

Al Mezan Center for Human Rights and Al-Haq Highlight Rights Violations of Farming and Fishing Communities within Gaza Closure in Submission to UN Special Rapporteurs

Al Mezan Center for Human Rights (Al Mezan) and Al-Haq have submitted information to the UN Special Rapporteurs on the Right to Food and on Human Rights and Hazardous Substances and Wastes for their upcoming joint report to the UN Human Rights Council in March 2017. The submission focuses on the situation of farmers in Gaza living within an area designated by Israel as “access restricted” (up to approximately 1,500 meters from the border fence) who have had their vegetable fields and crops destroyed by chemicals sprayed by Israeli aircraft. In the submission, Al Mezan and Al-Haq note that the violations cited of peoples’ rights to food, water, and a healthy environment in Gaza must be seen in conjunction with the context of the ten-year closure and blockade in Gaza, which collectively punishes the entire population of 2 million people, in direct violation of international humanitarian and human rights law.

The submission highlights specific cases of ten farmers whose land was affected by the chemical spraying during October 2014. Significantly, however, this occurrence was not a one-time event: Israeli authorities acknowledge aerial spraying of chemicals is carried out regularly for security purposes near the border fence (as per a letter sent to Al Mezan dated 31 July 2016¹). Although monetary damages for farmers affected by such spraying can be estimated in numeric terms, the long-term effects of the spraying on land and water resources, and on peoples’ health remain incalculable, most especially in light of the lack of clarity from Israeli authorities regarding precisely the chemical compounds, concentrations of chemicals and quantities, were used.

Despite the systematic legal barriers faced by Palestinians in the Israeli court system², the ten farmers are proceeding to seek damages to hold responsible actors legally accountable with the help of Al Mezan (granted power of attorney), in a legal initiative led by Adalah–The Legal Center for Arab Minority Rights in Israel and Gisha–Legal Center for Freedom of Movement. They have estimated that the total affected land area belonging to the farmers amounts to 81,300 square meters, with immediate losses estimated at ILS 55,919 (approximately USD 14,532), plus ILS 71,487 (approximately USD 18,577) in water costs required for irrigation and replanting of the destroyed fields, and that 200 people are affected, including the farmers, their families, and the lessors who are leasing farmers the land.

¹ The letter from the Israeli authorities was sent in response to queries sent by Al Mezan along with Adalah–The Legal Center for Arab Minority Rights in Israel and Gisha–Legal Center for Freedom of Movement.

² Due to restrictive amendments to Israel’s tort legislation, particularly the eighth amendment, financial requirements, and inability to physically access the courts and lawyers due to the closure, the Israeli court system and authorities block all effective remedy for Palestinian claimants from Gaza. For more information: <http://mezan.org/en/post/20954>

The submission also explains that Israel's frequent bombardments of Gaza - which target civilian communities and public infrastructure *en masse* - have devastating impacts on farmers and fishing communities. Farmers' lands are destroyed, livestock are killed, access to necessary water as well as electricity (relied upon for irrigation and household needs) is denied, and they may be injured or killed while tending to their fields (along with family members). Meanwhile, fishing communities are subjected to attacks by Israeli forces using live fire, arbitrary arrest and detention, and the destruction and confiscation of fishing boats and equipment - even within the permitted fishing zone according to Israeli policy of six nautical miles (as opposed to the 20 nautical miles as designated under the Oslo Accords). In effect, these violations of international law mean that both coastal and in-land communities in Gaza are subjected to forced displacement, impoverishment and loss of livelihood.

In response to the information contained in their submission, Al Mezan and Al-Haq are calling on the UN Special Rapporteurs to:

- Highlight the need for appropriate Israeli authorities to be held accountable for aerial spraying and for legal remedy and reparation to be made available to impacted farmers;
- Call on Israeli authorities to immediately disclose information on all chemicals used during aerial spraying, locations around Gaza and the West Bank where aerial spraying takes place, frequency of spraying, and any health or environmental impact assessments (including assessments of potential spray drift and transboundary implications);
- Seek opportunities to undertake a visit to Gaza to speak directly with farmers and fishing communities, whose rights to food and livelihood are directly linked to the ongoing violence perpetrated by Israeli forces, and
- Call on Israel to immediately lift the closure/blockade on Gaza, particularly given the devastating impact on the rights to food, livelihood and life, and the corresponding lack of possibilities for there to be remediation³ of land contaminated by toxic substances and wastes.

³ The closure and blockade in Gaza severely restricts peoples' freedom of movement and importation of goods. Limited exceptions in these categories exclude the entry of scientific and chemical experts relating to herbicides/pesticides, and laboratory equipment, which would enable Palestinians in Gaza to ascertain the full human and environmental health impacts of the chemicals sprayed. Meanwhile, the imposed closure means that Palestinian and/or international teams who could undertake soil and water testing and offer support or suggestions for remediation of areas contaminated by toxic substances and waste (including military remnants) are effectively blocked from even entering Gaza.