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Challenges faced by environmental defenders

On March 21, the UN Human Rights Council unanimously adopted a landmark resolution to protect environmental human rights defenders. A number of International Network for Economic, Social and Cultural Rights connects (ESCR-Net) members participated in the call to encourage the countries to support this resolution, including: Amnesty International, Asian Forum for Human Rights and Development, the International Foundation for the Protection of Human Rights Defenders, Franciscan International, The International Commission of Jurists, the League for Human Rights, EarthRights International, World Organization Against Torture, Center for International Environmental Law, Association for Women's Rights in development, Association for Women's Rights Development, Equitable Cambodia , The Centre for Human Rights Law, The Global Initiative For Economic,

Social and Cultural Rights, Al-Haq, Bretton Woods Project, Otros Mandos Chiapas, and Accountability Legal Advice.

Environmental human rights defenders are among the world's weakest peers. The 2018 Global Analysis (link is external) prepared by Front Line Defenders indicates that attacks and attacks on environmental human rights defenders are three times greater than that of other human rights defenders, and that 70 per cent of environmental human rights defenders The human rights workers killed in 2018 were working on land rights, indigenous rights, or environmental rights.

The newly adopted resolution recognizes the important and legitimate role environmental human rights defenders play in protecting the environment and acknowledges the high-level risks they face because of their work. It calls on states to create a safe and enabling environment for human rights defenders, to ensure effective remedies for human rights violations, and to combat impunity. In addition, the resolution recognizes the need to develop protection mechanisms that take into account the intersecting violations faced by women human rights defenders, indigenous peoples, rural and marginalized communities.

Furthermore, the resolution recognizes the corporate responsibility and calls on them to respect human rights in accordance with the Voluntary Guidelines on Business and Human Rights. It is worth noting that the members of the Global Network have historically been involved in the development of these Guidelines, and are now aware of the need for a binding treaty on business



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FOR WOMEN'S
HUMAN RIGHTS

and human rights to regulate corporate activities and ensure accountability, and to take collective positions on the need to introduce strong protections for human rights defenders. In the process of reaching the treaty and beyond, members of the Global Network have taken a tough line to address corporate domination of states and their links to increasing repression.

Recent actions surrounding human rights abuses in West Africa in the context of corporate domination are a case in point.

Recognition of the need to protect environmental human rights defenders is increasing. In 2016, the UN Special Rapporteur on the situation of human rights defenders published a report on environmental human rights defenders (link is external). In this report, he drew attention to the growing competition for natural resources, which in turn leads to the emergence of social conflicts between local communities and companies.

Finally, it must be said that the newly adopted resolution is a positive step towards addressing attacks and attacks on environmental human rights defenders, and it is not the only international instrument developed to this end. Last year, countries in Latin America and the Caribbean showed their support for the legally binding Escazu Agreement, which was prepared within the framework of the Organization of American States.

But despite the importance of these steps, it seems wise to consider a move towards understanding the systemic causes behind the attacks that are occurring.

Environmental Situation in Palestine

The Palestinian Authority has become aware of the environmental dangers that it is has been and still is suffering from as a result of the occupation practices, and as a result of the low level of community knowledge of these threats to the Palestinian future on the other hand, and the right to a safe and sustainable environment. The sectoral environment strategy (2017-2022), which came after years of preparing plans for the environment sector, indicated defining the strategic direction and drawing general lines for transforming the environment from a specific separate sector into a cross-sectoral field that integrates with all sectors. However, government budgets allocated to the environment did not exceed 1% of government spending (Palestinian Central Bureau of Statistics 2017).



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FOR WOMEN'S
HUMAN RIGHTS

Although there are important references to the most important environmental issues in the national strategies (such as the strategies of the Ministry of Education, the Ministry of Local Government, the Water Authority, the Ministry of Agriculture, the national strategy for solid waste, the strategy of gender in environmental issues focusing on water and solid waste management 2013-2017). Initial indications show that what has been achieved in the environmental field is very modest.

The economic, social and political conditions in Palestine indicate that the biggest challenge is the occupation, which significantly affects negatively the possibility of environmental planning by the Palestinian National Authority. The report of the United Nations Special Rapporteur submitted to the Human Rights Council in March 2019 referred to the violations carried out by the occupation authorities in violating the Palestinian environment, 2019.

In the report it was clearly stated that 96% of the water in the Gaza Strip has become unsuitable for human consumption, and the report indicated that Israel is carrying out dangerous practices related to the disposal of liquid and solid waste in what is known as Area C. Michelle Bachelet (United Nations High Commissioner for Human Rights) has addressed the Israeli settlements in The occupied Palestinian territories, including East Jerusalem, as the report notes an acceleration in settlement activities in the West Bank, including East Jerusalem, and the demolition and destruction of Palestinian properties and the resulting displacement of families (United Nations Environment Program, 2019).

Reports of human rights organizations indicated that the occupation authorities demolished 88 private establishments, other than housing, such as livestock farms, shops, warehouses, water wells and retaining walls etc. The vast majority of them are located (82 of them are in Area C according to the Oslo Accords) and 6 within the area of the Jerusalem municipality of the occupation, 3 of which were self-demolished. In addition, 4 of the demolished facilities are private facilities belonging to families whose homes were demolished at the same time. Five of the demolished facilities were under construction. Forty-four of the demolished establishments are considered a main source of livelihood for the families, with significant economic consequences, and 17 of the demolished establishments have been demolished for at least the second time after the previous demolition and reconstruction. The holdings of 31 establishments in total were damaged because the owners were unable to evacuate them before the demolition. The occupation authorities did not give an opportunity to object to the demolition decision in at least 29 cases.



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HUMAN RIGHTS

However, the impact of the demolition process goes beyond mere economic returns: citizens who live in areas classified as C live under psychological threat of demolition again in the event of reconstruction. However, women in the case of demolished homes suffer the most, as they are forced to live in environmentally unsuitable homes. In terms of environmental and health conditions and water supply, or in tents that lack all environmental needs that suitable for human use, this suffering has increased with the Covid-19 pandemic due to environmental conditions and isolation in case of injury to take family members and the availability of water.

All these colonial violations coincide with the consolidation of the settlement system, where settlement activity is a systematic project that has been planned since the start of the occupation in 1967. The occupation authorities adopted a policy of annexation and expansion through planning and building the colonial settlement system in the West Bank, including occupied Jerusalem. As the colonial system is working to prevent the Palestinians from controlling their land or establishing their independent state.

Accordingly, more than 445 Israeli sites have been established in occupied Palestine, including more than 300 settlements inhabited by 690,000 illegal settlers, in addition to 94 military camps, 25 Israeli industrial zones, 25 service sites and other tourist sites, in addition to considering the area classified as Area C, which it constitutes a total of 61% of the area of the West Bank under Israeli control, including the Jordan Valley, along the Jordan River and the Dead Sea.

These sites are connected by a developed infrastructure network. A geographic area was allocated to be under the influence of the settlements, and an area twice the size of the settlement sites. The settlements have huge agricultural lands, available water sources, and benefit from the good climate conditions in the Jordan Valley. The settlements have the competitive advantage to export fruits and vegetables abroad through the Israeli company Agresco under the brand name Carmel, in addition to the incentives that the settlements obtain enabled them to use modern technology and facilities to make it an industrial, agricultural, and tourist attraction which led to more land confiscation, which kills the possibility of preserving the rights of future Palestinian generations.

And the Israeli occupation had worked on issuing military orders and declaring vast areas of the West Bank as closed military areas, which reached to 20% of the area of the West Bank. In 2002, the occupation authorities illegally started building the wall of annexation and expansion inside occupied Palestine with the aim of controlling the land and creating new facts.



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HUMAN RIGHTS

As a result, 9.4% of the West Bank's lands between the wall and the 1967 borders were isolated, not to mention the lands that were declared state lands, confiscated lands, or lands on which construction is prohibited. All these elements work to support a settlement system that was planned by a colonial military occupation of the land of Palestine. By controlling the lands, the settlement system also controls the natural resources and wealth in Palestine, including water, agricultural lands, and resources in the Jordan Valley and the Dead Sea. Which eventually prevents the building of a free Palestinian economy.

The Israeli annexation plan will have environmental impacts on land investments and the right to access water and the geographical fragmentation of the Palestinian lands, as the annexation plan poses the greatest danger in recent years in terms of its effects that will lead to the impossibility of planning for the Palestinian lands, and a threat to food security, as the areas targeted for annexation especially the Jordan Valley, which is considered the source of the Palestinian food basket.

The environmental destruction caused by Israeli companies in the marketing and use of agricultural pesticides has played a role in the continuous deterioration of water and the environment, especially that most of these materials are internationally prohibited, and the quantity of these pesticides is estimated at about 4000 tons annually (Kurzom, 2020). And there is the destruction caused by the wastewater leaking from settlements, especially industrial settlements, as is the case in the colonial settlement industrial complex (Burkan) near Salfit, as most of this water contains heavy and dangerous metals that seep into the groundwater will lead to dreadful consequences. In a comprehensive study conducted by the Environmental Quality Authority in 2015, at "Gishuri" an Israeli factory in Tulkarm, it was found that there are serious environmental and health impacts of the products and waste of this factory (Environmental Quality Authority 2018).

The report of the United Nations Human Rights Council indicated that "Israel" transports electronic waste from settlements, to areas close to Palestinian communities in the West Bank. For example, many illegal electronic waste workshops, operated by illegal recyclers, are located in the town of Ithna near water springs, which leads to water pollution and the penetration of toxic chemicals and toxic substances such as mercury into the ground. Many workshops are also located close to agricultural lands, which threatens agricultural biodiversity, the quality of agricultural products and public health in general.

Israeli practices that are harmful to the environment continue, as a new landfill was established in the area of the settlement (Yitzhar) and in a study (Qato and Nagra 2013). The (Gishtori)



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FOR WOMEN'S
HUMAN RIGHTS

complex is one of the reasons for the increase in the incidence of cancer cases and inflammation of the eyes (Qato, Nagra, 2013). In the Human Rights Watch report, the Israeli civil law is applied to the settlements and thus provides them with protection from prosecution, and this contradicts and violates international human rights laws. In a statement by the head of the Environmental Quality Authority on August 17, 2018, to Anadolu Agency, he indicated that there are 98 random dumps in the West Bank that are used as dumps for waste coming from inside Israel.

Areas of concern for environmental rights advocates.

Water: There are basic standards of human rights in the field of water, which are:

- Accessibility.
- Availability.
- Quality
- Affordability.

Solid waste: The right to provide safe landfills and dispose of waste in safe ways, and not to expose the population to any gases emitted from the disposal process.

Liquid Waste: Disposing of industrial and domestic liquid waste in safe ways that do not lead to water, soil and air pollution and do not constitute an environment for diseases, insects and rodents.

Nuclear waste: There is a basic right for all human beings to be protected from nuclear radiation. Therefore, the disposal of nuclear waste must be subject to basic protocols and control over disposal conservation mechanisms.

Quarries: The dust resulting from these places is considered one of the most important issues that raise concerns about the right to health and a safe environment.



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Rights of Defenders of Environmental Violation Issues:

- Right to access information: Information constitutes the main entry point for monitoring violations, proving cases before the courts, and preparing technical and legal reports.
- Right to Accountability: Environmental defenders have the right to hold formal and informal agencies and the private sector accountable for the risks to which environmental defenders are exposed.
- The right to litigation to defend the environment before the courts.
- The right to reach public opinion: Environmental defenders have the right to express their opinions by all available means, including freedom of expression, assembly, demonstration, and others.
- Right to Participation for Defenders: Defenders have the right to participate in making and reviewing national policies.

Violations against environmental defenders

- Imprisonment: in many cases and under various pretexts, defenders are imprisoned and one of the most common charges is stirring up public opinion and incitement.
- Harassment: as is the case in the Israeli authorities, where it prevents environmental defenders from carrying out monitoring of violations.
- Withholding information: In many cases, information is withheld from environmental rights defenders and the necessary information is hidden or information about polluting industries is withheld. The Freedom of Information Law still does not exist in Palestine
- Defamation of the image: Tarnishing their reputation and image in the community.
- Threat: as happens with the Israeli army and settlers who threaten environmental activists
- Banning them from attending meetings: In many cases, environmental rights defenders are prevented directly or indirectly from participating in official activities and meetings.



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HUMAN RIGHTS

Required policies

In order to enhance the role of environmental defenders in protecting and preserving the sustainability of the environment, the following actors are required to:

Palestinian National Authority

- Adoption of the Freedom of Information Act
- Updating the Palestinian Environmental Law of 1999 to include the preservation of the rights of environmental defenders
- Inclusion of environmental associations and environmental advocates in policy making and implementation
- Cooperating with environmental defenders in adopting the issues that are raised globally against the occupation and giving political and legal cover
- Adopting policies to protect environmental defenders and ensuring their right to work in complete freedom.

Israeli occupation

- Work in international forums to expose the policies of the occupation and its violation of Palestinian environmental rights.
- Forming the Palestinian Environmental Observatory in cooperation with environmental advocates to document violations.

The international community

- Adopting policies to provide international protection for environmental defenders.
- Providing financial and moral support to environmental defenders.
- Implementing international norms and laws and obligating them to publish information, especially about nuclear activities.