AL-HAQ

ISRAEL'S DEADLY CATCH

Special Report for United Nations Business and Human Rights Forum 2015 on the Persecution of Fishermen in the Occupied Palestinian Territory

AL-HAQ

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Cover Photo Fisherman in Gaza have struggled to make a living with an Israeli siege from the sea (AFP/Mohammed Abed)

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ABBREVIATIONS

AGP – Arab Gas Pipeline

ATS – Alien Tort Statute

Bbl – barrel (unit)

Bcm – billion cubic meters

BG Group– British Gas Group

CMWU – Coastal Municipalities Water Utility

EEZ – Exclusive Economic Zone

EIA - Environmental Impact Assessment

EMG – East Mediterranean Gas

ENP - European Neighbourhood Policy

FPSO – Floating Production Storage and Offloading Platform

GDP – Gross Domestic Product

HFO – Heavy Fuel Oil

HP - Horsepower

ICCPR – International Covenant of Civil and Political Rights

ICESCR – International Covenant of Economic, Social and Cultural Rights

ICJ – International Court of Justice

IEC – Israel Electric Corporation

IHCJ – Israeli High Court of Justice

IHL – International Humanitarian Law

IHRL – International Human Rights Law

Km – Kilometers

MCM – Million Cubic Meter

MW – Mega watt

NIS – New Israeli Shekel

Nm – nautical miles

- 1 nautical mile = 1.15078 miles
- 1 nautical mile = 1.852 kilometers
- 1 league – 3 nautical miles

OCHA – United Nations Office for the Coordination of Humanitarian Affairs

PA – Palestinian Authority

PLC – Palestinian Legislative Council

PLO – Palestinian Liberation Organisation

PNA – Palestinian National Authority

Tcf – Trillion cubic feet

UNCLOS – United Nations Convention on the Law of the Sea

UNCTAD – United Nations Conference on Trade and Development

UNDP – United Nations Development Programme

USD – United States Dollars

WHO – World Health Organization

GLOSSARY

Annexation: The unilateral forcible acquisition of the territory of one State by another State. Article 2(4) of the United Nations Charter prohibits the threat or use of force against the territorial integrity of another State and the acquisition of territory by force.

Appropriation: Defined as the exercise of control over property; a taking of possession.

Area A: The 1995 Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Oslo II) divided the West Bank into three Areas. Area A includes those parts of the West Bank that are under full Palestinian civil and security control. In Area A, which includes (parts of) six major West Bank cities, the Palestinian authorities assumed "the powers and responsibilities for internal security and public order," and the administration of civil spheres, such as health, education, policing and other municipal services. However, since 2002, Israel has retained responsibility for overall security in all areas of the West Bank, and does not abdicate full authority over Area A.

Area B: Includes those parts of the West Bank that are under full Palestinian civil control and joint Israeli-Palestinian security control. Within Area B, which encompasses many Palestinian villages and towns, the Palestinian authorities were vested with the same functional authorities as in Area A, including public order for Palestinians. However, Israel retained overriding responsibility for security.

Area C: Includes those parts of the West Bank that are under full Israeli civil and military control, including land registration, planning, building and designation of land use. It contains the bulk of Palestinian agricultural and grazing land, water sources and underground reservoirs. Area C includes more than 61 percent of the West Bank.

Exclusive Economic Zone: The exclusive economic zone is an area beyond and adjacent to the territorial sea over which the coastal State has rights and duties regarding the exploration, exploitation and conservation of natural resources, including energy production from water and wind.

Expropriation: Defined as a governmental taking or modification of an individual's property rights, especially for public use or in the public interest.

Green Line: The 1949 Armistice Line, which is internationally accepted as the boundary between Israel and the OPT. Its name derives from the green ink used to draw the line on the map during the peace talks.

Hydrocarbon: Organic compounds composed of hydrogen and carbon.

Israeli Civil Administration: The body responsible for the implementation of Israel's government policy in the West Bank. It is part of the Coordinator of Government Activities in the Territories, which is a unit in the Israeli Ministry of Defense.

Liquefied Natural Gas: Natural gas that has been cooled to -162˚ shrinking the gas volume 600 times for storage and transportability.

Occupied Palestinian Territory (OPT): The OPT refers to the territory occupied by Israel since the 1967 Six Day War. It is now composed of two discontinuous regions, the West Bank, including East Jerusalem, and the Gaza Strip. This land encompasses only 6,200 square kilometers (km^2) and is only 22 percent of historic Palestine under British mandate.

Operation Cast Lead: The 2008-2009 Israeli wide-ranging military offensive against the Gaza Strip, launched on the morning of 27 December 2008 and lasting for 22 days.

Operation Protective Edge: The large scale Israeli military offensive on the occupied Gaza Strip between 8 July and 26 August 2014, which escalated on 17 July with an Israeli ground invasion.

ABSTRACT

This Special Report for the 2015 United Nations Forum on Business and Human Rights highlights severe human rights abuses suffered by Palestinian fishermen and the decimation of Palestine's fishing industry. The Special Report examines the position of American and Israeli gas companies operating within 13 nm of the Palestinian coast and Israel's brutal closure of Palestinian territorial waters to ensure the protection of gas platforms and pipelines operated by the companies in Palestine's maritime waters. All aspects of the Palestinian fishing industry have been impacted from attacks on fishermen, willful killing, unlawful detentions, and the forced removal of fishermen from occupied territory. The closure of Gaza's sea and land buffer has crippled the economy and reduced the supply of fish, a protein rich source of food, to the point that 57 percent of the population in the Gaza Strip, are currently food insecure. In addition, Israel's repeated military offensives on the Gaza Strip targeting vital infrastructure and causing deliberate damage to sewage facilities has had serious environmental consequences destroying vital fish habitats.

1. INTRODUCTION

1.1 A PROMISED FISHING ZONE - BUKRA FIL MISH-MISH[1]

Israel has occupied the West Bank including East Jerusalem and the Gaza Strip since 1967. Since this time, Israel has inflicted onerous *ad hoc* restrictions on Palestinian fishermen operating off the Gaza coast.[2] In doing so, Israel has enforced a military closure of the Gaza Strip, restricting the import and export of goods and services, established a buffer zone surrounding the perimeter of the Gaza Strip, reduced land available for agriculture and forcibly restricted access to Gaza's maritime

1 *…tomorrow when the apricots arrive (or pigs will fly)*

2 Palestinian Centre for Human Rights, 'Report on Israeli Attacks on Palestinian Fishermen in the Gaza Strip in al-Aqsa Intifada, 29 September 2000 – 31 May 2002 (June 2002) 4. For example on 8 March 1996, Israel enforced a one-week full sea closure as collective punishment for a nine-day Palestinian bombing campaign.

space.[3] Approximately 17 percent of land in Gaza has been designated an access restricted area,[4] leaving over half of the agricultural land and 85 percent of the maritime space in Gaza inaccessible.[5] Given that fishing and agriculture are the main pillars of the Palestinian economy, the closure has devastated life in the Gaza Strip.[6]

In 1995, the *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip* provided for an agreed maritime zone stretching 20 nm from the Gaza coastline designated for "fishing, recreation and economic activities".[7] Zone L Palestine's fishing zone was flanked on both sides by two military protected no-go zones; Zone K at 1.5 nm width bordering Israel and Zone M at 1 nm width bordering Egypt. Notably, the State of Palestine has an international law right to declare an Exclusive Economic Zone (EEZ) of 200 nm.[8] This would grant fishing rights and jurisdiction over the conservation and utilization of living resources to an additional 180 nm of maritime space beyond the Oslo Accords agreed 'Gaza Maritime Activity Zone'.[9] Moreover, Palestine has rights to permanent sovereignty over its natural resources, including for example, those contained within its 60 nm continental slope.[10] The agreed restriction on use of maritime

3 A/HRC/12/48 Report of the Fact Finding Mission on the Gaza Conflict (25 September 2009) 16; OCHA, 'Gaza One Year On, Marking One Year Since the 2014 Escalation of Hostilities, The Humanitarian Impact of the Blockade' < http://gaza.ochaopt.org/2015/07/the-gaza-strip-the-humanitarian-impact-of-the-blockade/> accessed 17 September 2015; OCHA and Gisha (Legal Centre for Freedom of Movement) In addition, Israel has restricted access to a no-go buffer zone within the occupied Gaza Strip, reducing the area from 100 meters to 300 meters in the aftermath of Operation Protective Edge.

4 Internal Displacement Monitoring Center, 'Access Restricted Areas in the Gaza Strip' (2014)< http://www.internal-displacement.org/assets/publications/2014/201402-me-palestine-under-fire-brief-en.pdf> accessed 11 July 2015

5 United Nations Conference on Trade and Development, 'Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the Occupied Palestinian Territory' (13 July 2012) 1.

6 *Ibid* at 14.

7 Article XIV, The Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (28 September 1995).

8 Article 57, United Nations Convention on the Law of the Sea (10 December 1982)

9 Article 61-62, United Nations Convention on the Law of the Sea (10 December 1982)

10 Israel Atomic Energy Commission, Tsunamis Induced by Submarine Slumpings off the Coast of Israel (July 1975) 5.

space under the Oslo Accords, over which in particular, Palestine exercises territorial sovereignty, has no basis in international law.

The Oslo Accords restricted the engine power of Palestinian fishing vessels. Article XIV of Annex III of the Israeli Palestinian Interim Agreement provided that fishing boats could not travel beyond Zone L and "may have engines of up to a limit of 25 HP for outboard motors and up to a maximum speed of 18 knots for inboard motors".[11] The Accords made provision for some increase in horsepower up to 40 HP for outward motors following the signing of the Agreement by the Maritime Coordination and Cooperation Center.[12] However the agreement prohibited fishermen carrying weapons and ammunition and fishing with the use of explosives.

Despite the conclusion of the *Israeli-Palestinian Interim Agreement*, Israel has maintained a brutal and deadly closure of Palestine's Maritime Zone reducing "fishing, recreational and economic" maritime space at whim to distances not exceeding 6 nm.[13] In 2000, Israel stepped up its brutal closure of Palestine's maritime space *de facto* reducing the fishing zone to 6 nm.[14] Israel attacked fishermen within 100 meters to 3 nm distances from the shore.[15] This resulted in widespread food shortages, with wholesalers reporting 100 percent fish shortages in the West Bank and 33 percent fish shortages in Gaza.[16] In 2002, the intervention of the Personal

11 Article XIV, Annex III, The Israeli Palestinian Interim Agreement

12 Ibid; T. Rod Larsen et al., *The Search for Peace in the Arab-Israeli Conflict: A Compendium of Documents* (Oxford University Press, 2014) 198. The Maritime Coordination and Cooperation Center was a branch of the Joint Security and Cooperation Committee coordinating civil maritime and coastal police affairs off the coast of Gaza. It was composed of members from the Palestinian Civil Police and the Israeli Navy serving a coordinating role for incidents at sea.

13 M. Ali, 'The Coastal Zone of Gaza Strip – Palestine Management and Problems' (11-12 March 2002) Presentation for MAMA, 12 < http://overfishing.org/interesting/documents/fisheries_gaza/2002_gaza_briefing_paper.pdf> accessed 14 June 2015

14 Palestinian Centre for Human Rights, 'Report on Israeli Attacks on Palestinian Fishermen in the Gaza Strip in al-Aqsa Intifada, 29 September 2000 – 31 May 2002 (June 2002) 6.

15 Palestinian Centre for Human Rights, 'Report on Israeli Attacks on Palestinian Fishermen in the Gaza Strip in al-Aqsa Intifada, 29 September 2000 – 31 May 2002 (June 2002) 8.

16 United Nations, Office of the United Nations Special Coordinator, 'Impact of Closure and Other Mobility Restrictions on Palestinian Productive Activities' (1 January 2002 – 30 June 2002) 2 http://www.un.org/News/dh/mideast/econ-report-final.pdf accessed 9 October 2015.

Humanitarian Envoy to the Secretary General resulted in the 'Bertini Commitments' whereby Israel committed to increase the Palestinian fishing zone to 12 nm.[17] Notably, the Bertini Commitments were not a substitute for compliance with international humanitarian law and did not in any way sanction the closure of the Gaza Strip.[18] By 2005, a UN Humanitarian Monitoring Report on the Bertini Commitments noted that fishermen were, "consistently denied the right to fish up to the 12 nautical mile limit".[19] In fact, Israel has neither implemented the 12 nm fishing Bertini commitment nor increased the fishing limit back to the agreed 20 nm zone. Doing so would bring Palestine's access to fishing waters within 1 nm of Israel's prized gas infrastructure.

1.2 CLOSING THE GAZA MARITIME ZONE TO PROTECT ISRAEL'S GAS

The discovery of natural gas resources in the Mediterranean Sea prompted Israel to maintain a ruthless 6 nm military closure of the Gaza Maritime Zone. Israel had initially premised *de facto* maritime restrictions on the outbreak of the Second Intifada in September 2000. However, six months earlier in March 2000, Israel's second gas field was discovered in the Mediterranean located a mere 13 nm from the Gaza coast containing a substantial 1.2 TCF of gas.[20] Between 2000 and 2003, Noble Energy, the lead operator of the *Yam Tethy's* Mari-B license, built the Mari-B platform.[21] In 2004, the *Yam Tethy's* joint venture began to supply gas from Israel's Mari-B field to Israel Electric Corporation (IEC) via the Ashdod coastal

17 Office for the Coordination of Humanitarian Affairs, 'Commitments made by the Government of Israel to Ms Catherine Bertini, Personal Humanitarian Envoy to the Middle East for the Secretary-General' < http://unispal.un.org/UNISPAL.NSF/0/3C484FF2A4F05BF285256D58004FF446> accessed 4 October 2015

18 *Ibid.*

19 United Nations, Humanitarian Monitoring Report - August 2005, Bertini Commitments < http://www.haaretz.com/news/diplomacy-defense/1.625760> accessed 14 June 2015

20 Yam Tethy's < http://www.delekenergy.co.il/?CategoryID=170&ArticleID=83> accessed 8 November 2015.

21 Noble Energy, Inc. Announces Startup Of Natural Gas Production From The Giant Mari-B Field Offshore Israel (24 December 2003) < http://investors.nobleenergyinc.com/releasedetail.cfm?ReleaseID=359787> accessed 8 November 2015.

HFO-based power plant.[22] Today, the depleted Mari-B reservoir is used as a storage facility central to Israel's gas distribution network.[23] Long after the conclusion of the Second Intifada, the *de facto* 6 nm military closure remained in place to protect Israel's gas resources.

In 2005, Israel and Egypt concluded a Memorandum of Understanding for an underwater gas pipeline to connect El-Arish in Egypt through Palestine's maritime waters to Ashkelon in Israel.[24] In 2009, Israel was scheduled to import gas from Egypt through the pipeline.[25] That same year, under the pretext of Operation Cast Lead, Israel enforced a *de jure* naval restriction on international maritime traffic entering the Gaza Maritime Zone effectively blockading the entire Palestinian Sea under Notice to Mariners No. 1/2009 (6 January 2009). Again, long after the conclusion of Operation Cast Lead, the *de jure* maritime restriction remained in place.

The policy to unlawfully blockade the Palestinian sea was outlined by a senior Israeli naval official to the *Jewish Independent*:

> "These fields have strategic significance and could be easily a target for our neighbors…Usually to protect an area, we just make a sterile zone around it. But we can't do that in international territory."[26]

22 Sustainable Development Department (MNSSD) Middle East and North Africa Region, 'West Bank and Gaza Energy Sector Review', (May 2007) Report No. 39695-GZ., 76; Noble Energy, Inc. Announces Startup Of Natural Gas Production From The Giant Mari-B Field Offshore Israel (24 December 2004) <http://investors.nobleenergyinc.com/releasedetail.cfm?ReleaseID=359787> accessed 15 May 2015

23 I. Trilnick, A. Bar-Eli, 'Landau Awards Mari-B Rights Without a Tender' *Haaretz* (18 December 2012) <http://www.haaretz.com/business/landau-awards-mari-b-rights-without-a-tender.premium-1.485542> accessed 9 May 2015.

24 Memorandum of Understanding Relating to the Purchase and Transmission of Natural Gas Through a Pipeline between the Government of the State of Israel and the Government of the Arab Republic of Egypt. < https://www.jewishvirtuallibrary.org/jsource/Peace/mou2005.pdf> accessed 9 May 2015; Oil and Gas, 'Arish-Ashkelon Pipeline' <http://www.gulfoilandgas.com/webpro1/projects/3dreport.asp?id=100808> accessed 9 May 2015.

25 N Razzouk, O Galal, 'Egyptian Gas to Israel, Jordan May Halt for Two Weeks' (6 February 2011) < http://www.bloomberg.com/news/articles/2011-02-05/egypt-gas-pipeline-feeding-israel-explodes-in-sinai-desert-arabiya-says> accessed 8 November 2015.

26 L. Gradstein, 'Resource Security Plan: Gas Field Protection to Cost Navy $700 million' Jewish Independent (15 February 2013) < http://www.jewishindependent.ca/oldsite/archives/feb13/archives13feb15-03.html> accessed 20 May 2015.

To counter this restriction, Israel has permanently closed Palestine's entire maritime space. The effect of this is fourfold (1) it provides an unlawfully expanded safety zone around Israel's Mari-B platform, which operates as a storage facility for Israel's lucrative Tamar field (2) it provides a buffer corridor protecting the El-Arish pipeline crossing Palestine's maritime space, (3) it prevents Palestine from developing its Gaza Marine and Border gas fields to supply the local Palestinian market and (4) facilitates the potential illegal Israeli exploitation of the Gaza Marine by Israel.

1.3 CLOSING THE GAZA MARITIME FISHING ZONE TO EXPROPRIATE GAZA'S GAS

Palestine's gas field, the Gaza Marine is located just over 19 nm from the Gaza coast. [27] In 2001, Noble Energy challenged the validity of BG Group's license for the Gaza Marine awarded by the PA in the Israeli courts.[28] At the heart of the challenge was the question of Palestinian ownership of the resources. The challenge was set aside as a political matter pending a final peace deal.[29] However the plan to retain Palestine's Gaza Marine as an energy reserve for the Israeli market was later outlined in Israel's 2004 Energy Master Plan.[30] In 2014, Professor Fischhendler from the Hebrew University of Jerusalem wrote, "the development of a Palestinian offshore gas field to serve the Israeli market has been delayed due to Israeli geopolitical concerns".[31] The concerns lay in the prospect of using the development of the Gaza Marine as a sweetener in concluding gas export agreements with Jordan and Egypt for Israel's Tamar and Leviathan

27 V Kattan, 'The Gas Fields off Gaza: A Gift or a Curse?' *Al Shabaka, the Palestinian Policy Network* (April 2012) 2.

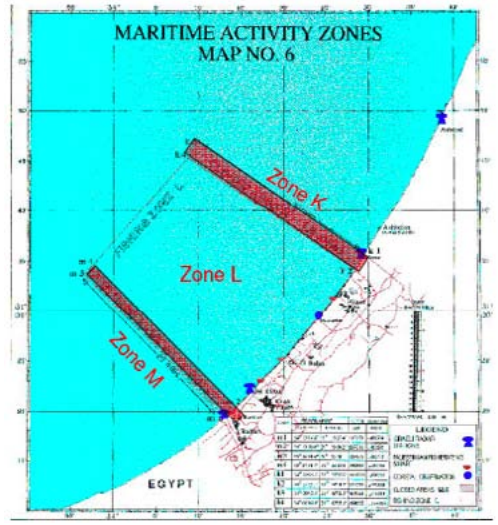
28 'Arafat Says Natural Gas Field Great Hope for Palestinian Economy' (27 September 2000) < http://www.thedossier.info/articles/ap_arafat-says-natural-gas-field-great-hope-for-palestinian-economy.pdf> accessed 28 May 2015.

29 S. Henderson, 'Natural Gas in the Palestinian Authority: The Potential of the Gaza Marine Offshore Field' *Mediterranean Policy Programme* (March 2014) 5.

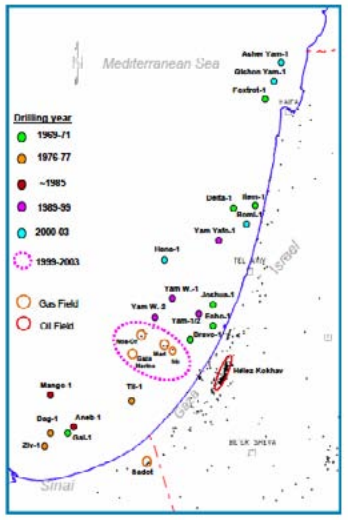
30 I. Fischlendler, D. Nathan, 'In the Name of Energy Security: the Struggle over the Exportation of Israeli Natural Gas' *Energy Policy* 70 (2014) 152, 154. (Israeli EnergyMasterPlan,2004.OptimalMixofEnergySourcesforIsrael (Hebrew). <http://www.mqg.org.il/Portals/0/042004B.pdf> _(accessed 15.01.14).)

31 I. Fischlendler, D. Nathan, 'In the Name of Energy Security: the Struggle over the Exportation of Israeli Natural Gas' *Energy Policy* 70 (2014) 152, 155.

gas fields. [32] Israel cannot develop its massive gas resources until it secures gas export markets.[33] Notably Israel's Leviathan field is considered the second largest gas discovery in the world in the last decade and delays in its development cost $3 billion USD per year.[34] In an address to the Herzliya Conference, Israeli Prime Minister Netanyahu underscored the urgency in extracting gas considered of "diplomatic, security and economic significance … for the future of the State of Israel".[35]



Source: Maritime Activity Zones Map No.6[36]



Source: Israel's Offshore Drilling History[37]

32 *Ibid.*

33 H Cohen, 'Not Developing Leviathan costs State $3 billion a year' *Globes* (20 November 2014) <http://www.globes.co.il/en/article-not-developing-leviathan-costs-3b-a-year-1000987948> accessed 9 May 2015.

34 I. Fischlendler, D. Nathan, 'In the Name of Energy Security: the Struggle over the Exportation of Israeli Natural Gas' *Energy Policy* 70 (2014) 152, 155.

35 Israel Ministry of Foreign Affairs, 'PM Netanyahu Addresses the Herzliya Conference' (9 June 2015) http://mfa.gov.il/MFA/PressRoom/2015/Pages/PM-Netanyahu-addresses-the-Herzliya-Conference-9-Jun-2015.aspx accessed 11 June 2015

36 Israeli-Palestinian Interim Agreement (Oslo 2) < https://www.jewishvirtuallibrary.org/images/gjmap6a.gif> accessed 9 May 2015.

37 M. Gardosh et al., 'The Levant Basin Offshore Israel: Stratigraphy, Structure, Tectonic Evolution and Implications for Hydrocarbon Exploration' *Geological Survey of Israel* (April 2008) 7.

2. ISRAEL SYSTEMATICALLY ATTACKS GAZA'S FISHERMEN

To enforce the unlawful closure, Israel routinely attacks Palestinian fishermen using live ammunition, and arrests, detains and removes protected Palestinian civilian fishermen beyond the borders of the occupied territory. Israel's navy routinely seizes Palestinian fishing boats charging a substantial 500 NIS fee for their return, amounting to unlawful requisition.[38] The attacks have devastated the Palestinian fishing industry. For example, in an affidavit to Al-Haq, Palestinian fisherman Umran Bakr states "We have lost our sole source of income after the occupying soldiers had destroyed the boat we used to work on. It cost almost $ 7,000 USD".[39]

Numerous organizations have documented the daily attacks against Gaza's fishermen.[40] Fishermen are frequently attacked by the Israeli

38 B'Tselem, Lift the Restrictions on the Gaza Fishing Range (24 March 2013)

39 Al-Haq, Affidavit No. 10387/2015

40 Gaza: The status quo is not an option anymore The EU must take urgent action to end the continuing closure and impunity in Gaza (12 February 2014) < http://www.amnesty.eu/content/assets/doc2014/gaza_statement_en.pdf> accessed 10 June 2015

navy using stun grenades, random fire shooting, net cutting, deliberate destruction of boats and arrests.[41] Between June 2007 and July 2013 five fishermen were killed by the Israeli navy off the coast of Gaza.[42] Further, in 2012 Israel detained nine children fishing within the arbitrarily declared exclusion zone.[43]

2.1 TARGETING THE FISHING INDUSTRY IN OPERATION PROTECTIVE EDGE

In 2014 alone, the United Nations Office for the Coordination of Humanitarian Affairs in Occupied Palestinian Territory (OCHA) recorded 59 arrests of fishermen at sea and the confiscation of 27 boats by the Israeli navy.[44] During so-called Operation Protective Edge, Israel's fifty-day military offensive on the Gaza Strip, "Israeli forces directly targeted the fishing sector". [45] Israel attacked the Gaza Seaport destroying 36 rooms, fishing boat engines and equipment, destroyed 8 fishing boats and severely damaged 2 more. Israeli gunboats damaged 20 fishing boats at the northern Gaza Seaport and destroyed 30 in the Central Gaza Seaport. A further 8 fishing boats were destroyed and 10 damaged in Khan Younis Seaport along with the destruction of the fish market and another 4 fishing boats in Rafah Seaport.[46] The targeting of the fishing sector represents a deliberate targeting and destruction of one of Gaza's main industries. Notably, the Commission of Inquiry into Operation Cast Lead in 2009 considered that the systematic destruction

41 Al-Dameer Association for Human Rights, 'A Special Report on Marine Environment in the Gaza Strip' Environmental Report Series (03)' (June 2009)

42 Foreign Affairs, 'The Last Seamen of Gaza' (12 August 2015) < https://www.foreignaffairs.com/photo-galleries/2015-08-12/last-seamen-gaza> accessed 9 November 2015.

43 Home Office U.K Border Agency, 'Operational Guidance Note, Occupied Palestinian Territories' (19 March 2013) 3.9.6 < https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/310443/Occu_pales_terri_operational_guidance_2013.pdf> accessed 10 June 2015

44 OCHA, 'Fragmented Lives Humanitarian Overview 2014' 14.

45 Palestinian Center for Human Rights, 'Israeli Attacks on Fishermen in the Gaza Sea' 23 February 2015 < http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=10882:israeli-attacks-on-%20fishermen-in-the-gaza-sea&catid=56:fact-sheets-&Itemid=18> accessed 16 September 2015

46 *Ibid*.

of industries amounted to a policy of attack on Gaza's infrastructure.[47] While the 2015 Commission of Inquiry presented a narrower focus on select incidents based on a number of limited criteria, these did not include an analysis of a deliberate policy of attacks on industries.[48] Nevertheless, this does not rule out the possibility of such attacks meeting the threshold for prosecution as a crime against humanity at the International Criminal Court.[49]

Attacks Following the 2014 Ceasefire

Following so-called Operation Protective Edge, a new ceasefire agreement was negotiated.[50] Even so, as of September 2014, despite the ceasefire agreement Israel continued to shoot at Gaza fishermen within 6 nm.[51] The devastation of Operation Protective Edge affected 24,000 families of farmers, fishermen and herders in Gaza who "suffered debilitating losses" in terms of food sources and income.[52] In June 2015, Israel's Ministry of Foreign Affairs audaciously marketed the 6 nm fishing restriction as a reconstruction measure "aimed at boosting the economy of Gaza".[53] While an increase by 3 nm would yield approximately 474 tons, even at this rate, the Office of the United Nations Special Coordinator for the Middle East Peace Process recommends a minimum increase to 9 nm for

47 A/HRC/12/48 Report of the Fact Finding Mission on the Gaza Conflict (25 September 2009) 218.

48 A/HRC/29/CRP.4 (24 June 2015) para 13.

49 Article 7(1)(h), Statute of the International Criminal Court (1998).

50 'Palestinian Joy as Israel Agrees Gaza Truce' *AlJazeera* (27 August 2014) < http://www.aljazeera.com/news/middleeast/2014/08/hamas-claims-gaza-truce-agreed-with-israel-201482613524239285 9.html> accessed 9 November 2015.

51 Human Rights Watch, World Report 2014: Israel and Palestine < http://www.hrw.org/world-report/2014/country-chapters/israel-and-palestine> accessed 8 June 2015.

52 OCHA, 'Humanitarian Bulletin Monthly Report' (September 2014) 15 https://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_10_27_english.pdf accessed 9 October 2015.

53 Israel Ministry of Foreign Affairs, 'Reconstruction in Gaza' (June 2015) http://mfa.gov.il/MFA/ForeignPolicy/Peace/Humanitarian/Pages/Reconstruction-in-Gaza-June-2015.aspx accessed 9 October 2015.

sustainable fish catches.[54]

According to Oxfam, attacks on fishermen in the aftermath of Operation Protective Edge averaged one attack per day.[55] Between January and September 2015, the Palestinian Center for Human Rights (PCHR) recorded 111 incidents of Israeli shooting live rounds at Palestinian fishermen, 22 injuries, 40 detentions, 13 confiscations of fishing boats, 5 confiscations of fishing nets and 15 incidents of damage to fishing equipment.[56] Israeli attacks on Palestinian fishermen within the arbitrarily declared 6 nm fishing zone have escalated in recent months. In January 2014 there were 21 reported incidents of live fire within 1 nm of the coast.[57] In the first half of 2014, Palestinian fishermen reported 177 incidents of naval fire within the six-mile zone.[58] During this time, Israel's navy targeted and shot at Palestinian fishermen in a further 95 incidents.[59] In March 2015, Al-Haq documented a number of attacks on Palestinian fishermen within 6 nm of the Gaza coast including the arbitrary killing of fisherman Tawfiq Abu Riyalah by the Israeli navy.[60]

54 United Nations, Office of the United Nations Special Coordinator for the Middle East Peace Process, 'Closing the Gap: Palestinian State Building and Resumed Negotiations', Report to the Ad Hoc Liaison Committee (New York: 25 September 2013) 22 < http://webcache.googleusercontent.com/search?q=cache:N4D30vXMQHwJ:www.unsco.org/Documents/Special/UN%2520AHLC%2520report%2520Sept2013.pdf+&cd=60&hl=en&ct=clnk&gl=ie&client=safari#15> accessed 12 July 2012;United Nations, Office of the United Nations Special Coordinator for the Middle East Peace Process, 'Closing the Gap: Palestinian State Building and Resumed Negotiations', Report to the Ad Hoc Liaison Committee (New York: 25 September 2013) para. 48 < http://webcache.googleusercontent.com/search?q=cache:N4D30vXMQHwJ:www.unsco.org/Documents/Special/UN%2520AHLC%2520report%2520Sept2013.pdf+&cd=60&hl=en&ct=clnk&gl=ie&client=safari#15> accessed 12 July 2012

55 V. Santos-Moura, 'The Last Seaman of Gaza' *Foreign Affairs* (12 August 2015).

56 PCHR, 'Israeli Attacks on Fishermen in the Gaza Sea' (8 October 2015) http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=11315:israeli-attacks-on-fishermen-in-the-gaza-sea&catid=144:new-reports accessed 8 November 2015.

57 Grassroots International, 'Fishing for Justice: Fact Sheet, Fishing in the Gaza Strip' (2014) 2.

58 E Zanoun, 'Gaza Fishermen 'in God's hands'' *The Electronic Intifada* (31 March 2015); Semi Annual Report: Israeli Violations against the Palestinian Farmers – 2014 < http://www.uawc-pal.org/Files/804721af-8a03-4286-9a6e-9fe5b2414328.pdf.pdf> accessed 12 July 2015

59 Human Rights Watch, 'World Report 2014: Israel and Palestine' < https://www.hrw.org/world-report/2014/country-chapters/israel/palestine> accessed 10 July 2015

60 Al-Haq, Affidavit No. 10487/2015.

2.2 ISRAEL'S ENERGY SECURITY

Between 2009 and 2010, the Noble Energy monopoly discovered massive gas finds in the Tamar, Dalit and Leviathan gas fields earmarking Israel as a key gas exporter in the Mediterranean.[61] In November 2010, Israel's National Security Council started work on a proposal to the Ministerial Committee on National Security Affairs on the authorities responsible for protecting Israel's gas fields.[62] Accordingly, Israel's Navy is "responsible for protecting strategic infrastructure along Israel's coast, including natural resources and ports."[63] Israel's Ministry of Defense is currently arming the navy with four advance patrol vessels carrying advanced Barak missiles to protect gas drilling platforms and "ensure an extensive protective envelope for the natural gas infrastructure in the Mediterranean Sea". [64] In addition, the sea defense system will include "surface ships, security ships, unarmed aerial vehicles and intelligence collectors."[65] In 2014, Israel's State Comptroller called for additional energy security on gas platforms as having strategic value to the Israeli economy. [66] This indicates Israel's intention to reinforce and further entrench the lethal military closure of Palestine's Mediterranean Sea.

In this vein, the IDF is currently mobilizing a new warfare system of unmanned sea vessels known as the *Abir Hayam* or the Sea Knight

61 Ministry of National Infrastructures, Energy and Water Resources, 'Petroleum and Gas Prospecting' < http://energy.gov.il/English/Subjects/OilAndGasExploration/Pages/GxmsMniPetroleumAndNaturalGasProspecting.aspx> accessed 3 October 2015

62 S, Udasin, 'State Comptroller: Offshore Facilities Remain at Risk' *The Jerusalem Post* (3 December 2014)

63 Israel Defense Forces, Navy < http://www.idf.il/1514-en/Dover.aspx> accessed 18 September 2015.

64 Y. Azulai, 'The Decision on the Winning Bid to Build the Patrol Vessels will only take place next year' *Globes* (28 September 2014) < http://www.globes.co.il/en/article-israel-navy-awaits-gas-field-defense-vessels-1000974629> accessed 20 May 2015

65 A. Rabinovitch, 'Israel's Navy Gears up for New Job of Protecting Gas Fields' *Reuters* (1 April 2013) < http://www.reuters.com/article/2013/04/01/israel-navy-natgas-idUSL5N0CN01P20130401> accessed 20 May 2015.

66 S, Udasin, 'State Comptroller: Offshore Facilities Remain at Risk' *The Jerusalem Post* (3 December 2014)

Protector. [67] According to Israel's Lt Col Liav:

> "It is a vessel that can shoot, issue warnings, conduct the most advanced types of surveillances and all the while sailing without a human operator"[68]

The unmanned system can be used remotely from another vessel or from the coast. The Sea Knight Protector has been described as amongst the "most lethal unmanned platforms available".[69] Israel also employs deadly Sa'ar 5-class corvette warships equipped with sonar, torpedoes, missile launchers, electronic warfare capabilities and decoys, a gun mount, a helipad and helicopter hangar to patrol offshore gas rigs.[70] Moreover, Israel has concluded a contract to purchase four Sa'ar 6 class corvette submarines equipped with nuclear missile capabilities from Germany for the protection of its energy resources. [71]

67 A. Horowitz, 'Take a First Peak at the 'Sea Knight' and Unmanned Vessel that might be a Game-Changer' Jerusalem Online (30 March 2015) < http://www.jerusalemonline.com/news/politics-and-military/military/take-a-first-peek-at-the-sea-knight-the-unmanned-vessel-that-might-change-the-rules-of-12584> accessed 17 September 2015.

68 'Israel Unveils New Unmanned 'Sea Knight' to Combat Gaza Marine Smugglers' *Algemeiner* (20 March 2015).

69 Israel Today News, Israel's Sea Knight Protector by Rafael https://www.youtube.com/watch?v=c74tB0nBfh8 accessed 17 September 2015.

70 G. Fisher, 'Israel's German Built Submarines are Equipped with Nuclear Weapons, Der Speigel Reports' *The Times of Israel* (3 June 2012).

71 Y. Zitun, 'Major Deal: Israel to Purchase Four Patrol Ships From Germany to Defend Gas Rigs' *Ynet News* (11 May 2015) < http://www.ynetnews.com/articles/0,7340,L-4656029,00.html> accessed 17 September 2015. Germany sold the submarines at a reduced rate of NIS 1.8 billion financing one third of the cost

Month	Firing	Injuries	Arrests	Detainees	Seized Fishing Boats	Seized Fishing Nets	Damage to Fishing Equipment
Jan.	12	4	2	8	1	2	4
Feb.	15	-	-	-	-	-	-
March	12	2	2	6	3	-	1
April	15	1	-	-	-	-	2 fishing boat nets
May	27	7	1	2	1	1	3
June	10	4	-	14	3	2	3
July	7	3	-	8	4	-	-
Aug.	6	-	-	2	1	-	1
Sep.	7	1	-	-	-	-	1 fishing boat
Total	**111**	**22**	**5**	**40**	**13**	**5**	**15**

Attacks on Palestinian Fishermen Since the Beginning of 2015[72]

72 PCHR, 'Israeli Attacks on Fishermen in the Gaza Sea' (8 October 2015) http://www.pchrgaza.org/portal/en/index.php?option=com_content&view=article&id=11315:israeli-attacks-on-fishermen-in-the-gaza-sea&catid=144:new-reports accessed 8 November 2015.

3. IMPACT OF CLOSURE ON FOOD SECURITY

3.1 OVERFISHING

Since 2001, restrictions on fishing have "led to intensive, close-shore fishing which has depleted stocks from the natural breeding grounds and threatened the fisheries resource base".[73] The Gaza Coastal and Marine Environmental Protection and Management Plan, explains that fishing in Gaza is broken down into 800 units of 0.5 square nautical miles per unit.[74] This is an extremely high concentration of fishing actors. An FAO Fisheries Report on unsustainable and overexploited fish stocks, suggests that "the prevailing expectation in fishery management circles is that as fishing units become more and more efficient the number of fishing units will need to be progressively reduced (or actively curtailed) in order to

73 OCHA Special Focus, 'Gaza Fishing: An Industry in Danger' (April 2007).

74 Palestinian National Authority, Ministry of Environmental Affairs, 'Gaza Coastal and Marine Environmental Protection and Management Action Plan' (2001) 2< http://s3.amazonaws.com/zanran_storage/smap.ew.eea.europa.eu/ContentPages/723959522.pdf> accessed 4 June 2015

protect and conserve the resources".[75]

Instead Palestinian fishermen are forced to fish small spawning fish in the shallow waters thus threatening the sustainability of the fishing industry. In addition, damage to the seabed by nets, marine pollution and the use of poison fishing techniques has contributed to the depletion of fish stocks.[76] Access to fishing waters beyond 6 nm would provide access to sardines located in deeper waters. Further afield, high value fish catches are located 8 to 12 nm from the shore.[77] Unsurprisingly, the overexploitation of main fish stocks has knock-on negative impacts on aquatic biodiversity.[78]

Gaza fishermen are forced to employ excessive fishing practices in light of reduced access to fish and dwindling fish stocks. Fishermen have used toxic farm chemicals such as *lannate,* dragging nets, explosives and cage traps to catch fish, endangering marine life and fish stocks. *Lannate* is a toxic substance and may have a detrimental affect on humans when ingested.[79] *Methomyl* or *lannate* is a carbamoyloxime banned in most countries but is still available in the OPT.[80] *Methomyl* is highly toxic to fish

75 FAO Fisheries Report No 700, Report and Documentation of the International Workshop on the Implementation of International Fisheries Instruments and Factors of Unsustainability and Overexploitation in Fisheries (Mauritius, 3-7 February 2003) 194.

76 Palestinian National Authority, Ministry of Environmental Affairs, 'Gaza Coastal and Marine Environmental Protection and Management Action Plan' (2001) 2< http://s3.amazonaws.com/zanran_storage/smap.ew.eea.europa.eu/ContentPages/723959522.pdf> accessed 4 June 2015; Marine and Freshwater Biodiversity < http://www.mena.gov.ps/part3/marine.htm> accessed 4 June 2015.

77 United Nations, Office of the United Nations Special Coordinator for the Middle East Peace Process, 'Closing the Gap: Palestinian State Building and Resumed Negotiations', Report to the Ad Hoc Liaison Committee (New York: 25 September 2013) 26 < http://webcache.googleusercontent.com/search?q=cache:N4D30vXMQHwJ:www.unsco.org/Documents/Special/UN%2520AHLC%2520report%2520Sept2013.pdf+&cd=60&hl=en&ct=clnk&gl=ie&client=safari#15> accessed 12 July 2012

78 J. Barry, G. Frankland, *International Encyclopedia of Environmental Politics* (Routledge, 2002) 201

79 OCHA, 'The Fish Wealth is in a State of Decline: Excessive Fishing in the Gaza Strip…Reasons and Consequences' 2 < https://www.ochaopt.org/documents/ocha_opt_wash_cluster_aldameer_magazine_fish_decline-20090715-160513.pdf>22 accessed 22 September 2015.

80 R. Sansur 'Environment and Development Prospects in the West Bank and Gaza Strip' *UNCTAD* (21 April 1995) 66.

species.[81] A 2015 report by Arab Reporters for Investigative Journalism indicated that *lannate* was still being used by fishermen in the Gaza Strip. Palestinian fisherman Abu Mohammad described the practice whereby:

> "small pieces of bread are soaked in lannate until they are fermented. The bread pieces are then scattered along the rocky shores to catch three types of fish dwelling near the rocks. Upon catching them, the fishermen gut out the fish in an attempt to remove the toxins they consumed, he says."[82]

The pesticide is considered an extremely hazardous class 1(b) chemical by the World Health Organisation (WHO).[83]

Also fishermen use fishing traps composed of used iron or *'Alaqah* placing these on the sea floor. This is an extremely risky method of fishing and the Israeli navy have attacked fishermen within 6 nm of the coast on suspicions that the *'Alaqah* traps contain explosive devices.[84]

81 D. Whitacre, *Reviews of Environmental Contamination and Toxicology Volume 222*(Springer 2013) 103; M.L Litchfield, 'International Programme on Chemical Safety, Environmental Health Criteria 178, Methomyl' United Nations Environment Programme; Palestinian Ministry of National Economy, Applied Research Institute Jerusalem, 'The Economic Costs of the Israeli Occupation for the Occupied Palestinian Territory' (September 2011) 36. However IDF, Defense Export Control (Controlled Dual Use Equipment Transferred to Areas Under the Palestinian Authority Jurisdiction) Order 2008 prohibited the import of the *lannate* pesticide into the OPT.

82 Arab Reporters for Investigative Journalism, 'Gaza's Poisoned Fish' (4 May 2015) < http://en.arij.net/report/gazas-poisoned-fish-%E2%80%8E-2/> accessed 23 September 2015.

83 P. Pereira et al., 'Pesticide Regulation, Utilisation and Retailers Selling Practices in Trinidad and Tobago, West Indies, Current Situation and Needed Changes' 22(2*) Pan American Journal of Public Health* (2007) 86; International Food Information Service, *Dictionary of Food Science and Technology* (Wiley-Blackwell, 2nd edition, 2009) 274.

84 Al-Haq, Affidavit No. 10485/2015

3.2 DEPLETION OF SARDINE CATCHES

In June 2009, in the aftermath of Operation Cast Lead the OCHA reported a 61 percent prevalence of food insecurity and 38.6 percent unemployment in the Gaza Strip.[85] Between 2008 and 2012 the price of sardines increased from $2.50 USD per kilo to $5.00 USD per kilo.[86] In 2009, the reduction of the permissible fishing limit from 6 nm to 3 nm from the coast had a severe impact on the sardine catch, which suffered a 90 percent decline.[87] Overall the fishing restrictions have caused depletion of fish breeding grounds in shallow waters due to forced overfishing.[88]

Sardines from the Mediterranean[89]

Gaza's fishermen are mostly dependent on sales of sardines, however most sardine catches are located beyond 3 nm from the coast.[90] The severe 72 percent reduction in fish stocks has meant that Palestinian families are deprived of a protein rich food source with serious implications for food security.[91] Israel deliberately reduces the fishing limit to 3 nm to prevent Palestinian fishermen from catching sardines during sardine season.[92]

85 OCHA, 'Farming Without Land, Fishing Without Water: Gaza Agricultural Sector Struggles to Survive' < http://www.ochaopt.org/documents/gaza_agriculture_25_05_2010_fact_sheet_english.pdf> accessed 16 September 2015.

86 B'Tselem, Lift the Restrictions on the Gaza Fishing Range (24 March 2013)

87 OCHA, 'The Monthly Humanitarian Monitor' (November 2011) 2

88 *Ibid.*

89 By Daniel Ventura (Own work) [GFDL (http://www.gnu.org/copyleft/fdl.html) or CC BY-SA 4.0-3.0-2.5-2.0-1.0 (http://creativecommons.org/licenses/by-sa/4.0-3.0-2.5-2.0-1.0)], via Wikimedia Commons

90 OCHA, 'Farming Without Land, Fishing Without Water: Gaza Agricultural Sector Struggles to Survive' < http://www.ochaopt.org/documents/gaza_agriculture_25_05_2010_fact_sheet_english.pdf> accessed 16 September 2015.

91 *Ibid.*

92 Ma'an Development Center, 'Gaza Blockade in Numbers, Continued Denial and Deprivation' 3 (14 June 2015).

3.3 STARVING THE PALESTINIAN POPULATION

> "Food insecurity in Palestine can only be sustainably improved by addressing the root causes of the crisis, such as the ongoing blockade on Gaza and access restrictions in the West Bank".
>
> (PCBS, FAO, UNRWA, AND WFP Joint Press Release, June 2014)[93]

The closure of Gaza has directly caused food insecurity. In 2009 a UN Security Council resolution called for the reopening of crossing points and the "unimpeded provision and distribution throughout Gaza of humanitarian assistance, including of food, fuel and medical treatment"[94] According to the United Nations Development Programme (UNDP) 75 percent of the population in Gaza is reliant on food aid and faces food insecurity.[95] A staggering 57 percent of households in Gaza are food insecure and an additional 13 percent are at risk of becoming food insecure.[96] According to Gazan fisherman Kamel Abu Odah,

> "We have grown so poor that I cannot buy fishing nets anymore. They are too expensive. I can hardly provide daily food on the table, send my children to school or get appropriate medical care".[97]

93 Development for Empowerment, 'The 2014 Palestine Human Development Report' < http://www.ps.undp.org/content/dam/papp/docs/Publications/UNDP-papp-research-PHDR2015Poverty.pdf> accessed 10 October 2015.

94 S/RES/1860 (2009) para 2.

95 UNDP,'New Nets Help Fishermen in Gaza become Self-Reliant' < http://www.undp.ps/en/newsroom/stories/pdf/New%20nets%20help%20fishermen%20in%20Gaza%20become%20self%20reliantweb%20.pdf> accessed 10 July 2015;

OCHA, 'Farming Without Land, Fishing Without Water: Gaza Agricultural Sector Struggles to Survive' < http://www.ochaopt.org/documents/gaza_agriculture_25_05_2010_fact_sheet_english.pdf> accessed 16 September 2015.

96 UNCTAD, Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the occupied Palestinian Territory (13 July 2012) 5; World Food Program, 'State of Palestine' 2015 < http://www.wfp.org/countries/palestine> accessed 10 October 2015.

97 UNDP,'New Nets Help Fishermen in Gaza become Self-Reliant' < http://www.undp.ps/en/newsroom/stories/pdf/New%20nets%20help%20fishermen%20in%20Gaza%20become%20self%20reliantweb%20.pdf> accessed 10 July 2015

Instead fishermen have become dependent on international aid for the provision of new fishing rods and grants to purchase fishing boats.[98] Israel prohibits the import of fishing materials directly by Gaza fishermen, but permits limited imports by international organizations as aid. Due to the stagnating restrictions placed on Gaza's fishermen, the OCHA have indicated that in the ten years between 2000 to 2010, the numbers of fishermen in Gaza dropped from 10,000 to under 4,000.[99]

In addition, and due to a 2013 Egyptian navy crackdown, fish imports through the tunnels into Gaza previously averaging approximately 118 tons per month were "halted completely".[100] The price of shrimp doubled and the increase in fuel prices prevented fishermen from purchasing fuel to run their boats. The situation, imposed by Israel's policies and practices in closing the Gaza Strip has left 700,000 people in Gaza living in poverty with 21.1 percent living in 'deep poverty', on incomes less than $509 USD (NIS 1,832) per month on food, clothing and housing.[101]

98 *Ibid.*

99 B'Tselem, Lift the Restrictions on the Gaza Fishing Range (24 March 2013)

100 OCHA, Occupied Palestinian Territory: The Humanitarian Impact of Reduced Access between Gaza and Egypt, Situation Report (23 September 2013) 5 < http://www.ochaopt.org/documents/ocha_opt_gaza_sitrep_2013_09_23_english.pdf> accessed 24 September 2015.

101 Development for Empowerment, 'The 2014 Palestine Human Development Report' 1 <http://www.ps.undp.org/content/dam/papp/docs/Publications/UNDP-papp-research-PHDR2015Poverty.pdf> accessed 10 October 2015.

3.4 BANNING BOAT FUEL

Gaza depends on trade through the tunnels with Egypt to supply fuel for the fishing industry. The price of fuel imports from Israel is too high for Gaza's fishermen to feasibly support the costs.[102] In addition, Israel has reduced the amount of diesel into the Gaza Strip from 350,000 liters per day to 60,000 liters, impacting on the delivery of services, such as sewage treatment, electricity, drinking water, and hospital electric generators.[103] By January 2014, Gaza's fishing industry had been brought to a standstill and fishing boats were vacantly moored on beeches.[104] Gaza's fishermen need approximately 6,000 liters of gasoline and 2,000 liters of diesel daily to operate their fishing vessels.[105] The fuel consumption in the OPT is 980 KCM, 215 KCM in Gaza and 765 KCM in the West Bank.[106] In September 2015, Gisha reported that Gaza was suffering an "unprecedented electricity crisis".[107] Only 12 percent of the diesel approved for transfer from Egypt to Israel through the *Nitzana* border had entered the Gaza Strip. In addition, gas station owners were advised to use their fuel reserves to supply the Gaza power plant when the *Karem Shalom* crossing was closed for Israel's new-year holiday.[108]

102 I. Barzak, 'Egypt's Security Clampdown Disrupts Gaza Smuggling' The Times of Israel (28 June 2013) < http://www.timesofisrael.com/egypts-security-clampdown-disrupts-gaza-smuggling/> accessed 23 September 2015.

103 H.A El-Hasan, *Israel or Palestine? Is the Two State Solution Already Dead?* (Algora Publishing, 2010) 95

104 B'Tselem, 'Gaza's Docks Deserted' (21 January 2014) < http://www.btselem.org/photoblog/20140129_gaza_fishermen> accessed 23 September 2015.

105 Al-Dameer Association for Human Rights, 'A Special Report on Marine Environment in the Gaza Strip' Environmental Report Series (03)' (June 2009)

106 E.Z El-Ghussain, 'Modeling of Lead Emissions in Palestine' *Palestinian Energy and Natural Resources Authority* (2015) 7

107 Gisha – Legal Center for Freedom of Movement, 'Gaza Electricity Distribution Company: Unprecedented Electricity Crisis in Gaza' (20 September 2015) < http://gisha.org/updates/4587> accessed 23 September 2015.

108 Ibid.

4. INFLICTING MEASURES TO DE-DEVELOP PALESTINE'S FISHING INDUSTRY

> "Short of ending the blockade, donor aid will remain vitally important but will not reverse the ongoing de-development and impoverishment in Gaza."
>
> (United Nations Conference on Trade and Development, September 2015)[109]

4.1 ISRAEL'S DELIBERATE ECONOMIC DE-DEVELOPMENT OF THE GAZA STRIP

The closure represents an economic warfare on the OPT designed to cripple, stagnate and de-develop the territory and ultimately prevent the economic feasibility of an independent Palestinian State.[110] In 2011, the

109 UNCTAD, Press Release, 'Gaza Could Become Uninhabitable in Less than five years in wake of 2014 conflict and ongoing de-development, according to new UNCTAD report' (1 September 2015) http://unctad.org/en/Pages/PressRelease.aspx?OriginalVersionID=260 accessed 10 October 2015.

110 Onerous measures inflicted on the Palestinian population include Israel's withholding of tax clearance revenues leaving public sector employees unpaid which has a domino effect on civil society.

United Nations Conference on Trade and Development identified "the loss of Palestinian natural resources, land and water to occupation and settlements, and the isolation of Palestinian producers from regional and global markets leading to their inability to procure production inputs and to export their goods and services".[111] As such, sustainable development can only be achieved through stopping settlement building and ending the belligerent occupation.[112]

Military attacks on the Gaza Strip have further decimated the economy.[113] In 2014, the World Bank reported that Gaza's economy had contracted by 15 percent after Operation Protective Edge.[114] In addition, poverty increased from 28 percent in 2013 to 39 percent in 2014, as a direct consequence of Israel's military assault on the territory.[115] The damning 2014 World Bank Report, charted the forced economic decline of the Gaza Strip:

> Economic decline in Gaza, however, started much earlier and it has been directly linked with armed conflict, movement restrictions, and recently the blockade. Gaza's economic performance over the past two decades has been at the global bottom, with only three economies experiencing lower rates of growth. Thus, Gaza's total real GDP is only a couple of percent higher now than it was 20 years ago in 1994. Whatever the choice of relevant comparators, this level of growth is tremendously small: during the same period, GDP in low income countries increased by 259 percent, that of middle income countries increased by 283 percent, while the real GDP in the Arab world and the Middle East and North

111 UNCTAD, Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the occupied Palestinian Territory (13 July 2012) 3-4.

112 *Ibid.*

113 *Ibid.* In 2011, UNCTAD warned that economic growth in Gaza remained "easily reversible and vulnerable to Israeli security policy".

114 The World Bank, 'Economic Monitoring Report to the Ad Hoc Liaison Committee' (27 May 2015) para 22. < http://unispal.un.org/pdfs/AHLCMay2015WB.pdf> accessed 11 June 2015

115 The World Bank, 'Economic Monitoring Report to the Ad Hoc Liaison Committee' (27 May 2015) < http://unispal.un.org/pdfs/AHLCMay2015WB.pdf> accessed 11 June 2015

> Africa increased by 244 and 241 percent, respectively. With a relatively educated population, access to sea and proximity of a developed country, in the absence of conflict and blockade, one would expect Gaza's GDP to increase by at least as much as 250 percent over the past 20 years. Even with all the restrictions on movement and access and the unresolved political status as major obstacles to growth, West Bank GDP has increased by as much as 245 percent during this period of time.[116]

The World Bank Report cited the closure and war as the reasons for increased levels of unemployment in the Gaza Strip. This had increased from 29 to 41 percent with the 2006/7 closure and increased to 43 percent in the aftermath of Operation Protective Edge.[117] Critically Gaza has the highest unemployment rate in the World Bank database of 207 countries. [118]

In January 2015, the already catastrophic conditions in the Gaza Strip were aggravated when Israel suspended payment of tax revenues to the PA as collective punishment for Palestinian accession to the Rome Statute.[119] Moreover 100,000 internally displaced persons in Gaza were left without cash assistance after donors failed to follow through on their pledges from the 2014 Cairo Conference.[120] In 2015, the Under Secretary General for Political Affairs, reported to the Security Council that "combination of the failure to rectify the persistent governance and security issues and the slow pace of reconstruction has created an increasingly toxic

116 The World Bank, 'Economic Monitoring Report to the Ad Hoc Liaison Committee' (27 May 2015) para 29 < http://unispal.un.org/pdfs/AHLCMay2015WB.pdf> accessed 11 June 2015

117 *Ibid.,* at 33

118 European Commission, Implementation of the European Neighbourhood Policy in Israel, Progress in 2014 and Recommendations for Actions (Brussels: 25 March 2015)< http://eeas.europa.eu/enp/pdf/2015/israel-enp-report-2015_en.pdf> accessed 8 July 2015, By comparison, Israel enjoys an unemployment rate of 5.7 percent in 2014, one the lowest in the OECD.

119 See, Al-Haq, 'Israel's Retaliatory Seizure of Tax: A War Crime to Punish ICC Membership' < http://www.alhaq.org/publications/publications-index/item/the-unlawful-seizure-of-palestinian-taxes-israel-s-collective-punishment-of-a-people> accessed 9 November 2015.

120 OCHA, 'Humanitarian Bulletin Monthly Report' 1 (January 2015)

environment" in the Gaza Strip.[121]

4.2 ISRAEL FORCED DE-DEVELOPMENT DECIMATES FISHING INDUSTRY

The deliberate economic de-development of the Gaza Strip has devastated Gaza's fishing industry. In 2012 the Palestinian Ministry of Finance noted the decline:

> "In Gaza, growth rate dropped from a double digit rate in 2011 to 6 percent in Q1 2012. GDP in Gaza reached USD 464 million in Q1 2012, growing by 6 percent over Q1 2011, and declining by 2.3 percent over Q4 2011 (Table 1A). This decline is mainly due to the significant decrease of 42 percent in the agriculture and fishing sector because of the Israeli ban on agricultural exports to Israel and the movement of products to West Bank, and the constant harassment of fishermen within their 3 km fishing limits off the Gaza Coast."[122]

The naval and land closure not only impacts on fishing but also impacts on agriculture. Taking agriculture and fishing together as a sectoral share of gross domestic profit, a study prepared by UNCTAD charted a continuous decline in contribution to Palestinian GDP from 1999 to 2008 (see figure below).[123]

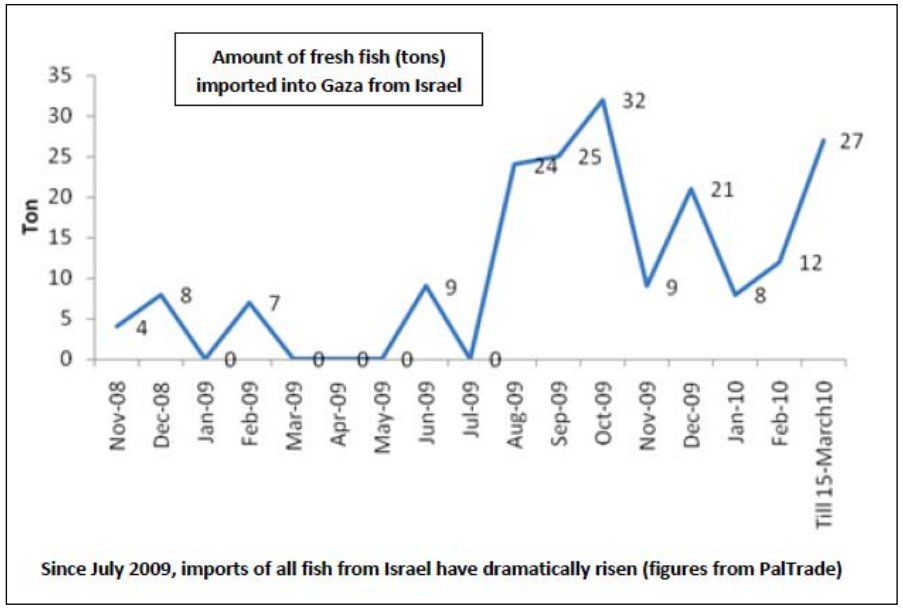
Sector	1999	2002	2003	2004	2005	2006	2007	2008
Agriculture and Fishing	10.4	9.9	7.9	7.1	5.2	5.6	5.6	4.6

121 *Ibid.*

122 Palestinian National Authority, Ministry of Finance, 'Fiscal Developments and Macroeconomic Performance: Second Quarter and Mid-year Report 2012' < http://www.lacs.ps/documentsShow.aspx?ATT_ID=6608> accessed 14 June 2015

123 UNCTAD, 'The Palestinian Economy: Macroeconomic and trade policymaking under occupation' 8.

This has forced Palestine to become dependent upon Israel for the supply of fish. By 2011, UNCTAD advanced that the closure had been particularly detrimental to Gaza's agricultural industry, which was mostly export orientated.[124] Israel profited from Gaza's forced dependence. Figures for Israel's fish export industry illustrate that there was a marked dip in fish exports between 1998 and 2002, followed by a steady rise in exports between 2003 and 2009. The escalation in Israel's fish exports mirrors the decline in Palestine's fish economy. After 2007, due to onerous fishing restrictions 1,300 tons of fish were imported annually from Israel for sale in Gaza's markets at inflated prices.[125]



Source: PalTrade Graph[126]

124 UNCTAD, Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the occupied Palestinian Territory (13 July 2012) 9.

125 OCHA Special Focus, 'Gaza Fishing: An Industry in Danger' (April 2007).

126 OCHA, 'Farming Without Land, Fishing Without Water: Gaza Agricultural Sector Struggles to Survive' < http://www.ochaopt.org/documents/gaza_agriculture_25_05_2010_fact_sheet_english.pdf> accessed 16 September 2015.

Although the Palestinian Central Bureau of Statistics 2011 figures recorded a 57 percent spike in agriculture and fishing in the Gaza Strip,[127] by 2012, UNCTAD reported that the Palestinian fishing industry had "collapsed almost completely".[128] In total the number of fishermen had declined by 66 percent since the year 2000, owing to factors such as the reduction of the fishing zone, overfishing, contamination of fishing waters by sewage after Israel destroyed Gaza's sewage treatment facility in so-called Operation Cast Lead.[129]

4.3 PALESTINIAN FISHING TRADE WITH THE EUROPEAN UNION

The impact of the closure on fishing has seen a reduction in Palestine's fish exports. In 2014, there was only 14 million euros in trade from Palestine to the EU comprising of agricultural products and raw materials, stone, plaster and cement.[130] The overall trade between the EU and Palestine was 0.155 billion euros in 2014, in sharp contrast to the 30.1 billion trade in goods between Israel and the EU the same year.[131] This follows from an Interim Association Agreement on Trade and Cooperation concluded between the PLO and the EU in 1997, and a trade liberalization agreement concluded in 2012 for agricultural, fish and fishery products.[132] Despite the agreement, no fishery products were listed in the 2014 figures on EU

127 Palestinian Central Bureau of Statistics (PCBS), Performance of the Palestinian Economy, 2011 <http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/perfEco2011E.pdf> accessed 28 May 2015.

128 TD/B/59/2 UNCTAD, 'Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the Occupied Palestinian Territory' (13 July 2012) para 40, p. 12 < http://www.un.org/depts/dpa/qpal/docs/2013Rome/P2%20Mahmoud%20Elkhafif%20addl%20EN%20TD%20B%2059%202.pdf.pdf> accessed 28 May 2015

129 *Ibid.*

130 European Commission, Trade: Countries and Regions, Palestine < http://ec.europa.eu/trade/policy/countries-and-regions/countries/palestine/> accessed 8 July 2015

131 European Commission, Implementation of the European Neighbourhood Policy in Palestine, Progress in 2014 and Recommendations for Actions (Brussels: 25 March 2015) p. 8 < http://eeas.europa.eu/enp/pdf/2015/palestine-enp-report-2015_en.pdf> accessed 8 July 2015;European Commission, Implementation of the European Neighbourhood Policy in Israel, Progress in 2014 and Recommendations for Actions (25 March 2015) < http://eeas.europa.eu/enp/pdf/2015/israel-enp-report-2015_en.pdf> accessed 8 July 2015.

132 European Commission, Trade: Countries and Regions, Palestine < http://ec.europa.eu/trade/policy/countries-and-regions/countries/palestine/> accessed 8 July 2015

trade with Gaza and Jericho.[133]

Notably, both Israel and Palestine form part of the European Neighbourhood Policy (ENP), which covers economic integration and political association in relation to the EU's bilateral neighbourhood relationships including trade, industrial and competition policy to agriculture and rural development, climate change and environment. It also includes energy security, transport, research and innovation, as well as support to health, education, culture and youth."[134] In particular, the ENP emphasizes bilateral trade relations with States who promote a "deep and sustainable democracy" which "includes in particular free and fair elections, freedom of expression, of assembly and of association, judicial independence, fight against corruption and democratic control over the armed forces".[135] The underlying objective of the ENP is to facilitate the development of more bilateral opportunities with countries that "make more progress towards democratic reform".[136] In 2014 the High Representative of the Union for Foreign Affairs and Security Policy/ Vice-President of the European Commission Federica Mogherini indicated that *inter alia* the Israel-Palestinian conflict had tested the ENP.[137]

Despite Israel's onslaught on the Gaza Strip in 2014, persecution of the protected Palestinian population through the continued brutal closure of the Gaza Strip, and despite its failure to implement fully the 2014 recommendations of the ENP Action Plan, Israel's 2015 ENP Progress Report records that it enjoyed the most developed relations of all ENP States with the EU.[138]

133 European Union, Trade with Gaza and Jericho < http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113382.pdf> accessed 8 July 2015

134 European Union External Action, What is the European Neighbourhood Policy? < http://eeas.europa.eu/enp/about-us/index_en.htm> accessed 8 July 2015

135 *Ibid.*

136 *Ibid.*

137 *Ibid.*

138 High Representative of the European Union for Foreign Affairs and Security Policy, Implementation of the European Neighbourhood Policy in 2014 in Israel, Progress in 2014 and Recommendations for Actions < http://eeas.europa.eu/enp/pdf/2015/israel-enp-report-2015_en.pdf> accessed 8 July 2015

4.4 IMPACT OF CLOSURE ON GAZA'S FISH EXPORTS

There is tendency when discussing the Mediterranean Sea and fishermen in Gaza, to conceptualize the issue as one affecting only fishermen or an issue pertaining only to Gaza. The closure and fragmentation of the OPT impacts all Palestinians in the West Bank including East Jerusalem and the Gaza Strip. All Palestinians suffer from a forced reduction in fishing and reduction in fish sold in the OPT. These restrictions are coupled with economic restrictions on the 'export' of fish for sale between Gaza and the West Bank including East Jerusalem. According to UNCTAD:

> "The systematic erosion of the Palestinian productive base, particularly in Gaza, deprives the Palestinian people of their ability to produce and feed themselves and turns them into consumers of essential goods imported mainly from Israel and financed chiefly by donors."[139]

Prior to the closure, Gaza had 'exported' 1,200 tons of fish annually to the West Bank. However Israel profits from its forced closure of the Gaza Strip importing fish into Gaza, at a much higher price.[140] Following the 2014 ceasefire agreement Israel eased the restrictions on trade in fishing and agricultural products and later textiles and furniture between from Gaza and the West Bank. On 11 November 2014, Israel permitted the 'export' of 730 kilograms (0.73 tons) of fish from Gaza to the West Bank.[141] Between November and December 2014, 137 truckloads of produce were transported.[142] However this only amounted to 7 percent of the pre-closure numbers, leaving Palestinians in the West Bank deprived of fish as a food source.[143]

139 UNCTAD, 'The Palestinian Economy: Macroeconomic and Trade Policymaking under Occupation' (United Nations New York and Geneva, 2012) 5.

140 'Restrictions Threaten Gaza Fishermen's Livlihoods' *The Electronic Intifada* (19 April 2007)

141 Israel Allows Gaza Fish Exports to West Bank (11 November 2014) *Haaretz* < http://www.haaretz.com/news/diplomacy-defense/1.625760> accessed 14 June 2015

142 Gisha

143 Gisha, Legal Center for Freedom of Movement, Exit of Goods form Gaza via Karem Shalom Crossing < http://gisha.org/graph/2401> accessed 9 July 2015.

5. ENVIRONMENTAL DAMAGE KILLING THE FISHING INDUSTRY FORCED BY ISRAEL'S PRACTICES AND POLICIES IN THE GAZA STRIP

FACTORS ADVERSELY IMPACTING THE FISHING ENVIRONMENT

5.1 SEWAGE

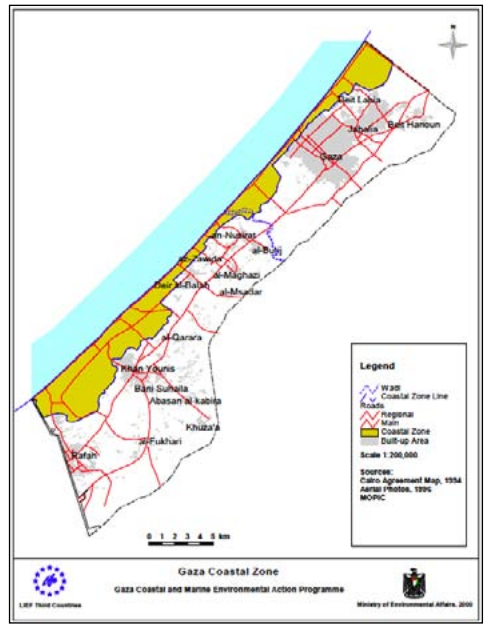
Israel has attacked Gaza's sewage system causing severe pollution to the fishing environment. Israel targeted the sewage system during Operation Cast Lead causing 89 million liters of untreated sewage to flow into the sea daily.[144] In 2011, UNCTAD reported that the fishing industry in Gaza had "collapsed almost completely" citing fishing restrictions, overfishing, contamination caused by the dumping of sewage water into the sea following the destruction of the sewage plant by the IDF during Operation Cast Lead in 2008.[145]

144 Grassroots International, 'Fishing for Justice: Fact Sheet, Fishing in the Gaza Strip' (2014) 2.

145 UNCTAD, Report on UNCTAD Assistance to the Palestinian People: Developments in the Economy of the Occupied Palestinian Territory (13 July 2012) 12

5.2 WASTEWATER POLLUTION

The coastal and marine environment of Gaza is seriously compromised by land-based pollution into the Mediterranean Sea. This pollution derives from various sources including untreated wastewater discharges flowing directly into the sea, recreational activities, industrial effluents, solid waste, agricultural activities and runoff pollution.[146] According to a number of studies, the greatest coastal and marine environmental threat in Gaza comes from land-based pollution.[147] In particular the accumulation of highly concentrated heavy metal contaminants from industrial wastewater streams have entered the sewer system untreated and from the wastewater treatment plants into coastal waters.[148] According to the World Health Organization (WHO), estrogenic chemicals from sewage effluents have 'feminizing effects' on male fish and in turn "feminized (intersex) male fish have reduced sperm production and reduced reproductive success".[149]



In August 2014 during Operation Protective Edge, the Palestinian National Authority reported that it had supplied coordinates to the Israeli military

146 H.A Zaqoot et al, Energy, Environment and Sustainable Development (Springer, 2012) 176

147 *Ibid.*

148 *Ibid.*

149 A. Bergman et al, S'tate of the Science of the Endocrine Disrupting Chemicals' World Health Organization, United Nations Environment Programme (2012) xiii.

of water and wastewater facilities to be protected against attack.[150] Nevertheless, Israel attacked the facilities during a ceasefire killing seven technicians from the CMWU and Municipal Departments carrying out urgent repairs.[151] Altogether, 27 percent of pumping stations were damaged alongside 33,000 meters of water and waste networks.[152]

Currently there is an annual generation of 44 MCM in wastewater in the Gaza Strip. According to the United Nations, this figure is expected to increase to 57 MCM by 2020.[153] In July 2015, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported that the fuel crisis in Gaza had led to a situation where 90 million liters of partially treated sewage were discharged into the Mediterranean Sea daily.[154] The discharge of untreated sewage into the sea is considered "the most serious contaminant to marine life".[155]

150 Palestinian National Authority, 'Water Sector Damage Assessment Report' (August 2014) 5.

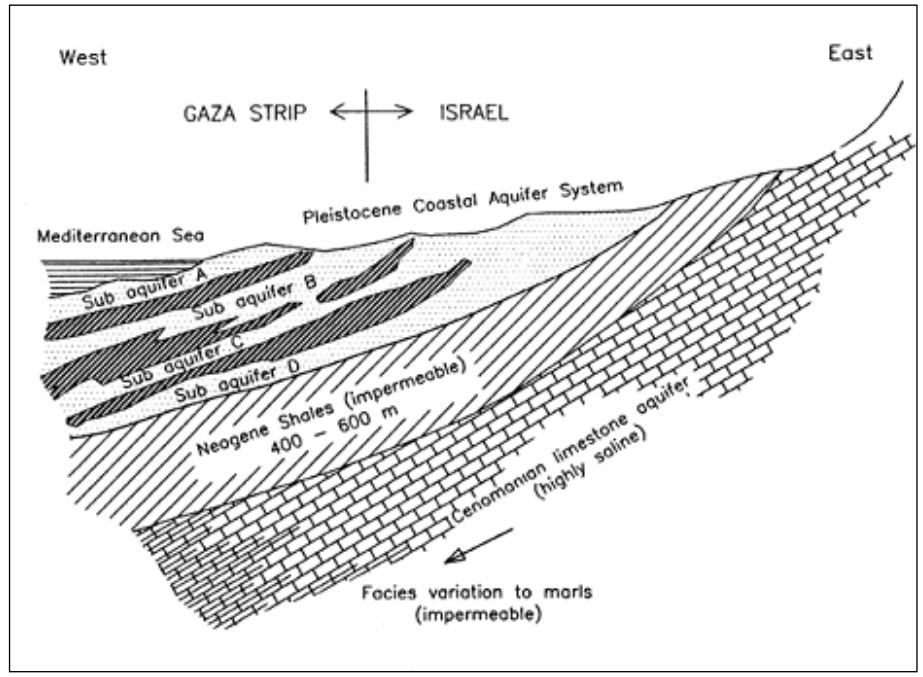
151 *Ibid.*

152 A/70/354, Report to the Secretary-General, Peaceful Settlement of the Question of Palestine (1 September 2015)

153 United Nations, Gaza in 2020, A Liveable Place? A Report by the United Nations Country Team11

154 OCHA, 'The Humanitarian Impact of Gaza's Electricity and Fuel Crisis (July 2015) < http://unispal.un.org/unispal.nsf/47d4e277b48d9d3685256ddc00612265/8aaf9b191c8d586785257e7b004fd264?OpenDocument> accessed 23 September 2015.

155 Al-Dameer, 'A Special Report on Marine Environment in the Gaza Strip' (June 2009) 4.



Source: Simplified Hydrological Section Across the Gaza Strip (EU, 1993)[156]

5.3 COASTAL AQUIFERS POLLUTION

The overexploitation of coastal aquifers makes them susceptible to saltwater intrusion.[157] Domestic sewage and contaminated surface water caused by domestic sewage and chemicals in agricultural runoff impacts coastal aquifers and river outlets causing fish kills and eutrophication.[158] Eutrophication is:

> "a complex process which occurs both in fresh and marine waters, where excessive development of certain types of algae disturbs the aquatic ecosystems and becomes a threat for

156 The Coastal Aquifer Shared Between Israel an Palestine < http://www.inweb.gr/html_reports/Coastal%20Aquifer.html> accessed 10 October 2015.

157 J.A.A. Jones, *Water Sustainability: A Global Perspective* (Routledge, 2010) 215

158 United Nations World Water Development Report, 'Managing Water Under Uncertainty and Risk' 4(1) (2012) 210.

> animal and human health. The primary cause of eutrophication is an excessive concentration of plant nutrients originating from agriculture or sewage treatment.[159]

The Wadi Gaza is a nature reserve and wetland ecosystem in the Gaza Strip and represents a unique ecosystem with rich biodiversity.[160] Due to wastewater pollution, organic matter from the Wadi Gaza is discharged into the coastal seawater causing severe eutrophication near the mouth of Wadi Gaza.[161] In fish, eutrophication may result in ammonia toxicity.[162] In turn, humans may be exposed to harmful pathogens from sewage and wastewater through consuming contaminated fish or shellfish.[163]

5.4 FORCED SAND EROSION

The deliberate targeting of the fishing industry is further compounded by Israel's policy to prevent sand from entering the Gaza Strip to prop up the fishing harbour. The maintenance of sand dunes is imperative in the defense against flooding and wave attacks.[164] Under the terms of the Gaza Seaport Construction Understanding (September 20, 2000) between Israel and the PA, the PA is to supply sand for the maintenance of the coastal

159 World Health Organisation Regional Office for Europe, European Commission, 'Eutrophication and Health' 2

160 W. Saleh et al, 'Environmental Mechanism for Accessing Point Sources Pollution in Wadi Gaza, Palestine' AGJSR 31 (2/3) 2013: 99-113, 99.

161 United Nations Environment Programme, 'Mediterranean Action Plan: Approaches to the Assessment of Eutrophication in Mediterranean Coastal Waters (Athens, 2007) 17; H.A Zaqoot, 'Water Quality Assessment Model of the Mediterranean Sea Along Gaza-Palestine (Mehran University of Engineering and Technology Jamshoro, 2011) 118.

162 World Health Organisation Regional Office for Europe, European Commission, 'Eutrophication and Health' f9.

163 W. Saleh et al, 'Environmental Mechanism for Accessing Point Sources Pollution in Wadi Gaza, Palestine' AGJSR 31 (2/3) 2013: 99-113, 106; Zaqoot et al, 'Assessment of Land Based Pollution Sources in the Mediterranean Sea along Gaza Coast Palestine (January 2012) 3.

164 Palestinian National Authority, Ministry of Environmental Affairs, 'Gaza Coastal and Marine Environmental Protection and Management Action Plan' (2001) 11 < http://s3.amazonaws.com/zanran_storage/smap.ew.eea.europa.eu/ContentPages/723959522.pdf> accessed 4 June 2015.

areas.[165] Notwithstanding, there are critical socio-economic impediments to Palestine complying with the agreement under the present closure. Israel's enforced closure and onerous dual use items list prohibits construction materials from entering the territory and sand which should be used for the prevention of coastal erosion, is instead being used by Palestinians for building purposes. The marine and coastal ecosystem is compromised by coastal and sand erosion, which has a serious impact on fisheries. Moreover, flooding from the Wadi Gaza threatens coastal erosion in the Gaza Strip and the increased rate of erosion threatens coastal structure and biodiversity.[166] For example increased rises in seawater from global warming will further erode beeches and cause seawater pollution of the coastal aquifer.[167]

According to a recent report by the Palestinian Authority, Ministry of Environmental Affairs:

> "The extensive sand quarrying practices in the Gaza Strip not only shorten the time period that this nonrenewable resource will remain available, it also decreases the protection function of the crimping coastal sand dunes, the natural water purification capacity of the sub-soil and the habitat function for flora and fauna".[168]

165 (1) The Palestinian side shall be responsible for the sand nourishment and/or sand bypassing required to counter beach erosion

166 M. Ali, 'The Coastal Zone of Gaza Strip Palestine, Management and Problems' Al Azhar University Gaza (MAMA Presentation, Paris 11-13 March) 2 < http://overfishing.org/interesting/documents/fisheries_gaza/2002_gaza_briefing_paper.pdf> accessed 18 September 2015.

167 H. Brauch et al., Coping with Global Environmental Change, Disasters and Security, Vulnerabilities and Risks' (Springer, 2011) 427.

168 Palestinian National Authority, Ministry of Environmental Affairs, 'Gaza Coastal and Marine Environmental Protection and Management Action Plan' 2.

Blocking Reconstruction

Following Operation Protective Edge in 2014, States committed to pledge some $50 billion USD for the reconstruction of Gaza at the International Conference on Palestine: Reconstructing Gaza 2014. Nearly one year later, by September 2015, the Secretary General of the United Nations noted that States had disbursed less than a third of the pledged funds.[169] The Secretary-General has criticized the overall reconstruction progress in Gaza which remains "far too slow".[170]

By July 2015, less than 1 percent of the required construction materials necessary for the rebuilding of Gaza had been permitted into the Gaza Strip. By July 2015, the humanitarian situation in the Gaza Strip was dire, with 100,000 people still displaced, over 18,000 housing units damaged or destroyed, up to 18 hours of electricity blackouts per day and 90 to 95 percent of the water undrinkable.[171] Within this climate, Palestinian's have no option but to employ environmentally unsound practices such as sand quarrying, and overfishing within the Gaza Marine to survive.

169 A/70/354, Report to the Secretary-General, Peaceful Settlement of the Question of Palestine (1 September 2015)

170 S/PV.7470, The Situation in the Middle East, including the Palestinian Question (24 June 2015) 3.

171 OCHA, Gaza One Year On, Marking One Year Since the Escalation of Hostilities, The Humanitarian Impact of Gaza's Electricity and Fuel Crisis' < http://gaza.ochaopt.org/2015/07/the-humanitarian-impact-of-gazas-electricity-and-fuel-crisis/> accessed 17 September 2015; OCHA, 'Gaza One Year On, Marking One Year Since the 2014 Escalation of Hostilities, The Humanitarian Impact of the Blockade' < http://gaza.ochaopt.org/2015/07/the-gaza-strip-the-humanitarian-impact-of-the-blockade/> accessed 17 September 2015

6. BUSINESS AND HUMAN RIGHTS

Israel has forced a closure of the Gaza Strip to protect the gas interests of local and international gas companies. The primary companies involved in the Yam Tethy's joint venture for the Mari-B lease include United States corporation Noble Energy (operator) (47 percent) and Israeli corporations Delek Drilling (25.5 percent) Avner (23 percent) Delek Investment (4.4 percent).[172] While the main companies operating the Tamar lease and using Mari-B and the El-Arish pipeline is United States corporation Noble Energy (operator) (36 percent) and Israeli corporations Isramco Negev 2 (28.75 percent) Delek Drilling (16.62 percent) Avner (15.62 percent) Dor Gas (4 percent).[173]

The Ruggie III Framework on Business and Human Rights rests on three pillars namely the duty of the State to protect against human rights abuses including those committed by businesses, the corporate responsibility to

172 IEMED, 'Maritime Borders and Main Gas Fields in the Levant Basin' <http://www.iemed.org/observatori-en/recursos/documents/mapes/arxius-mapes-anuari-med.2012/Map_A17_en.pdf-en> accessed 2 June 2015.

173 *Ibid*.

respect human rights and victim access to either a judicial or non judicial remedy. Notably, the United Nations Sub Commission on the Promotion and Protection of Human Rights, Draft Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights were drafted with a view to countering the types of human rights abuses evident from practices relating to *inter alia* oil and gas companies operating transnationally.[174]

The continuation of the closure of Gaza is perpetuated by Israel's military policy to secure the United States and Israeli corporation's gas platforms and pipelines. In doing so, Israel has inflicted a reign of terror on Gaza's fishermen decimating the Palestinian fishing industry, and depriving the protected Palestinian population of their main source of income resulting in food insecurity. While this amounts to a widespread and systematic attack on the civilian population potentially reaching the threshold of a crime against humanity, this section will focus narrowly on corporate accountability. However there is some difficulty in securing criminal or civil judicial remedies against corporations in Israel and the United States and other non-judicial methods may be more effective.

174 Ruggie, 'The UN 'Protect, Respect and Remedy' Framework for Business and Human Rights' 1 < http://www.reports-and-materials.org/sites/default/files/reports-and-materials/Ruggie-protect-respect-remedy-framework.pdf> accessed 10 November 2015.

6.1 THE DUTY OF THE STATE TO PROTECT AGAINST HUMAN RIGHTS ABUSES INCLUDING THOSE COMMITTED BY BUSINESSES

Israel, as the Occupying Power, must administer the OPT according to the rules of international humanitarian law, more specifically the Hague Regulations (1907), the Fourth Geneva Convention (1949) and the Additional Protocol I (1977). Israel is compelled to abide by the Hague Regulations as well as the provisions of Additional Protocol I that largely reflect customary international law. [175] As such, Israel as the State administering the territory has the primary duty to protect human rights in the OPT and is responsible for human rights violations. During belligerent occupation international humanitarian law operates as *lex specialis,*[176] with human rights law bridging existing gaps in rights protection.[177] The International Court of Justice has repeatedly held that international human rights law is applicable in situations of armed conflict and in particular to Israel's occupation of the OPT. However, seeking judicial review within Israel is difficult as the Israel High Court of Justice (IHCJ) has tended to avoid ruling for example, on the legality of settlements and the exploitation of natural resources, which it argues unconvincingly fall for consideration as part of a peace process and therefore require a political

175 Israel is not a party to the Hague Regulations, however the norms were declared customary international law at Nuremberg, and are binding on this basis. Although Israel has ratified the Fourth Geneva Convention it has refused to apply the Convention in full to the occupied territory, on the irrelevant grounds that Jordan was not sovereign over the territory in 1967. Consequently, this argument has been vehemently rejected by the ICRC, states parties to the Geneva Conventions, and the International Court of Justice, while numerous UN Security Council and General Assembly resolutions have confirmed the applicability of the Fourth Geneva Convention to the OPT.

176 *Legality of the Threat or Use of Nuclear Weapons* (Advisory Opinion) 8 July 1996, ICJ Report. 1996, 226 at 240, para. 25*; Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory,* Advisory Opinion, 9 July 2004, ICJ Rep. 2004, 136, at 177-178 paras. 104-106; *Case Concerning Armed Activity on the Territory of the Congo (Democratic Republic of the Congo v. Uganda),* (ICJ Judgment) 19 December 2005, paras 216-220. J Romer, *Killing in a Grey Area Between Humanitarian Law and Human Rights: How Can the National Police of Columbia Overcome the Uncertainty of Which Branch of International Law to Apply* (Springer, 2010) 34; O de Schutter, *International Human Rights Law* (Cambridge University Press, 2010) 4.

177 D Thurer, 'Minorities Their Protection in General International Law and International Humanitarian Law' in H Durham, T McCormack, *The Changing Face of Conflict and the Efficacy of International Humanitarian Law* (Klewer Law International, 1999) 60; Council of Europe, *Guantánamo: Violation of Human Rights and International Law* (Council of Europe Publishing, 2007) 97.

solution.[178] However the reliance on the IHCJ on the dualist nature of the Israeli state to circumvent its international law obligations, has been cited with approval by foreign courts in their determination of *forum non conveniens* for Palestinian cases.[179] While this is bad law, it is particularly problematic when seeking accountability in other jurisdictions.

6.2 THE CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS

Commentary on Article 12 of the Guiding Principles on Business and Human Rights, directs commercial enterprises to "respect the standards of international humanitarian law" in armed conflict.[180] Many international corporations have incorporated the principles into their Corporate Social Responsibility Policies and Codes of Conduct. Principle 15 of the Guiding Principles on Business and Human Rights states that businesses should have in place policies and processes appropriate to their size and circumstances including "a human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights".[181]

Noble Energy the lead operator at Mari-B and Tamar pays some lip service to its human rights commitments in its Corporate Social Responsibility policies. For example, in its 2013 Sustainability Report, Noble Energy indicated that it would promote the rights detailed in the UN Declaration on Human Rights, Declaration of Fundamental Principles and Rights at Work of the ILO and apply the Voluntary Principles on Security and Human Rights.[182] In its 2014 Sustainability Report, Noble Energy outlined that it was committed to "respecting human rights and the cultures of

178 *Ibid.,* para. 6.

179 *Bil'in (Village Council) v Green Park International Ltd*., 2009 QCCS 4151, para 185.

180 United Nations, Guiding Principles on Business and Human Rights, Implementing the United Nations "Protect, Respect and Remedy" Framework (2011), 15.

181 Guiding Principles on Business and Human Rights, Implementing the United Nations "Protect, Respect and Remedy" Framework, 16 < http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf> accessed 10 November 2015.

182 Noble Energy, 'Sustainability Report: Standing for the Future' (2013) http://sr.nobleenergyinc.com/2013-sustainability-report/#2013-csr-policy accessed 26 January 2015.

communities where we operate".[183] The commitment to human rights included Noble Energy's screening of social investment project partners for compliance with Noble's "ethical considerations" and the inclusion of human rights clauses in social investment project agreements.[184]

In addition, Noble Energy reported that it had developed a "formalized community feedback mechanism" facilitating the raising of questions and comments by the community at large.[185] Noble Energy has also stated that no complaints relating to human rights violations or significant disputes relating to indigenous peoples were received on 'Noble Talk', Noble Energy's so-called "ethics hotline", although details of how to access the hotline are not published.[186] However, a 2015 Report explains that 'Noble Talk' is a workers grievance mechanism limited to employees and contractors working for Noble Energy making it difficult to see how indigenous communities can utilize this process to submit complaints of human rights violations as Noble Energy had previously claimed.[187] The 2015 Report suggested that a grievance mechanism might be put in place in the future with a 'dedicated line' for the public to report grievances.[188]

In Israel, Noble Energy's volunteering programme focused singularly on Israelis only, with no attempt to launch similar programmes in the OPT. Noble Energy launched a programme for Israeli children living near Gaza:

> "We brought together our partnership with MadaTech and our work with Youth Futures to create a day of fun for children living near the Gaza Strip. These children spend many of their days in bomb shelters. Four hundred children of the Youth Futures

183 Noble Energy, '2014 Sustainability Report' 2 < http://sr.nobleenergyinc.com/wp-content/uploads/2015/08/NobleEnergy_2014_SR.pdf> accessed 10 November 2015.

184 *Ibid at 18.*

185 *Ibid.*

186 *Ibid,* 19.

187 Noble Energy, Tamar Expansion Project, Disclosure Summary of Environmental and Social Assessments and Conclusions (March 2015) 11

188 Noble Energy, Tamar Expansion Project, Disclosure Summary of Environmental and Social Assessments and Conclusions (March 2015) 13.

program from Ofakim, Sdot Negev and Beer Sheva came to Haifa and enjoyed a siren-free day of interactive experiences in the museum and Noble Energy Science Park".[189]

Notably, the report did not mention the 540 Palestinian children killed in Israel's 2014 onslaught on the Gaza Strip, averaging 10 children killed per day leaving thousands more injured and hundreds of thousands living in the rubble of destroyed homes.[190] Nor did the Report mention the numbers of Palestinian children routinely detained while fishing by Israel's navy to protect Noble Energy's gas platforms. [191]

In March 2015, Noble Energy published its Tamar Expansion Project, Disclosure Summary of Environmental and Social Assessments and Conclusions, featuring a substantial human rights chapter, guaranteeing that Tamar's existing operations and future developments accorded with CRS policy documents promoting respect for *inter* alia human rights. The Report concluded:

"From a socio-economic standpoint the only stakeholder who could be adversely affected by the offshore work as a result of the Tamar expansion construction is deep sea fishermen (adverse affect on their livelihoods). However the EIA process determined that there would be no significant impact due to the buffer zones that will be in place and the low level of fishing in the areas. The EIA also determined that the impact on illegal trawling practices in the vicinity of offshore construction would be minimal. As such, there are no anticipated potential human rights impacts as they pertain to local communities and the Tamar expansion".[192]

189 *Ibid*., 29.

190 A/69/926 – S/2015/409, Children and Armed Conflict, Report of the Secretary General (5 June 2015) 14.

191 Home Office U.K Border Agency, 'Operational Guidance Note, Occupied Palestinian Territories' (19 March 2013) 3.9.6 < https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/310443/Occu_pales_terri_operational_guidance_2013.pdf> accessed 10 June 2015

192 Noble Energy, Tamar Expansion Project, Disclosure Summary of Environmental and Social Assessments and Conclusions (March 2015) 67.

This conclusion extrapolated from and mitigating the actual military closure is troubling. The naval closure of the territorial waters of the Gaza Strip restricts Palestinians to a 6 nm limit in their territorial waters and violates Article 12 of the ICCPR on the right to freedom of movement. This is particularly concerning where the infringement prevents Palestinian fishermen from accessing sustainable fish catches in deeper waters. Furthermore, attacks on fishermen violate the right to life, the right to health and the prohibition on cruel, inhuman, degrading treatment and punishment.[193] In addition, the prevented development of Palestinian natural resources infringes the right to self-determination and permanent sovereignty over Palestinian natural resources. [194]

6.3 VICTIM ACCESS TO REMEDIES: A FOCUS ON PALESTINIAN CASES

There are a number of avenues for holding corporations to account for human rights abuses in the OPT including judicial and non-judicial remedies.

6.3.1 Corporate Criminal Liability

For Palestine, the likelihood of securing criminal convictions against company directors is not impossible. In March 2010, in the *RIWAL case*, a complaint was submitted to the Dutch Prosecutor against the managing directors of Lima Holdings, a Dutch subsidiary of RIWAL for allegedly renting cranes and aerial working platforms to construct the Annexation Wall.[195] Following a three-year investigation, the Dutch Prosecutor decided not to proceed on the basis that the involvement of the company and its directors was "relatively minor". Furthermore the public prosecutor

193 Article 6, 7, ICCPR (1966) and Article 12, ICESCR (1966).

194 Bayefsky, Self-Determination in International Law: Quebec and Lessons Learned (Klewer Law International, 2000) 99.

195 Al Haq, *Prosecutor Dismisses War Crimes against Riwal* (14 May 2013) at http://www.alhaq.org/advocacy/targets/accountability/71-riwal/704-prosecutor-dismisses-war-crimes-case-against-riwal (last accessed 31 October 2013); National Public Prosecutor's Office, Letter of Dismissal http://www.alhaq.org/images/stories/Brief_Landelijk_Parket_13-05-2013_ENG__a_Sj_crona_Van_Stigt_Advocaten.pdf (last accessed 31 October 2013); Al-Haq, *The Case Against Riwal: Corporate Complicity in International Crimes* (16 October 2010) at http://www.alhaq.org/advocacy/targets/accountability/71-riwal/307-the-case-against-riwal-corporate-complicity-in-international-crimes- (last accessed 2 November 2013).

considered that the difficulty adequately investigating the offence, would disproportionately burden national resources.[196] However the filing of criminal charges against Riwal, prompted another Dutch company Royal Haskoning DHV to terminate a wastewater project in occupied East Jerusalem, absolving the corporation from complicity in international war crimes and potential domestic prosecution under the Dutch International Crimes Act.[197]

Similarly in 2014, the Swiss Prosecutor in the *Caterpillar case* decided to not pursue a criminal complaint for the supply of bulldozers to Israel used in punitive house demolitions, on the basis that the bulldozers did not represent weapons and could be used for both lawful or unlawful purposes.[198]

6.3.2 Corporate Civil Liability

The following cases, highlight the difficulties experienced in filing civil claims against corporations in foreign courts for violations of international humanitarian law in the OPT.

United States

In the United States civil cases against corporations may be filed as torts under the Alien Tort Statute, which has jurisdiction over "any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States".[199] In *Corrie v Caterpillar,* the family of an American activist killed in Gaza by a modified D9 caterpillar bulldozer brought a civil action against Caterpillar for the supply of the militarily modified machine to Israel.[200] Israel used the D9 for house demolitions,

196 *Ibid.*

197 'Al-Haq Welcomes Dutch Company's Decision to Terminate Involvement in Wastewater Treatment Project in East Jerusalem', al-Haq, at http://www.alhaq.org/advocacy/targets/accountability/81-general/737-al-haq-welcomes-dutch-companys-decision-to-terminate-involvement-in-wastewater-treatment-project-in-east-jerusalem (last accessed 2 November 2013).

198 A-Haq, 'Presentation on Corporate Accountability, Al-Haq's Experience with Judicial and Non-Judicial Mechanisms' 2.

199 28 U.S.C. § 1350

200 *Corrie v Caterpillar,* Inc., 403 F. Supp.2d 1019 (W.D. Wash. 2005)

a war crime in violation of international humanitarian law. The District Court found that the Geneva Conventions did not provide a private right of action, as it was a treaty regulating the conduct of States.[201] The United States had paid for the IDF bulldozers, and the case was dismissed by the US Court of Appeals considering it outside the courts jurisdiction as a political matter under the separation of powers.[202]

A Supreme Court ruling in 2013 narrowed jurisdiction under the Alien Tort Statute (ATS). In 2010, in *Kiobel v Royal Dutch Petroleum*, the Second Circuit Court of Appeals found that corporations could not be sued under the ATS, as corporate liability was not recognized in customary international law.[203] In 2013 a Supreme Court ruling found that there was a presumption against the extraterritorial application of the ATS, substantially curtailing its jurisdictional reach for violations of treaty and customary law abroad.[204]

Canada

In *Bil'in (Village Council) v. Greenpark International Inc.* (2009) the Québec Superior Court considered whether the director of Greenpark International Inc. was criminally responsible for aiding and abetting the building of illegal settlements in Bil'in in the OPT.[205] The court concluded that the non-justiciability of settlements before the Israeli High Court of Justice pertained not to any "unwillingness to adjudicate" but rather the failure of the government to incorporate the Fourth Geneva Convention into domestic law.[206] Despite this finding, the Court concluded that it did not have jurisdiction, as it was not the most suitable forum (*forum non conveniens)* to hear the case.[207]

201 *Ibid.,* at 1026

202 *Corrie v Caterpillar, para 981-982.*

203 *Kiobel v Royal Dutch Petroleum Co*., 621 F. 3d 111 (2d Cir. 2010)

204 Kiobel v. Royal Dutch Petroleum Co., 569 U.S. (2013), Slip Opinion at 5.

205 *Bil'in (Village Council) et al. v. Greenpark International Inc.,* 2009 QCCS 4151, [288]

206 *Ibid.*

207 Art. 3135 C.C.Q.

France

In *AFPR v Alstom and Veolia Transport*, a case was taken under Article 1382 of the French Civil Code which provides "any act whatever of man, which causes damage to another, obliges the one by whose fault it occurred, to compensate it".[208] Unlike the US and Canada, France is a monist system whereby treaties and customary international law, for the most part, take direct effect in national law.[209] Certainly some of the procedural hurdles inherent in the dualist system may be circumvented by challenging violations in monist states. While the case against the French companies involved in the construction of a light rail network through the OPT, failed to establish fault, the possibility of successful civil action was not entirely ruled out for future cases.[210]

The case although unsuccessful, still had an impact in terms of publicity. In 2013, ASN Bank divested its Veolia shares, and subsequently Stadsregio Haaglanden, decided to not award a lucrative transport contract to Veolia Transport Nederland Openbaar Vervoer.[211]

6.3.3 Export Credit Agencies

Principle 4 of the Guiding Principles on Business and Human Rights provides that "States should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State, or that receive substantial support and services from State agencies such as export credit agencies and official investment insurance or guarantee agencies, including, where appropriate, by requiring human rights due diligence.[212] The OECD recommended common approaches for

208 French Civil Code Art. 1382.

209 French Civil Code, Art 53-55.

210 *L'Association France Palestine Solidarité (AFPS) v Alstrom and Veolia Transport*, Tribunal de Grande Instance de Nanterre, 30 May 2011.

211 'Veolia Not Awarded Public Transport Tender in the Hague', al-Haq, at http://www.alhaq.org/advocacy/targets/accountability/72-hermesveolia/577-veolia-not-awarded-public-transport-tender-in-the-hague (last accessed 2 November 2013).

212 Guiding Principles on Business and Human Rights, Implementing the United Nations "Protect, Respect and Remedy" Framework, 6 < http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf> accessed 10 November 2015.

officially supported export credits agencies to operate with due diligence "to consider and address potential environmental and social impacts and risks relating to applications for officially supported export credits".[213] In particular, social impacts were understood to be "adverse project related human rights impacts".[214] However, Noble Energy financed its Tamar project from the parent company based registered in Houston, United States.[215]

On 27 August 2015, Noble Energy and NBL International Finance B.V[216] concluded a Second Amendment to Credit Agreement with "JPMorgan Chase Bank, N.A. as administrative agent, Citibank N.A., as syndication agent and Bank of America, N.A., Bank of Tokyo-Mitsubishi UFJ Ltd., Mizuho Bank Ltd. and DNB Bank ASA, New York Branch as documentation agents".[217] The Credit Agreement was secured on "the Project", which the terms of the Agreement determined means

> "a project constituting and/or directly related to oil, gas and energy exploration, development and/or production in the Eastern Mediterranean Sea and such infrastructure, transportation, processing and marketing and/or other handling activities as may be incidental or related thereto".

As such, the 'Project' would potentially include al Noble Energy's Eastern Mediterranean fields including Noa, Tamar, Leviathan and Mari-B.

Notably, any banks financing the gas companies must also exercise due diligence under the business and human rights guidelines. These banks headquartered in the United States, Japan and Norway and all States are members of the OECD. Where agencies are formally or informally linked

213 TAD/ECG (2012) 5, Working Party on Export Credits and Credit Guarantees (2012) 4.

214 *Ibid.*, 5

215 The German Marshall Fund, 'Financing Gas Projects in the Eastern Mediterranean' (2015) 2.

216 NBL International Finance B.V is a subsidiary of NBL international CV - both are subsidiaries of Noble Energy.

217 Bloomberg Business <http://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=256889342> accessed 10 November 2015; Noble Energy Inc Subsidiaries, < http://www.sec.gov/Archives/edgar/data/72207/000007220714000008/nbl-20131231x10kxex21.htm> accessed 10 November 2015.

to States and "where these agencies do not explicitly consider the actual and potential adverse impacts on human rights of beneficiary enterprises, they put themselves at risk – in reputational, financial, political and potentially legal terms – for supporting any such harm, and they may add to the human rights challenges faced by the recipient State".[218]

218 Guiding Principles on Business and Human Rights, Implementing the United Nations "Protect, Respect and Remedy" Framework, 7 < http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf> accessed 10 November 2015.

CONCLUSION

Palestine's fishing industry has been devastated by Israel's lethal military naval closure of the Mediterranean Sea. The types of human rights and environmental violations suffered by the Palestinian fishermen are a direct result of Noble Energy partnerships gas exploitation only 13 nm from the Palestinian coast. Noble Energy has sidestepped any consideration of human rights abuses against Palestinians by deliberately ignoring their presence and directing its environmental impact assessment on Israel only. Although the Gaza Strip is located a mere 13 nm from Noble's main Mari-B gas platform, it did not consider Gaza as a 'local community' for the purposes of its grievance mechanisms. This amounts to a deliberate move to circumvent its role in respecting human rights.

Despite the obvious international human rights and international humanitarian law violations, securing criminal prosecutions and taking civil actions abroad against corporations has proved difficult. However, in some cases, the difficulties with persistence may be surmounted –

particularly for example, in monist countries.[219] Given the widespread and systematic human rights violations, there may be some recourse to prosecuting individuals from certain corporations for international crimes at the International Criminal Court. In light of the culture of impunity for corporations, non-judicial mechanisms and pressure from civil society actors on the financial institutions providing export credit to the gas corporations, may prove more useful in terms of divestment.

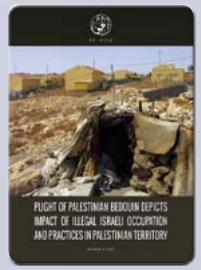
Source: Al-Haq – Destroyed Coffee Shop in Khan Younis

219 However that being said, the United States, Israel, and Norway have dualist legal systems with Japan having a monist system.

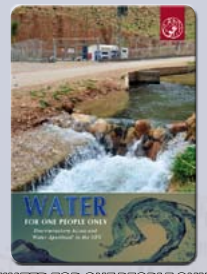
ISRAEL'S DEADLY CATCH

Special Report for United Nations Business and Human Rights Forum 2015 on the Persecution of Fishermen in the Occupied Palestinian Territory

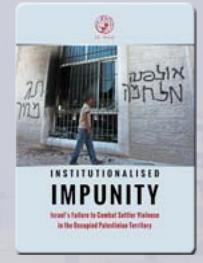
Read Also...



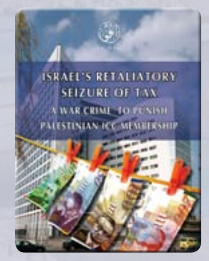
PLIGHT OF PALESTINIAN BEDOUIN DEPICTS IMPACT OF ILLEGAL ISRAELI OCCUPATION AND PRACTICES IN PALESTINIAN TERRITORY



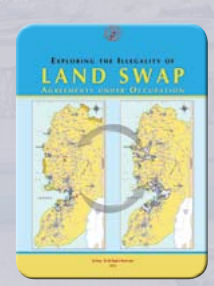
WATER FOR ONE PEOPLE ONLY
Discriminatory Access and 'Water-Apartheid' in the OPT



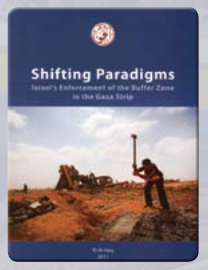
INSTITUTIONALISED IMPUNITY
Israel's Failure to Combat Settler Violence in the Occupied Palestinian Territory



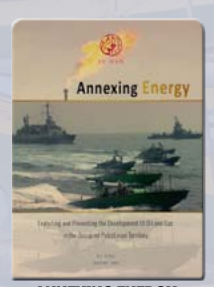
ISRAEL'S RETALIATORY SEIZURE OF TAX:
A War Crime to Punish Palestinian ICC Membership



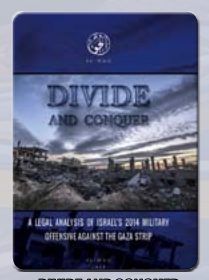
EXPLORING THE ILLEGALITY OF 'LAND SWAP' AGREEMENTS UNDER OCCUPATION



SHIFTING PARADIGMS
Israel's Enforcement of the Buffer Zone in the Gaza Strip



ANNEXING ENERGY:
of Palestinian Natural Gas Resources in the Mediterranean Sea



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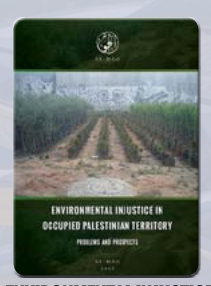

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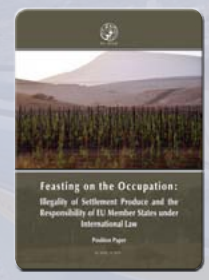
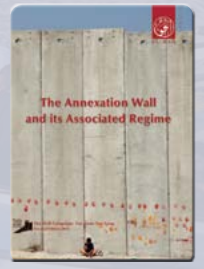
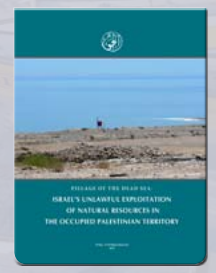


FEASTING ON THE OCCUPATION:
Illegality of Settlement Produce and the Responsibility of EU Member States under International Law



THE ANNEXATION WALL AND ITS ASSOCIATED REGIME



PILLAGE OF THE DEAD SEA
Israel's Unlawful Exploitation of Natural Resources in the Occupied Palestinian Territory

NOTES

NOTES

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