,9, and 10.

66 UNSC/RES/2334 (2016).

67 Ingrid Jaradat Gassner, 'State Responsibility in Connection with Israel's Illegal Settlement Enterprise in the Occupied Palestinian Territory' (16 July 2012) <https://www.alhaq.org/cached_uploads/download/alhaq_files/images/stories/PDF/2012/Legal_Memo_State_Responsibility_FINAL_16_07.pdf> accessed 18 December 2020.

restrictions on movement of people and goods, the monopoly over the main pillars of the Palestinian economy, and Israeli neoliberal restructuring. All these factors have pushed Palestinians to find alternative sources of labour and livelihood, primarily by working in Israeli settlements and within Israel. From a macro point of view, the Palestinian market is captive to its Israeli counterpart due to the settler-colonial policies practiced by Israel in the OPT as well as the lack of Palestinian access to its agricultural and natural resources, worsening the socio-economic status of Palestinians in the OPT.⁶⁸

Unemployment amongst Palestinians increased to 19 per cent in the West Bank during the third quarter of 2020 while in the Gaza Strip unemployment remained at a crippling 49 per cent.⁶⁹ The need to develop an independent Palestinian economy is crucial to the development of a Palestinian State. More than five decades into the Israeli occupation, Israel's settlement expansion and ongoing colonization policies and practices in the OPT remain the major obstacle to realising Palestinians' right to self-determination, including permanent sovereignty over natural resources.⁷⁰

States have the duty to protect communities, including labourers from human rights abuses that may take place during business operations and/or within the business environment. According to the Commentary of the United Nations Guiding Principles, States have an obligation to enforce existing laws that directly or indirectly affect business respect for human rights, including non-discrimination and labour laws.⁷¹ At the same time, business enterprises have a responsibility to respect human rights through their own activities,⁷² including through operating with enhanced human rights due diligence in conflict affected areas.⁷³ This complements their responsibility to respect international humanitarian law

68 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' (23 Jul 2018) UN Doc TD/B/65(2)/3, 5.

69 Palestinian Central Bureau of Statistics, 'The Impact of the Coronavirus Pandemic on the Labour Market - During the Third Quarter of 2020 (July – September)' <<http://www.pcbs.gov.ps/site/512/default.aspx?lang=en&ItemID=3848>> accessed 18 December 2020.

70 International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights, Common Article 1 (ICESCR).

71 United Nations Guiding Principles, Operational Principles, General State Regulatory and Policy Functions, (2011) 4.

72 UN Guiding Principles on Business and Human Rights, 2011, principle 15.


73 UN Guiding Principles on Business and Human Rights, 2011, principle 12.

standards in situations of armed conflict.⁷⁴


However, as this report highlights, Palestinian labour rights in Israeli settlements are almost non-existent. The deliberate lack of regulation of labour rights by Israeli authorities empowers settlers by encouraging further violations of Palestinian workers' rights with no accountability. Palestinians working in Israeli settlements in the West Bank are treated under the outdated Jordanian labour law while their Israeli counterparts are treated under Israeli labour law leading to a complete denial of access to social and health benefits. Many workers are denied health care when injured while on-duty. Workers with permanent disabilities due to work related injuries are not compensated. Meanwhile families of victims are not even compensated in the event of death on duty. As this report has shown, Palestinian workers are not provided with the necessary protective equipment and are constantly exposed to hazardous waste and material. At the same time, Palestinian workers' unions are targeted by Israeli employers in an attempt to thwart unionization efforts.

Accordingly, this report dispels the myth that international companies provide necessary work and benefits to the Palestinian workforce that justifies their illegal operations in the OPT. Instead, the ugly truth unfolds of international and Israeli companies exploiting a captive Palestinian workforce in a captive economy, in companies operating on unlawfully appropriated Palestinian lands, pillaging the natural resources and subsistence of the Palestinian people, and maintained by a lethal military occupation and apartheid regime under the wilful profiting eye of the international community.

74 OHCHR, 'Statement on the implications of the Guiding Principles on Business and Human Rights in the context of Israeli settlements in the Occupied Palestinian Territory' (6 June 2014), <<https://www.ohchr.org/documents/issues/business/optstatement6june2014.pdf>> accessed 18 December 2020.



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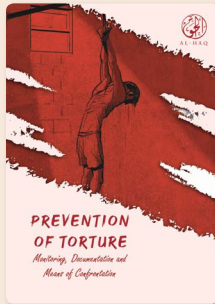
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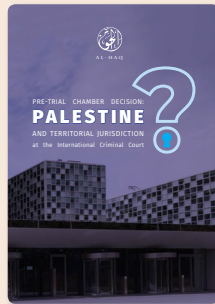
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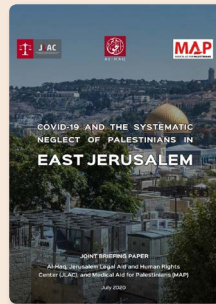
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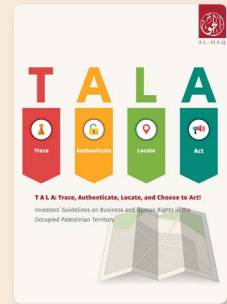
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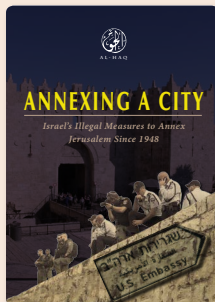
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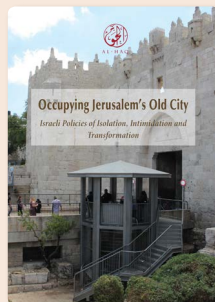
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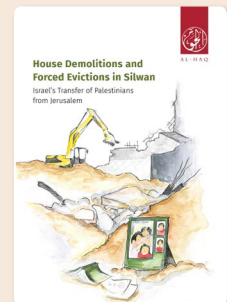
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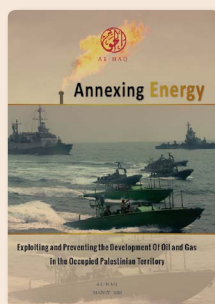
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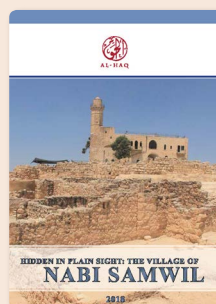
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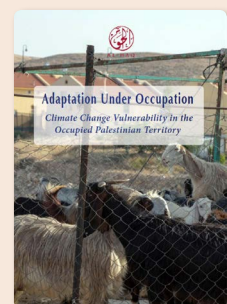
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AL - HAQ

About AL-Haq

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

Al-Haq documents violations of the individual and collective rights of Palestinians in the OPT, irrespective of the identity of the perpetrator, and seeks to end such breaches by way of advocacy before national and international mechanisms and by holding the violators accountable. Al-Haq conducts research; prepares reports, studies and interventions on the breaches of international human rights and humanitarian law in the OPT; and undertakes advocacy before local, regional and international bodies. Al-Haq also cooperates with Palestinian civil society organisations and governmental institutions in order to ensure that international human rights standards are reflected in Palestinian law and policies. Al-Haq has a specialised international law library for the use of its staff and the local community.

Al-Haq is the West Bank affiliate of the International Commission of Jurists - Geneva, and is a member of the Euro-Mediterranean Human Rights Network (EMHRN), the World Organisation Against Torture (OMCT), the International Federation for Human Rights (FIDH), Habitat International Coalition (HIC), ESCR-Net – The International Network for Economic, Social and Cultural Rights, the Palestinian Human Rights Organizations Council (PHROC), and the Palestinian NGO Network (PNGO). In 2018, Al-Haq was a co-recipient of the French Republic Human Rights Award, whereas in 2019, Al-Haq was the recipient of the Human Rights and Business Award. In 2020, Al-Haq received the Gwynne Skinner Human Rights Award presented by the International Corporate Accountability Roundtable (ICAR) for its outstanding work in the field of corporate accountability.

