



The Economic Costs of the Israeli Occupation for the Palestinian People and their Human Right to Development: Legal Dimensions





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Note

This study was prepared by the UNCTAD secretariat, drawing on a study prepared for UNCTAD by Mr. John B. Quigley, Professor Emeritus, Moritz College of Law, The Ohio State University, United States of America. This study seeks to stimulate debate on the research subject.

References to dollars (\$) mean United States dollars.

Executive summary

United Nations General Assembly resolutions 69/20, 70/12 and 71/20 request the United Nations Conference on Trade and Development (UNCTAD) to assess and report on the economic costs of the Israeli occupation for the Palestinian people. The objective of this study is to ensure that any upcoming economic analyses and reports on the costs of occupation are fully within the bounds of international law and the parameters set by the relevant United Nations resolutions.

Israel bears legal responsibility for the costs it has entailed during its occupation of Palestinian territory. This responsibility is separate from Israel's obligation to withdraw from that territory. The legal responsibility of a belligerent occupant for the negative economic consequences of actions in violation of humanitarian law survives the occupant's departure. Israel is responsible both for economic harm it has occasioned and for unjust enrichment it has derived. It also bears an obligation under international law to further the development of the economy for the population whose territory it occupies.

Israel's obligation in this regard can be found in the humanitarian law developed to protect populations under belligerent occupation. Its obligation is also grounded in the law of human rights, which protects populations during both war and peace. In other instances of belligerent occupation that have occurred, occupying Powers that have caused harm have been recognized to bear an obligation for restitution. This has been ordered by international courts and the Security Council of the United Nations, and has been provided for in peace treaties.

The international community as a whole bears an obligation to ensure that in the case of the Occupied Palestinian Territory, the belligerent occupant is held accountable for harm caused in the course of occupation. Belligerent occupation is a situation that has been recognized by the international community as requiring collective action to ensure compliance with the norms that govern it. This collective responsibility is reflected in treaty law and in international practice.

Contents

Executive summary	iii
Acronyms	v
I. Introduction: Why this study?	1
A. United Nations mandate	1
B. Preliminary indicators of the magnitude of the cost of occupation	2
C. Organization of the study	4
II. International legal obligations of Israel in relation to the Occupied Palestinian Territory	5
III. Economic issues under the Hague Regulations and the Fourth Geneva Convention	8
A. Economic issues under the Hague Regulations	8
B. Economic issues under the Fourth Geneva Convention	11
IV. Economic issues in human rights law	13
A. Customary law of human rights: Right to development and labour rights	13
B. International Covenant on Economic, Social and Cultural Rights: Applicability	14
C. International Covenant on Economic, Social and Cultural Rights: Specific obligations	17
V. Some acts and measures by Israel that impose occupation-related costs on the Palestinian people	20
A. Transfer of civilians as settlers and the construction of illegal settlements	20
B. Construction of a separation barrier in the West Bank	22
C. Failure to promote economic development	23
D. Military operations in the Occupied Palestinian Territory	26
E. Acts affecting particular sectors of the Palestinian economy	28
F. Acts affecting natural resources	31
G. Acts affecting the labour market and social sectors	35
H. Continuation of occupation	37
VI. Obligations of Israel and of the international community	38
A. Legal obligation of Israel for remedies for committed violations	38
B. Obligation of the international community	40
VII. International precedents for the obligations of a belligerent occupant	44
A. Remedies ordered by international courts	44
B. Remedies ordered by peace treaties	45
C. Remedies ordered by the Security Council	46
VIII. Conclusions and recommendations	47

Acronyms

GDP	gross domestic product
ICJ	International Court of Justice
PNA	Palestinian National Authority
UNCTAD	United Nations Conference on Trade and Development
UNESCO	United Nations Educational, Scientific and Cultural Organization

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