المسؤولية القانونية الدولية لإسرائيل عن انتهاكات الشركات الإسرائيلية لنهب الموارد الطبيعية الفلسطينية في ضوء القانون الدولي الإنساني

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International legal responsibility of Israel for violations of Israeli companies of plundering Palestinian natural resources in the light of International Humanitarian Law

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The Israeli companies and international private military and security companies committed a series of violations against the civilian population and civilian objects by looting the Palestinian natural resources in the occupied West Bank.

The research problem centers on the employment of international humanitarian law, human rights, criminal and international law to punish international and local companies working in the field of extracting industries and the Israeli state responsibility for these companies under international humanitarian law, as well as its responsibility and prosecution by international courts, particularly the International Court of Justice for amending the damages and compensation and stopping such gross violations.

The research addresses the right of the Palestinian people to self-determination as a population affected by these companies and the dangers of such industry, the looting of resources in the right of the Palestinian people to self-determination.

It shows these companies robbery of Palestinian natural resources especially the looting of minerals in the Jordan Valley and the Dead Sea areas.

The Research also shows the legal value of the UN Commission resolutions regarding the eligibility of the Palestinian people in their natural resources.

Finally, the research sheds light on the report of the UN Fact-Finding Mission which talks about the impact of
settlements and the wall on the right of the Palestinians to self determination and looting of natural resources.

The research concludes the following: the need for Israel to abide by the rules of international humanitarian law of the issues related to the conservation of natural resources, Israel as an occupying power must bear the international criminal responsibility as a result of these violations, activating the resolutions of the United Nations and other international organizations regarding the conservation of natural resources in the State of Palestine, and the compensation the State of Palestine for the investment of these natural resources throughout the years of occupation.

لقد قامت الشركات الإسرائيلية والشركات الدولية الخاصة،العسكرية والأمنية، بمجموعة من الانتهاكات ضد السكان المدنيين والأعيان المدنية ونهب الموارد الطبيعية الفلسطينية طوال سنوات الاحتلال الإسرائيلي لأراضي الضفة الغربية. وتثر شكلية البحث حول مدى توظيف القانون الدولي الإنساني وحقوق الإنسان والقانون الدولي الجنائي لمعاقبة الشركات الدولية والمحليّة التي تعمل في مجال الصناعات الاستخراجية ومدى مسؤولية الدولة عن هذه الشركات وفق القانون الدولي الإنساني وكذلك مسؤولية إسرائيل ومقاضاتها أمام المحاكم الدولية وخاصة محكمة العدل الدولية لجبر الضرر والتعويض ووقف هذه الانتهاكات الجسيمة.

سوف يعالج البحث حق الشعب الفلسطيني في تقرير المصير كشعب متضرر من إجراءات هذه الشركات ومدى خطورة هذه الصناعة ونهب الموارد على حق الشعب الفلسطيني في تقرير المصير.

ويوضح البحث قيام هذه الشركات بعمليات نهب الموارد الطبيعية الفلسطينية وخاصة عمليات نهب للمعدن في منطقة الأغوار والبحر الميت، ويبين البحث القيمة القانونية للقرارات الصادرة عن هيئة الأمم المتحدة بخصوص أحقية الشعب الفلسطيني في موارده الطبيعية.

يتطرق البحث إلى تقرير بعثة الأمم المتحدة لتفصيلي الحقائق حول أثر المستوطنات والجدار العازل على حق الشعب الفلسطيني في تقرير مصيره ونهب موارده الطبيعية. وقد خلص البحث إلى مجموعة من النتائج منها: ضرورة تنفيذ إسرائيل لمواد القانون الدولي الإنساني فيما يتعلق بموضوع الحفاظ على الموارد الطبيعية، وتحملها المسؤولية الجنائية الدولية نتيجة لهذه الانتهاكات. ضرورة تفعيل القرارات الصادرة عن الأمم المتحدة والمنظمات الدولية الأخرى فيما يتعلق بالحفاظ
على الموارد الطبيعية في دولة فلسطين، وكذلك تعويض دولة فلسطين عن استثمار مواردها الطبيعية طويلة سنوات الاحتلال.
Key words:
IHL: International Humanitarian Law
OPT: Occupied Palestinian Territories
PMF: Private Military Firms

Introduction
Since the war of 1967, Israel has unlawfully appropriated vast portions of Palestinian land in the occupied territories primarily to establish settlements and through these exerting a firm control over the region, including over its natural resources. Through the implementation of harsh restrictions on planning and movement, the Israeli authorities have severely hampered the ability of Palestinians to use and access their land and other natural resources in the region. The presence of settlers who directly utilize and profit from the Palestinian territories wealth have severely exacerbated this situation and contributed to the over exploitation of the area, resulting in severe environmental damage.

The research tries to find out Israel's responsibilities as an occupying power with respect to the treatment of the occupied territories' natural resources. By virtue of the temporary nature of the situation of occupation, Israel must be regarded only as the administrator of natural resources belonging to the Occupied Palestinian Territories, and is obliged to administer them in accordance with the rule of usufruct. Accordingly, Israel is prohibited from exploiting them in a way that undermines their capital and results in economic benefits for Israel citizens, including settlers, or for its natural economy.

Israel's practices in the occupied territories represent blatant violations of its legal obligations under international humanitarian and human rights law, since they favor Israeli economic interests while denying the Palestinian people their right to self-determination. The latter is considered a peremptory norm of international law, that is to say a norm that is binding on all states and from which no derogation is permitted.

Statement of the problem
The Israeli authorities violate the rules of international humanitarian law by allowing the private companies to exploit the natural resources of the Palestine State.

The Israeli state is responsible for these companies' actions under international humanitarian law, as well as its responsibility and prosecution by international courts, particularly the International Court of Justice for amending the damages, compensation and stopping such gross violations.

Questions of the study
The study tries to answer the following questions:
1. What steps can the Palestine State implement to stop the Israeli violations for the natural resources in the occupied territories at the national level?
2. What can the international community do to protect the Palestinian natural resources?
3. What legal steps can the United Nations take against Israel to stop these violations, and to give the Palestinians the chance to get benefit from their natural sources?

Study approach
The researchers will adopt the following research approaches:
1. The legal Analytical Approach: The research will analyze the articles of the international agreements, especially those related to the four Geneva Conventions, the additional protocol 1, and Hague Agreement 1907. It also analyses the General Assembly and the Security Council Resolutions related to the above mentioned issue.
The legal applied approach: The research talks about a practical issue which is implemented in the occupied territories, because the Israeli private companies plunder the Palestinian natural resources. This action violates the rules of International Humanitarian law and the international agreements.

Study Division
The research is divided into two parts:
Part one: The Israeli private companies, and environmental responsibilities of the occupying power under International law
.1 Definition of the private military companies, and the mission these companies implement.
.2 To what extent can the staff members of these companies be considered fighters?
.3 The Israeli private companies that exploit the natural resources of Palestine.
.4 Israeli's means to take control of Palestinian land in Jerusalem and the West Bank.
.5 Environmental Responsibilities of the Occupying Power under International law.

Singer defined the private military companies:
Privatized military firms are defined as business providers of professional services that are intricately linked to warfare. PMFs are the corporate evolution of the age-old practice of mercenaries. As opposed to individual "dogs of war", they are corporate bodies that can offer a wider range of services. They specialize in the provision of military skills, conducting tactical combat operations, strategic planning, intelligence, operational and logistics support, troop training, and technical assistance.

Goddard defined the PMFs:
A registered civilian company that specializes in the provision of contract military training (instruction and simulation programs), military support operations (logistic support), operational capabilities (special forces advisors and command and control, communications and intelligence functions) and or military equipment, to legitimate domestic and foreign entities.

To what extent can the staff members of these firms be considered fighters?
Item 'a' from Article 4 of the third Geneva Convention, and Article 43 of the Additional protocol 1 which talked about the armed forces stated that, "The armed forces of a Party to a conflict consist of all organized armed forces, groups and units which are under a command responsible to that Party for the conduct of its subordinates, even if that Party is represented by a government or an authority not recognized by an adverse Party. Such armed forces shall be subject to an internal disciplinary system which, inter alia, shall enforce compliance with the rules of international law applicable in armed conflict."

As a result, we notice from the mentioned above article that the staff of the private military firms are not considered fighters, unless they are hired to fight within the governmental army. The Additional Protocol 1 consider them fighters when they work under a command responsible. And item 3 from Article 43 stated that, "Whenever a Party to a conflict incorporates a paramilitary or armed law enforcement agency into its armed forces it shall so notify the other Parties to the conflict". This means that incorporating is considered a matter which is related to the internal law, so incorporating such people should be notified by the states.
The Israeli private companies that exploit the natural resources of Palestine

Since 1967, Israel has exerted considerable military and political efforts, including the establishment of settlements, to illegally exercise sovereign rights over Palestinian water resources. A series of military orders – still in force and applicable only to Palestinians- integrated the water system of the OPT into the Israel system, while at the same time denying Palestinians control over this vital resource.

a. Mekorot Company:

In 1982, the Israeli government transferred the ownership of Palestinian water infrastructure in the West Bank to Israeli’s national water company "Mekorot", which has forced Palestinians to rely on the company to meet their annual water needs. The company supplies almost half the domestic water consumed by Palestinian communities in the West Bank, making it the largest single supplier in the West Bank. In addition to Israel's exclusive control over water resources, Mekorot directly extracts water from the Palestinian share of the water resources in order to supply copious amounts to Israeli settlements.

Through the denial to access to water and sanitation, Mekorot collaborates with the state of Israel in the implementation of an institutionalized “water apartheid", which is a central component of Israel’s policies of ethnic cleansing of Palestinian communities and, considering the grave implications of the denial to access of water, may be involved in the crime of persecution.

Mekorot further profits from Israeli policies, such as the settlements and the Wall, which imply a large range of human rights violations. It implements a series of Israeli violations of rights included in the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the UN Convention on the Elimination of All Forms of Discrimination against Women.

The right to water has been recognized as a component of the right to an adequate standard of living under Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights. The right to water is also protected under other international treaties and is also essential to the enjoyment of the rights to health, adequate housing and food. The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.

b. Ahava Dead Sea Laboratories Ltd:

The Israeli cosmetic company Ahava Dead Sea Laboratories Ltd. is located in the settlement of "Mitzpe Shalem", on the western shore of the Dead Sea in the OPT, and utilizes the natural resources of the occupied territory. It is the only cosmetics company licensed by Israeli government to mine mud in this area and offers an infinite range of products manufactured from occupied Dead Sea land next to the settlement.

The company, founded in 1988, does not manufacture for other companies or markets utilizing other brands, and it entirely owns three international subsidiary companies in Germany, United Kingdom and the United States. In 2007, Ahava's annual revenue was 142 million USD. As of 2011, about 60 per cent of Ahava's revenues were driven from exports mainly to European countries and the United States and the remaining 40 per cent from the Israeli market and tourism in the Dead Sea area.
Ahava's shareholders also include Hamashbir Holdings (the investment fund of B. Goan Holdings and the Livant family), Sharmrock Holdings (the investment fund of the Roy E. family), which have 37 and 18.5 per cent of these shares, respectively.

Sharmrock Holdings is involved in profiting from the Annexation Wall and its checkpoints through Orad Group, which manufactures electronic detection systems installed in fences as part of the wall. In addition, the company also supplies Siemens traffic control systems for roads in the OPT on which only Israelis are allowed to travel, and Orad Group’s CCTV systems monitor the Old City in occupied East Jerusalem.

Ahava Dead Sea Laboratories Ltd. also runs a visitor center for tourism and sales promotion in 'Mitzpe Shalem'. Ahava generates approximately five times more revenue than all comparable Jordanian companies producing and trading Dead Sea products. The settlement of ‘Metzpe Shalem’ and ‘kalia’ directly benefit from the exploitation of Palestinian natural resources, holding 37 and 7.5 per cent of Ahava’s shares, respectively. Ahava receives numerous tax benefits from the Israeli government, as most of the companies located in settlements in the OPT, but the taxes and revenues paid by the company to Israel do not benefit the occupied Palestinian population.

Ahava invests considerably in research and development on the therapeutic effects of Dead Sea minerals and mud on human skin. The company is working in close cooperation with many scientific Israeli and European centers and taking part in numerous EU funded research projects. In 2011, the company received 1.13 million EUR as financial contributions for its participation in a number of projects sponsored by the European Seventh Framework Program for research and development.

Ahava is currently the coordinator of the 'skin Treat' project for the development of customized skin treatments and services and partner in 'Nanoretox' project studying the risks of nanoparticles to the environment and its effects on human health. In addition, Ahava has also joined in the 'Nanother' project, whose main objective is to develop and characterize a novel nanoparticle system that will be used as a therapeutic agent or diagnosis tool for certain types of cancer.

As a result, we can say that Mikorot and Ahava companies exploit the natural resource in Palestine ignoring the rules of international law, especially the rules of IHL. The above mentioned companies cooperate with the global companies from Europe and the United States of America to undermine the Palestinian natural resources illegally. These companies gain great amounts of money; on the other hand the state of Palestine does not get any benefit from its natural resources, which are stolen in spite of the international condemnation that Israel receives.

As Israeli’s means to take control of Palestinian land in Jerusalem and the West Bank

The Israeli authorities have used different means to take control of the Palestinian land. Israel has often appropriated land for military needs, ultimately declaring the lands closed military areas or natural reserves. Israel often expropriated land for public purposes, or proclaimed it as abandoned property.

But the main mechanism to take control of the Palestinian land has been the declaration and frequent registration of extensive areas as 'state land'.

Environmental Responsibilities of the Occupying Power under International law

The Israeli occupation for the Palestinian Occupied Territories has been ongoing for over four decades, so it is considered a prolonged occupation.
a. Environmental Responsibilities of an Occupying Power during a Belligerent Occupation

States have a number of responsibilities under the law of belligerent occupation. This latter expression is understood as a branch of International Humanitarian Law of armed conflicts, and is governed by a subset of norms of IHL of armed conflicts specifically the conduct of an occupying power in relation to the territories that it occupies, its population, and its environment.

The concern of the law of the belligerent occupation is focused on the safety and health of civilian populations, their property, and means of subsistence. However, specific protection for the natural environment has more recently become an important concern of the international community, and is now enshrined in a number of treaty provisions, if not already part of customary law.

Israel has not signed Protocol 1, so it is not, in principle, bound by it. However, the relevant provisions of Additional Protocol 1, namely articles 35 and 55, are increasingly considered to be part of customary law. A brief review of select relevant provisions follow.

b. Protection of Objects Indispensable to the survival of Civilian Population

Article 54 of the Additional protocol 1 states that belligerent states must protect objects indispensable to the survival of the civilian population. This includes ecosystems and their goods and services which are of paramount importance for the subsistence of civilian population, including "foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works". The prohibition of attacking, destroying, removing, or otherwise rendering useless such things applies regardless of motive, and may reasonably include attacks and acts of destruction perpetrated by private militias or civilians if acting under color of law.

c. Protection of the Natural Environment

Article 35(3) of the Additional Protocol 1 provides the "basic rules" and at paragraph 3 states that "it is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment". However, it is article 55 which offers the most useful provision as regards the protection of the environment in relation to a state of belligerent occupation. Article 55 entirely dedicated to the protection of the natural environment against widespread, long-term, and severe damage.

During armed conflict the general principle which must govern the assessment of whether a state is liable under article 35 and 55 for the environmental destruction consequence of military operations are the principle of necessity and the principle of proportionality.

In times of prolonged belligerent occupation, such as the Israeli occupation of the occupied territories, such acts and activities not directly linked to the use of methods and means of warfare, and perhaps linked to the systematic destruction and degradation of the environment in ways which may lead to widespread, long-term, and severe damages, may reasonably acquire a particular relevance.

d. Protection of the Environment under Belligerent Occupation

Principle 23 of the Rio Declaration states that "the environment and natural resources of people under oppression, domination and occupation shall be protected". The negotiating history of this principle shows that its genesis was informed first and
foremost by the situation in the occupied Palestinian territories. What is most interesting is the fact that principle 23 provides a link for the application of general principles of international environmental law (as laid out in Rio Declaration) during belligerent occupation, hence reinforcing the idea that international environmental law is applicable during armed conflict and, particularly, prolonged belligerent occupation.

Part Two: Israel’s unlawful exploitation of natural resources in the Occupied Palestinian Territories and its legal liability as an occupying power

1. The colonial settlement expansion in Jerusalem and the West Bank.
2. Constructing the apartheid wall on the Palestinian territories.
3. Exploitation of the Palestinian water and the pillage of the Dead Sea water.
4. The Palestinians right to self-determination and the principle of permanent sovereignty over their natural resources.
5. Israeli's liability as an occupying power towards the Palestinian territories.

1. The colonial settlement expansion in Jerusalem and the West Bank.

Since the war of 1967, and up to this moment Israel has followed a policy which aims at taking control and plundering the Palestinian land, and annexing it to the Israeli settlements. It followed different ways to implement its goals. The extremist Israeli officers want to annex the Palestinian land which is called "C" to Israel State, and give the Palestinians who dwell on these territories the Israeli nationality. There are international provisions and conventions which prevents Israel as an occupying power to take control or plunder the Palestinian natural resources. Article one of the International Covenant on Civil and Political Rights says that: "All people may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence."

The International Declaration of Human Rights 1948, in article 17 says: "Everyone has the right to own things or share them. Nobody should take our things from us without a good reason". Israel deliberately violated the rules of International Law, specifically International Humanitarian Law by establishing the illegal settlements which have brought over 500,000 civilians into the occupied territories.

Article 49, paragraph 6 of the Fourth Geneva Convention explicitly stipulates that, "the occupying power shall not deport or transfer parts of its own civilian population in the territories that it occupies". Also, the Security Council Resolution 446(1979) and 465(1980) both condemned the settlements. And the 2004 ruling by the International Court of Justice declared that, "Israeli settlements, including East Jerusalem, are illegal and obstacle to peace.

So, the Israeli settlements are considered one of the major barriers to the creation of two states for Palestinians and Israelis. These settlements affected the Palestinians life in many aspects. Many settlements are built on prime agricultural land confiscated for Palestinians, or on key water resources such as the Western Aquifer basin, springs and wells. Settlements use far more than double the water required, while Palestinians do not approach the half of the settlers' consumption. Moreover, the wastewater of the settlements discharged into nearby valleys without treatment. Solid waste generated in
Israel is dumped without restriction in the occupied territories. Many Jewish settlements dump their solid waste in the West Bank.

The Palestinians have the right to get benefit from their natural resources. The General Assembly Resolution 66/225 of 29 March 2012 reaffirmed the right of the Palestinian people over their natural resources, demanded Israel to cease the exploitation, damage, cause of loss or depletion, and endangerment of that natural resources and recognized the right of the Palestinian people to claim restitution as a result of Israeli violation of their rights.

2 Constructing the apartheid wall on the Palestinian territories.

The apartheid Wall was established by Sharon’s government in June 2002. The real purpose for building this wall is to annex and swallow more of the Palestinian territories for the favor of the Jewish settlers in Jerusalem and the West Bank. It is a cement wall which is 8 meters high and 782 kilometers long, in areas which are near the Palestinian towns and villages. It crosses the heart of the Palestinian Territories in the heart of the West Bank in order to annex more lands to the Israeli settlements. The Israeli leaders intend to keep the annexed lands out of any future negotiations that may take place between the Palestinians and the Israeli side.

a. The apartheid wall and the international law

All the UN resolutions asserted that the Palestinian territories belong to the Palestinians, and the articles of IHL should be applied on them, so building the apartheid wall is prohibited according to the rules of international law.

Article 53 of the Fourth Geneva Convention states that, "Any destruction by the occupying Power of real or personal property belonging individually or collectively to private persons, or to the state, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations."

As a result, what is Israel now doing by building such wall, destroying the fertile agricultural land, and demolishing the Palestinian houses clearly violates the rules of IHL, especially articles 33,147,153 which provide protection for the civilians under occupation. The rules of IHL prohibits the occupying power from destroying the civilians' crops and farms which they depend on for their life.

b. The International Court of Justice Advisory Opinion about the wall

The apartheid wall is built on the Palestinian land and deviates from the border by several kilometers, in such a way that it encompasses several settlements which surrounding the Palestinian areas.

The mentioned deviation cut off 16% of the West Bank to include it in a “closed area” where Palestinian populations may no longer stay unless they hold a special declaration issued by the Israelis.

The International Court of Justice in its advisory opinion stated that "construction of the wall on the Palestinian Territories was contrary to International Law for many reasons:"

.1It impedes the exercise by the Palestinian people of its right to self-determination.
.2It creates a “fait accompli” on the ground that could well become permanent, notwithstanding the Israeli government’s assurance that it does not amount to annexation and is of a temporary nature.
.3The route of the Wall consolidates the situation of Israel’s illegal settlements.
Its construction led to the destruction or requisition of properties under conditions that contravene Articles 46 and 52 of the 1907 Hague Regulations and Article 53 of the Fourth Geneva Convention.

The Wall and the establishment of a Closed Area impose substantial restrictions on the freedom of movement of Palestinians inhabiting the West Bank and their freedom to choose their residence. They entail serious repercussions for agricultural production, access to health services, educational establishments and sources of water by Palestinian residents of the Closed Area.

The ICJ called upon Israel to cease construction of the wall forthwith, to dismantle those parts that had been built and to make reparation for the damage caused. It called upon "all states" not to recognize the illegal situation resulting from construction of the wall and not to render aid or assistance in maintaining the situation created thereby, it added that all state parties to the Fourth Geneva Convention have the obligation to ensure compliance by Israel with IHL as embodied by the convention.

If we want to conclude, the wall affected the Palestinians life in many aspects: The amount of water available for drinking is scarce, they have to depend on the water from other resources; such as the near valleys and the water tanks. They were also deprived from cultivating the fertile land which always supplies them with their daily needs of fruits and vegetables. What is above mentioned is contrary to the rules of IHL.

3. Exploitation of the Palestinian water and the pillage of the Dead Sea water.
   a. Exploitation of the Palestinian water

   For many years, the Palestinian population of the West Bank, including East Jerusalem, has suffered from a shortage of clean, safe water. However, despite alarming predictions of insufficient water supplies by 2040, based on the expected population growth in the OPT, Jordan and Israel, water is not and has not been scarce in the region.

   Measures taken by the Israeli authorities, continue to deprive Palestinians of vital water resources necessary for a dignified standard of living. The Palestinians right to water is simply denied by the Israelis.

   Israel's illegal exercise of sovereign rights over the water resources in the West Bank attests to its "self-interested administration" of the region's shared water resources. Israel's water supply system, allocation of available water resources and denial of Palestinian access to and control over shared water resources have become a clear testament to its colonial and apartheid motives. The creeping annexation of Palestinian lands facilitates the territorial integration of the West Bank into Israel. Meanwhile, Israeli interests are simultaneously served through Israel's disproportionate share of water supplies, which are allocated to those residing in Israel proper and in Israel colonies in the OPT at the expense of Palestinians entitled to access to the same water resources.
   b. Pillage of the Dead Sea water

   Since the beginning of the occupation, Israel has been appropriating vast portions of the land in the Dead Sea area and lands under the sea that have merged following a decrease in the Dead Sea's level water level, by declaring and registering them as "state land". As a result, the Israeli authorities have dispossessed Palestinian extensive
portions of the Dead Sea land, effectively depriving them of the possibility of benefiting from the natural resources of the Dead Sea.

In a situation of occupation, the responsibilities of the occupying power with respect to the treatment of the occupied population and the occupied territory's natural resources are firmly regulated. Israel cannot deplete the natural resources located in the occupied Dead Sea area, but it may utilize them to meet specific military requirements. Essentially, as a temporary administrator of the OPT, Israel is prohibited from exploiting these resources in a way that undermines their capital and that benefits its own economy.

Conversely, Israel's practices in the occupied Dead Sea area result in serious violations of its international humanitarian and human rights law obligations as an occupying power in the OPT. These practices are implemented in such a way that grants only Israeli nationals, including settlers, the opportunity to benefit economically from the exploitation of the occupied territory's natural resources at the expense of the Palestinian population. Accordingly, these practices could amount to the war crime of pillage.

The right to self-determination and the principle of permanent sovereignty over their natural resources.

Israel illegally exercises sovereign rights over Palestinian natural resources. This demonstrates the existence of a governmental policy aimed at dispossessing the Palestinian population of their natural resources.

The right to self-determination constitutes an essential principle of international law and its realization is an indispensable condition for the effective guarantee and observance of individual human rights. The right to self-determination holds that all people have the right freely, without external interference, their political status and to pursue their economic, social and cultural development, and every state has the duty to respect this right in accordance with the provisions of the United Nations Charter. Rooted in the UN Charter and embodied in common Article 1 of the International Covenant on Civil and political Rights and the International Covenant on Economic, Social and Cultural Rights, is recognized as a peremptory international legal norm from which no derogation is permitted. Consequently, the obligation to ensure the enjoyment of the right to self-determination is owed by each State to the international community as a whole.

Since 1948, UN bodies, including the General Assembly and the Security Council, have reiterated the right of the Palestinian people to self-determination, at the same time condemning the continuous violation of this right by Israel. In addition, the General Assembly often linked this right with the fundamental principle of customary international law concerning 'permanent sovereignty over natural resources', clarifying that it is a fundamental component of the right to self-determination.

The principle of permanent sovereignty over natural resources prohibits the occupying power from unlawfully exploiting and disposing of the occupied territory's natural resources. Considered as an essential and inherent element of sovereignty, the principle protects the occupied population's ability to freely dispose of their natural wealth and resources in accordance with their interests of national development and well-being. This includes the right to use, conserve and manage natural resources to
promote natural development; to explore, develop and market them; and the right to an equitable share in transboundary water resources.

The right of the occupied population to permanent sovereignty over its natural resources becomes even more relevant when considering the situation of prolonged occupation, since the occupying power's right to use and 'consume the fruits' deriving from the occupied territory's property cannot last for an indefinite period. It should be noted that a situation of occupation is intended to be a temporary nature and the Article 55 of the Hague Regulations supports a narrow understanding of the concept 'enjoy the fruits'. However, Israel's interpretation of this notion effectively produces an incentive to prolong the occupation in order to maintain the permanent control over the water resources located in the OPT and to exploit them for its own benefit.

As a result, this practice directly compromises the Palestinian people's right of permanent sovereignty over their natural resources and risks enabling the occupying power to exploit these resources 'indefinitely', in clear defiance of the occupied population's right to self-determination.

5 Israeli's liability as an occupying power towards the Palestinian territories.

Article 43 of the Hague Regulations: The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

Article 43 of the Hague Regulations provides the general framework for the responsibility of the occupying power in the occupied territory. It requires the occupying power to undertake all measures in its 'power to restore and ensure public order and safety', and requires the occupying power to respect the laws and administrative rules in force in the occupied territory, unless absolutely necessary.

Since occupation is by definition temporary, the occupying power does not acquire sovereignty over the occupied territory and the natural resources therein. While the sovereign rights over the territory remain with the occupied population, their ability to exercise these rights is restricted by the regime of occupation, which prevents them from fully controlling their territory and natural resources. Under the law of occupation, the occupying power acts merely as the de facto administrator of the occupied territory. The administration of the territory must preserve the sovereign rights of the occupied population—thus protecting the occupied population and their property from exploitation and depletion by the occupying power. In particular, IHL imposes strict limitations on the occupying power's use of property and natural resources available in the occupied territory, thereby preventing the occupied power from exploiting the wealth of the occupied territory to benefit its own economy.

The measures adopted by the occupying power in the occupied territory must meet two important criteria: 1. The fulfillment of its own military necessity and 2. respect for the interests of the local population. Under no circumstances may Israel administer the occupied territory to benefit its own interests. The occupying power is allowed to adopt measures to counter threats to the security of its personnel and property (or administration) stationed in the occupied territory. However, these military necessities cannot result in trumping the needs of the occupied population.

Results
The study concluded to the following results:
1. Israel occupied the OPT, to exploit and get benefit from its natural resources. It is strictly and firmly forbidden to use state property of the occupied territory to draw economic benefits for Israeli’s economy or population.
2. It is obvious that mining and extracting natural resources for the economic benefit of the occupying power and its inhabitants constitutes a violation of international law and amount to the war crime of pillage, entailing responsibility for the State of Israel and for individuals who commit such a crime.
3. Colonialism, constructing the Apartheid Wall, transferring the civilian population to the OPT, and exploiting the natural resources is absolutely contrary to international law.
4. The Israeli authorities have always encouraged and give facilities to its civilian population to transfer and settle in the OPT.
5. Israel systematically and in a programmed way demolishes and destroys the infrastructure of the agricultural land, the water basins, the Dead Sea, and the other natural resource in the OPT.
6. Water and taxes turns are used as instruments of political and economic pressure.
7. The right to exploiting and getting benefit from the natural resources is legally binding and is linked to existing human rights treaties.
8. Construction of the Apartheid Wall in the West Bank shows and reveals the Israeli intention to annex and exploit the Palestinian natural Resources.
9. Israel violates the rules of IHL, Human Rights Law because it illegally exercises sovereign rights over the Palestinian natural resources. This action prevents the Palestinians from exercising their right to self-determination.
10. The Palestinians are victims of the serious and systematic environmental injustice arising from a lacuna built into the Oslo Accords. The self-autonomy structure does not provide satisfactorily for access to justice, nor is it satisfactory for victims of injustice to be reliant on the procedures of the belligerent occupying force.

Recommendations
The Israeli exploitation for the Palestinian natural resources in the OPT is contrary to the rules of IHL, it meets the requirement of the crime of pillage. Israel benefits from the Palestinian natural resources which supports the Israeli economy in one way or another.

Accordingly,
1. Israel has been violating the rules of IHL for about 48 years, so Israel must stop its unlawful exploitation of the Palestinian natural resources, such as the extensive destruction of the public and private properties, construction the apartheid wall, transferring the civilian population to the OPT, the pillage of the Dead Sea. So Israel must put to an end these activities which are contrary to the rules of IHL and Human Rights.
Israel must prevent 'mekorot' company from inequitably extracting the Palestinian share of the transboundary water resources, and must withdraw the mud mining permission which was granted to 'Ahava Dead Sea Laboratories Ltd.' in 2004. These firms must bear the international legal responsibility for the violation of the IHL rules.

Israel must put an end to its administrative and physical restrictions on access to and use of the whole shared water resources, and guarantee Palestinians the exercise of their sovereign rights, which means the permanent sovereignty over their natural resources.

Israel must comply with its customary duty to cooperate in the management, protection and preservation of the Palestinian natural resources.

Palestine State should demand the full compensation from Israel for exploiting and destroying the natural resources in Palestine. It can ask for help from the UN and the international community to implement this task.

Palestine State has to assess and evaluate all the legal steps that had been taken against Israel, especially those related to the discriminatory management regime that facilitates Israeli’s illegal exercise of sovereign rights over Palestinian natural resources.

The High Contracting Parties to the Geneva Conventions should comply with their obligations to ensure respect for the Geneva Conventions as established under Common Article 1 by taking effective measures to force Israel to abide by its obligations under IHL.

The international community has to comply with their obligations under international law, to uphold their responsibilities in the face of the Israel's grave breaches of peremptory norms of international law, such as preventing the Palestinians from exercising their right to self-determination, prohibition of colonialism and apartheid, and the destruction of the natural resources in the Palestine State.

The UN member states must take legal measures to pressure the Israeli State to halt its grave breaches of IHL and human rights law, and not provide any kind of assistance to Israel, including the commercial relationships.

References

1 Books
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