

Mr. Angel Gurría
Secretary-General OECD
OECD
2, rue André Pascal
F-75775 Paris Cedex 16
France
Fax: +33 (0) 1 45 24 85 00

25 September 2008

Re: Israel's accession to the OECD

Your Excellency Mr. Angel Gurría, (cc. representatives of delegations of all member countries)

We are writing to express our concerns regarding Israel's accession to the Organization for Economic Cooperation and Development (OECD). Israel is not in compliance with the human rights conditionalities that are components of the accession process. The undersigned organisations call upon the OECD, within the framework of Israel's accession to the OECD, to immediately establish a committee to assess the extent to which Israel has complied with the OECD criteria of respect for human rights, commitment to democracy and adherence to the purposes of the United Nations. We further hope and expect that all countries currently applying for accession to the OECD as well as current members are held to the same high standards.

In the 'Road Map for the accession of Israel to the OECD Convention', adopted by the Council at its 1163rd session on 30 November 2007, the Council noted that in order for Israel to accede to the OECD it must demonstrate its commitment to "fundamental values" shared by all OECD members. These include "a commitment to a pluralist democracy based on the rule of law and a respect of human rights, adherence to open and transparent market economy principles and a shared goal of sustainable development."¹

Further the Convention on the Organization for Economic Co-operation and Development (1960) states that members consider "that economic strength and prosperity are essential for the attainment of the purposes of the United Nations, the preservation of individual liberty and the increase of general well-being."²

In matters related to its treatment of Palestinians in the occupied West Bank (including East Jerusalem) and Gaza, as well as concerning a range of racially discriminatory policies, practices and laws concerning Palestinian citizens of Israel and Palestinian refugees, Israel is currently not in compliance with either international human rights law, international humanitarian law, the stated principles of the OECD, or with the criteria set out in the Road Map to Israel's Accession. Common Article 1 of the Geneva Conventions states that "The High Contracting Parties undertake to respect and to ensure respect for the present

¹ OECD, *Road Map for the accession of Israel to the OECD Convention*, adopted by the Council at its 1163rd session on 30 November 2007, paras. 4 & 5.

² OECD, *Convention on the Organization for Economic Co-operation and Development*, (1960).

convention in all circumstances."³ This article requires all States to refrain from the violating the conventions' provisions and their humanitarian principles. It also requires them to take necessary steps within their power and legal authority to ensure that States that violate international humanitarian law return to compliance with the Geneva Conventions.

1. Commitment to a pluralist democracy

Discrimination - The State of Israel discriminates against 'non-Jewish' Palestinian citizens of Israel on the basis of nationality, ethnicity, race and religion and confers preferential treatment on Jewish citizens. In its review of Israel, the UN Committee on Economic, Social and Cultural Rights, concluded that the "excessive emphasis upon the State as a 'Jewish State' encourages discrimination and accords a second-class status to its non-Jewish citizens". It further stated, "This discriminatory attitude is apparent in the continuing lower standards of living of Israeli Arabs as a result, inter alia, of higher unemployment rates, restricted access to and participation in trade unions, lack of access to housing, water, electricity and health care and a lower level of education".⁴

Land rights - In Israel, 93 percent of land is held for the exclusive use and benefit of the Jewish people by the State (including the Development Authority and Israel Land Administration) and para-state agencies (including the World Zionist Organization and Jewish National Fund). Much of this land has been expropriated and confiscated from Palestinians through laws such as the 1950 Absentee Property Law which has been applied to seize land where its owners are displaced. Palestinian citizens of Israel constitute 20% of the citizens of the State. In July 2007, a draft bill passed its preliminary reading in the Knesset which, if adopted into law, would establish that land belonging to the Jewish National Fund (circa 13% of State lands) could be allocated to Jews only. This issue is still pending but it is believed that the draft bill will be adopted into law in the near future. The UN Committee on the Elimination of Racial Discrimination has urged Israel to "ensure that State land is allocated without discrimination, direct or indirect, based on race, colour, descent, or national or ethnic origin."⁵

Family unification - Israel continues arbitrarily to deny Palestinian spouses of Israeli citizens, as well as spouses and family members from a number of other Arab states, from obtaining legal status in Israel due to the enactment of the Citizenship Law. Thousands of Palestinian women who are married to Palestinian citizens of Israel and are mothers of children with Israeli citizenship, are living without civil status and denied their social rights, such as access to health care.⁶ This law was initially passed as a temporary measure but it has been renewed on numerous occasions thereby nullifying its temporary nature as a measure of emergency scope.

³ The Geneva Conventions are available at www.icrc.org.

⁴ UN Committee on Economic, Social and Cultural Rights, *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel*, UN Doc. E/C.12/1/Add.90 (2003) para.16.

⁵ UN Committee on the Elimination of Racial Discrimination, *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Israel*, UN Doc. CERD/C/ISR/CO/13 (2007), para.23.

⁶ See, Physicians for Human Rights-Israel, press release, 29 July 2008.

The Arab Bedouin - Around 84,000 indigenous Arab Bedouin citizens in Israel live in villages in the Negev/Naqab which the State refuses to recognize and are absent from state planning documents and maps. These individuals and communities are denied access to basic services such as water, sanitation, health clinics and electricity and are subject to wide-spread forced evictions and home demolitions.⁷ There are immediate concerns that the State intends to conclude their dispossession by seizing, as a final legal matter, extensive lands which are owned by them and from which they may be displaced.

2. Human rights in the occupied Palestinian territories

In addition to the widespread violations of human rights perpetrated against Palestinian citizens of Israel mentioned above, Israel is systematically violating the rights of Palestinians living in the occupied Palestinian territories (OPT). The International Court of Justice⁸ and the UN human rights treaty monitoring bodies have repeatedly confirmed that as an Occupying Power Israel is responsible for ensuring the full enjoyment of human rights for residents of the OPT.⁹ However, Israel still argues that it is not bound by and does not apply international human rights law in the OPT.

Some examples of Israel's violations in the OPT, which have been widely documented by both United Nations mechanisms and leading human rights NGOs include:

Gaza – Israel maintains effective control over the Gaza Strip. The blockade and sanctions on Gaza have led to the wide-spread denial of economic, social and cultural rights including the rights to health, education, food, water and sanitation and have been described by the former UN High Commissioner for Human Rights as constituting collective punishment.¹⁰

Land Confiscation and Settlements – Israel occupies the entire surface of the West Bank (some 5,860 km²) and has confiscated or *de facto* annexed more 3,350 km².¹¹ The lands confiscated from Palestinians are turned over to the exclusive use of Jewish settlers and for building and

⁷ See, Human Rights Watch, *Off the Map: Land and Housing Rights Violations in Israel's Unrecognized Bedouin Villages*, (2008) www.hrw.org/reports/2008/iopt0308/ and Centre on Housing Rights and Evictions, *Submission to the Goldberg Committee regarding violations of the right to water and sanitation in the unrecognized villages of the Negev/Naqab* (2008) www.cohre.org/israel.

⁸ Advisory Opinion of the ICJ available at: <http://www.icj-cij.org>.

⁹ For example, *Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW) upon Consideration of Reports Submitted by States Parties*, A/52/38/Rev.1, 12 August 1997, para. 170; *Concluding observations of the Human Rights Committee: Israel*, CCPR/C/79/Add.93, 18 August 1998, para. 10; *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel*, E/C.12/1/Add.27, 4 December 1998, para. 8; *Concluding observations of the Committee on the Elimination of Racial Discrimination: Israel*, CERD/C/304/Add.45, 30 March 1998, paras. 4, 12; Letter of Chairperson Virginia Bonoan Dandan to Permanent Representative of Israel H.E. Ambassador M. David Peleg, 1 December 2000; Letter of CESCR Chairperson Virginia Bonoan Dandan to Permanent Representative H.E. M. Yaakov Levy, Geneva, 11 May 2001; *Conclusions and Recommendations of the Committee against Torture: Israel*, CAT/C/XXVII/Concl.5, 23 November 2001; *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel*, E/C.12/1/Add.90, 23 May 2003, para. 15; *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Israel*, CERD/C/ISR/CO/13, 14 June 2007, paras. 3, 13, 32.

¹⁰ See: Address by Ms. Louise Arbour, UN High Commissioner for Human Rights on the occasion of the 6th Special Session of the Human Rights Council, 23 January 2008, available at www.domino.un.org.

¹¹ BADIL Resource Centre, *Survey of Palestinian Refugees and Internally Displaced Persons 2006-2007* (2007).

expanding the Jewish-only settlements and related infrastructure.¹² Since the Annapolis summit, Israeli tenders and plans announced for construction in the OPT amount to almost 30,000 Jewish-only housing units.¹³ By March 2008, construction was under way in over 100 settlements and 58 “outposts”, including 16 new outposts/settlements. In occupied East Jerusalem alone, new plans and tenders have been announced for construction of almost 14,000 housing units since December 2007.¹⁴ This reality of illegal settlements in the OPT has led to the confiscation and control of Palestinian land and the denial of basic human rights of the Palestinian people, first of all their right to self determination.

Home Demolition – Israel has demolished over 18,000 houses in the OPT between 1967 and 2006.¹⁵ In the first quarter of 2008 alone, Israel demolished over 120 Palestinian-owned structures in the Jordan Valley and South Hebron. These demolitions included 61 residential structures and led to the displacement of 435 Palestinians.¹⁶ Between January 2000 and September 2007, more than 1,600 Palestinian buildings were demolished in Area C, whereas over 3,000 houses are at risk of demolition.¹⁷ In the Gaza Strip 7,675 homes have been destroyed since the start of the intifada (September 2000) to date, affecting 72,533 people.¹⁸ Most of those affected have not been provided alternative houses as Israel prevents construction material from entering Gaza to enable local and international humanitarian agencies to complete construction projects for them.

Ongoing Internal Forcible Displacement – As a result of the land confiscation, demolitions and construction of the Wall more than 115,000 people are estimated to have been internally displaced during the last four decades of Israel's occupation in the 1967 Palestinian territories.¹⁹

The Closure Regime- Residents of the West Bank are denied freedom of movement through the construction of the Wall, roadblocks, checkpoints (678 as of April 2008) and bypass roads which exclusively serve the illegal settlements. Restrictions on movement have negatively affected Palestinians' enjoyment of a wide range of human rights, such as the right to education, work and health.²⁰

Torture and Ill-treatment - Palestinians held in Israeli jails and other places of detention are subject to torture and other ill-treatment and this practice has not been prohibited by the highest judicial body in Israel.²¹ Moreover, in violation of international humanitarian law, Palestinians arrested in the OPT are held in prisons located outside of the OPT preventing them from receiving adequate legal representation and family visits.

¹² Ibid.

¹³ Applied Research Institute -Jerusalem (ARIJ), press release, 2 July 2008.

¹⁴ Peace Now had reported tenders for 745 housing units and plans for over 3,600 housing units since December 2007, “The Death of the Settlement Freeze – 4 Months since Annapolis” (March 2008).

¹⁵ Information provided by BADIL Resource Centre for Palestinian Residency and Refugee Rights.

¹⁶ UN Office for the Coordination of Humanitarian Affairs (OCHA), “Lack of Permit” Demolitions and Resultant Displacement in Area C, (May 2008).

¹⁷ Ibid.

¹⁸ Information collected by Gaza based Al-Mezan Centre for Human Rights.

¹⁹ BADIL Resource Centre, *Survey of Palestinian Refugees and Internally Displaced Persons 2006-2007* (2007).

²⁰ B'Tselem, *Ground to a Halt: Denial of Palestinians' Freedom of Movement in the West Bank*, (July 2007).

²¹ UN Committee Against Torture, *Conclusions and Recommendations of the Committee against Torture: Israel* CAT/C/XXVII/Concl.5, (2001).

Refugees - For six decades, the State of Israel has prevented the Palestinian refugees from returning to their homes of origin. Today, there are approximately 7 million Palestinian refugees. The Palestinian refugee situation constitutes the largest and longest unresolved refugee case in the world.

Children- Palestinian children in particular are suffering from the widespread abuse of their rights. In 2007, 31 per cent of Palestinian child deaths were attributable to Israeli military activities in Gaza, 23 per cent to Palestinian factional violence in the Gaza Strip, 15 per cent to Israeli military activities in the West Bank, and 7 per cent to the handling of unexploded Israeli military ordnance in the Gaza Strip. At least 345 Palestinian children were injured in the conflict during 2007. About 70 per cent of these injuries were attributable to the Israeli military, 14 per cent to Palestinian factions, 8 per cent to Israeli settlers and 7 per cent to UXO (unexploded ordnance).²² During 2007, the Israeli military arrested and detained approximately 700 Palestinian children. At any given time, there were between 310 and 430 Palestinian children held in Israeli prisons or detention/interrogation centres, around 30 of whom were held at some stage in administrative detention without charge or trial. Reportedly, some children held in Israeli detention have been subject to torture.²³ Schools have also been subjected to attacks by Israeli military and settlers.

3. Ensuring the attainment of the purposes of the United Nations

The UN Charter, in Article 1, sets out the four main purposes of the UN which are; to maintain international peace and security; to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples; to achieve international cooperation and promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion; and to be a centre for harmonizing the actions of nations.²⁴ All of these provisions are systematically violated by the State of Israel as a result of its human rights violations listed above.

Israel continues to ignore the pronouncements of UN human rights treaty monitoring bodies some of which are mentioned above. It further has failed to implement a number of UN General Assembly and Security Council Resolutions relating to human rights including:

General Assembly Resolution 194, 11 December 1948

“*Resolves* that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property, which under the principles of international law or in equity, should be made good by the Governments or authorities responsible.”²⁵

²² Defence for Children International and Save the Children UK, *Child Rights Monitor, 2007 Roundup*, www.childrightsmonitor.org

²³ Ibid.

²⁴ The Charter of the United Nations (1945), available at www.un.org/aboutun/charter

²⁵ All UN Resolutions on Israel and the occupied Palestinian territories are available at: <http://domino.un.org/unispal.NSF/UN%20resolutions!OpenPage>

Security Council Resolution 242, 22 November 1967

Calls for the “withdrawal of Israel armed forces from territories occupied in the recent conflict” as well as the “termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force”.²⁶

General Assembly Resolution 3236, 22 November 1974

“1. *Reaffirms* the inalienable rights of the Palestinian people in Palestine, including:

- (a) The right to self-determination without external interference;
- (b) The right to national independence and sovereignty;”²⁷

General Assembly Resolution 146, 4 March 2008

“*Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine”²⁸

The Advisory Opinion of the International Court of Justice, 9 July 2004

Israel has further failed to act in accordance with the July 2004 Advisory Opinion of the International Court of Justice on the legal consequences of the construction of the wall being built by Israel in the occupied Palestinian territory which states that Israel’s construction of the wall in the occupied Palestinian territories, including in an around East Jerusalem, is contrary to international law and Israel is obliged to cease all construction, to dismantle the wall and to make reparation for all damage caused by the construction of the wall.²⁹

The undersigned organisations therefore call upon the OECD, within the framework of Israel's accession to the OECD, to immediately establish a committee to assess the extent to which Israel has complied with the OECD criteria of respect for human rights, commitment to democracy and adherence to the purposes of the United Nations. We further hope and expect that all countries currently applying for accession to the OECD as well as current members are held to the same high standards.

We look forward to your response and an opportunity to meaningfully engage with you on these issues.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Advisory Opinion of the ICJ available at:

<http://www.icj-cij.org>, (click on ‘Cases’> ‘Advisory Opinions’). Para. 163.

With highest regards,

Salih Booker
Executive Director
Centre on Housing Rights and Evictions (COHRE)
83 Rue de Montbrillant, 1202 Geneva, Switzerland
www.cohre.org

Shawan Jabarin
General Director
Al-Haq
Ramallah Main Street, PO Box 1413, West Bank, occupied Palestinian territory
www.alhaq.org

Hadas Ziv
Director
Physicians for Human Rights- Israel (PHR-IL)
Dror st.9 Jaffa, Tel Aviv, Israel
www.phr.org.il

Ingrid Jaradat Gassner
Director
Badil Resource Center for Palestinian Residency and Refugee Rights
PO Box 728, Bethlehem, occupied Palestinian territory
www.badil.org

Fanny-Michaela Reisin
President
(Internationale Liga für Menschenrechte)
International League for Human Rights - German Section of AEDH and FIDH
Haus der Demokratie und Menschenrechte Greifswalder Str.4, D-10405 Berlin, Germany
www.ilmr.org

George Abu Al-Zulof
General Director
Defense for Children International –Palestine Section (DCI/PS)
PO Box 55201, Jerusalem, occupied Palestinian territory
www.dci-pal.org

Joseph Schechla
Coordinator
Habitat International Coalition- Housing and Land Rights Network
11 Tiba Street, 2nd Floor, Muhandisin, Giza, Egypt
www.hlrn.org

Hassan Jabareen
General Director
Adalah – The Legal Center for Arab Minority Rights in Israel

94 Yaffa Street, PO Box 8921, Haifa 31090, Israel
www.adalah.org

Issam Younis
Director
Al Mezan Center for Human Rights-Gaza
Gaza City, The Gaza Strip, PO Box. 5270, occupied Palestinian territory
www.mezan.org

Kamel Jendoubi
President
Euro-Mediterranean Human Rights Network (EMHRN)
Vestergade 16, 2nd Floor, DK-1456 Copenhagen K, Denmark
www.euromedrights.net

Mohammed Zeidan
General Director
Arab Association for Human Rights -HRA
PO Box 215, Nazareth 16101, Israel
www.arabhra.org

Mr. Bo Paulsson
Secretary General
The Swedish Organization for Individual Relief/ Individuell Människohjäl
Box 45, S-221 00 LUND, Sweden
www.manniskohjalp.se

Luc Claessens
Director
Broederlijk Delen
Huidevettersstraat 165, 1000 Brussels, Belgium
www.broederlijkdelen.be

Raji Sourani
Director
Palestinian Centre for Human Rights
Omar El Mukhtar Street, PO Box 1328, Gaza City, occupied Palestinian territory
www.pchrgaza.org

Daniel Machover
Chair
Lawyers for Palestinian Human Rights
C/O Smita Shah, Garden Court Chambers, 57-60 Lincoln's Inn Fields, London WC24 3LS,
UK

Gerhilde Merz
Coordinator of working team "Israel-Palestine"
PAX CHRISTI AUSTRIA

A-4040 Linz, Mengerstraße 23, Austria
www.paxchristi.at

Abraham Weizfeld
Interim Administrative Secretary
Alliance of Concerned Jewish Canadians
68 Duluth Ave. East, Montreal, Quebec H2W 1G8, Canada
www.groups.yahoo.com/group/ACJC2006

John McHugo
Chairman
Liberal Democrat Friends of Palestine
26 Sefton Street, London, UK
www.ldfp.eu

Betty Hunter
General Secretary
Palestine Solidarity Campaign
Box BM PSA, London, WC1N 3XX, UK
www.palestinecampaign.org

Chris Doyle
Director
The Council for Arab-British Understanding (CAABU)
1 Gough Square, London, EC4A 3DE, UK
www.caabu.org

Paula Abrams-Hourani
Jewish Voice for a Just Peace in the Middle East (EJJP-Austria)
Vienna, Austria
www.nahostfriede.at

Anan Quzmar
Communications Officer
Action Palestine
Action Palestine Society, University of Manchester Students Union, Oxford Road,
Manchester, M13 9PR, UK
www.actionpalestine.org