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Waad Abualrob

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RESEARCH ARTICLE

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# Environmental racism and occupation in international law: The case of Palestine

Waad Abualrob

Liberal Arts and Sciences, University of Westminster

## ABSTRACT

This article examines the rules governing environmental racism and the discriminatory allocation of environmental burdens based on race or ethnicity in situations of occupation under international law, with a particular focus on Palestine under prolonged Israeli occupation. I argue that Israel's systematic exploitation and degradation of the Palestinian environment – including illegal settlements, neglect of wastewater and hazardous waste disposal – amounts to environmental racism and eco-apartheid. These practices violate key norms under international humanitarian, human rights law and environmental law. Drawing on the recent International Court of Justice advisory opinion, multilateral environmental agreements, provisions of the law of occupation and other relevant human rights, the article explores the applicable legal framework and proposes concrete remedies, including restitution, compensation and satisfaction. It concludes by calling for enforceable accountability mechanisms to uphold the environmental rights of occupied populations and ensure equitable access to natural resources as a matter of justice and human dignity.

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## 1. Introduction

From the formal onset of apartheid<sup>1</sup> in South Africa in 1948 to the establishment of the Israeli state that same year, which many understood as an apartheid system from its beginning, political leaders, intellectuals and legal scholars across the Global South consistently viewed apartheid as part of the wider legal-political structure of

**CONTACT** Waad Abualrob  [w.abualrob1@westminster.ac.uk](mailto:w.abualrob1@westminster.ac.uk)  University of Westminster, 309 Regent Street, London W1B 2HW, UK.

<sup>1</sup>Apartheid, as a severe form of racial segregation and domination, was first prohibited under international law in the *International Convention on the Elimination of All Forms of Racial Discrimination* (adopted 21 December 1965, entered into force 4 January 1969) 660 UNTS 195 (ICERD). It was subsequently recognised as a crime against humanity in the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, and more comprehensively defined in the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid. The Committee on the Elimination of Racial Discrimination has affirmed the universal applicability of apartheid.

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colonialism rather than as something new or separate from it.<sup>2</sup> The South African Communist Party's description of apartheid as 'colonialism of a special type' reflected this understanding, which has since often been narrowed into a more limited notion of 'racial discrimination of a special type'.<sup>3</sup> In this broader framing, apartheid sat squarely within the category of colonial rule and foreign occupation. It, therefore, required similar forms of remedy, including collective liberation and the return of land.<sup>4</sup>

Most recently, the International Court of Justice (ICJ) issued a landmark advisory opinion, finding Israel responsible for apartheid through its discriminatory legislation and systematic measures in Palestine that enforce separation between Palestinians and illegal Israeli settlers, thus violating *the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*.<sup>5</sup> The court found Israel's measures in Palestine to be in breach of art 3 of the *ICERD*.<sup>6</sup> Article 3 obligates governments to prevent, prohibit and eradicate all racial segregation and apartheid.<sup>7</sup>

In recent years, analysis of the apartheid system in Palestine has become increasingly prominent within international legal debates, including in the work of legal scholars, United Nations (UN) bodies and mainstream Western human rights organisations.<sup>8</sup> However, much of this, except for some of the legal scholars,<sup>9</sup> does not actually engage with settler-colonialism in Palestine or acknowledge that the Israeli state was constituted, from 1948 onwards, through an apartheid framework. Instead, many mainstream interventions adopt a narrative suggesting that the situation only crossed the threshold into apartheid at a much later stage or in the more recent past.<sup>10</sup>

In this article, I argue that the racist policies and practices the Israeli occupation implemented extend beyond political and social domains to encompass environmental policies and practices directed at Palestinians and their environment. It approaches apartheid from a related but distinct angle by focusing on what may be described as ecological apartheid, understood here as a manifestation of environmental racism within a settler-colonial context in Palestine.

In doing so, it engages with a set of closely related, though not identical, concepts that capture different dimensions of environmental injustice, namely environmental racism, eco-apartheid and climate injustice. What unites these concepts is their grounding in race, colonial domination and discriminatory settler-colonial environmental policy and practice.<sup>11</sup> While all three concepts are relevant, in the article, environmental racism is primarily adopted as the most prevalent and analytically useful

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<sup>2</sup>N Erakat, D Li & J Reynolds 'Race, Palestine, and international law' (2023) 117 *American Journal of International Law* 77, 79–80.

<sup>3</sup>Ibid 80.

<sup>4</sup>Ibid 79.

<sup>5</sup>*Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Advisory Opinion) [2024] ICJ Rep General List No 186; see also, Declaration of Judge Dire Tladi, where the judge considers in a separate declaration that the Israeli policies and practices in the OPT amount to apartheid, paras 5, 36–41.

<sup>6</sup>Ibid.

<sup>7</sup>*ICERD* (note 1 above) arts 19 and 3.

<sup>8</sup>Erakat et al (note 2 above) 79–80.

<sup>9</sup>For an exception see, for example, Erakat et al (note 2 above) 79–80; J Dugard & J Reynolds 'Apartheid, international law, and the Occupied Palestinian Territory' (2013) 24 *The European Journal of International Law* 867, 883–884.

<sup>10</sup>Erakat et al (ibid) 79.

<sup>11</sup>S Molavi *Environmental Warfare in Gaza: Colonial Violence and New Landscapes of Resistance* (2024) 13–15, 22–25.

framework for understanding environmental injustice in Palestine, drawing on the other concepts where they are more appropriate to the specific form of harm under discussion. Accordingly, the concept of 'environmental racism' is employed to analyse environmental injustice and discrimination the Palestinians and their environment face under the prolonged Israeli occupation. In this context, environmental racism is defined as 'any policy, practice, or directive that differentially affects or disadvantages (whether intended or unintended) individuals, groups, or communities based on race or color'.<sup>12</sup> Therefore, environmental racism manifests itself through the unequal distribution of environmental risks and/or unequal access to clean environments, having a disproportionate impact on one group of individuals while shielding another group from such risks.<sup>13</sup> In other words, environmental racism during occupation refers to the deliberate or negligent actions of occupying powers that result in environmental degradation, disproportionately harming the occupied population, while shielding the occupier's own citizens from such harm.<sup>14</sup> These actions often include resource extraction, pollution, land confiscation and inadequate infrastructure for waste management, practices that collectively reinforce the systemic marginalisation and oppression of the occupied people.<sup>15</sup> Many scholars have characterised Israel's environmental policies in Palestine as part of a broader settler-colonial project, described variously as ecological apartheid, environmental colonialism or green racist capitalism.<sup>16</sup> Despite differences in terminology, these perspectives converge on the conclusion that Israeli environmental practices are rooted in systemic racism and domination.

Arguably, from a settler-colonial perspective, environmental injustice is part of a broader structural colonial project aimed at undermining indigenous peoples' relationships with their land and environment.<sup>17</sup> In the case of Palestine, this structural injustice manifests itself through a deliberate and systematic effort to dispossess and marginalise the Palestinian population, an effort embedded within the wider settler-colonial and apartheid policies.<sup>18</sup> Environmental racism, or environmental apartheid, in this context, refers to Israel's systematic exploitation of Palestinian land, water, and other natural resources, alongside the discriminatory allocation of environmental risks and burdens.<sup>19</sup> Palestinians are not only denied equitable access to these resources but are also disproportionately exposed to environmental harm resulting from Israeli military and settler-colonial intentional, systematic and racist policies.<sup>20</sup> These include land confiscation, water diversion, the destruction of agricultural areas and the relocation of polluting industries into or near Palestinian communities.<sup>21</sup>

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<sup>12</sup>R Bullard 'Environmental justice in the 21st century: Race still matters' (2015) 52 *Phylon* 72, 82.

<sup>13</sup>*Ibid.*

<sup>14</sup>S Hughes, S Velednitsky & A Green 'Greenwashing in Palestine/Israel: Settler colonialism and environmental injustice in the age of climate catastrophe' (2022) 6 *Environment and Planning E: Nature and Space* 495, 497.

<sup>15</sup>*Ibid.*

<sup>16</sup>See, for example, E Pearce 'Settler colonialism and the environment in Al-Walaja, Palestine' (2025) 29 *The International Journal of Human Rights* 1191; see also Hughes et al (note 14 above); A Abofoul 'Israel's ecological apartheid in the Occupied Palestinian Territory' *Opinio Juris* (22 October 2021).

<sup>17</sup>K Whyte 'Settler colonialism, ecology, and environmental injustice' (2018) 9 *Environment and Society* 125, 125.

<sup>18</sup>Hughes et al (note 14 above) 497.

<sup>19</sup>The Institute for Middle East Understanding (IMEU) 'Fact sheet: Israel's environmental apartheid in Palestine' (3 November 2022); F Itani & N Ataya *The Suffering of the Palestinian Environment and Farmers Under the Israeli Occupation* (2016) 7–8.

<sup>20</sup>*Ibid.*

<sup>21</sup>*Ibid.*

Since the outset of colonisation and occupation of Palestine, Israeli policies have aimed to transform the Palestinian landscape into one that is fragmented, ecologically degraded and ultimately unsustainable for Palestinian life.<sup>22</sup> In this sense, Palestine represents a paradigmatic example of environmental racism under occupation, where ecological harm functions as a tool of domination and erasure. This specifically aligns with the recently adopted advisory opinion of the ICJ concerning the situation in Palestine, in which the Court held that ‘evidence that Israel exploits natural resources in Area C<sup>23</sup> for benefit of its own population, to the disadvantage of the local Palestinian population – Israel’s use of natural resources in the Occupied Palestinian Territory (OPT) is inconsistent with its obligations under international law’.<sup>24</sup> Furthermore, at the time of writing, the war in Palestine, particularly in Gaza, continues, resulting in the deaths of thousands of civilians and the widespread destruction of infrastructure, including schools, hospitals, farmlands and greenhouses, as well as severe damage to trees and vegetation.<sup>25</sup> This extensive destruction by Israeli occupying forces has released large quantities of munitions and toxins, contaminating the air, soil and water, and posing significant threats to Gaza’s ecosystems and biodiversity.<sup>26</sup> Therefore, this article underscores the imperative of ensuring equitable and non-discriminatory access to a clean environment and natural resources in occupied territories, as guaranteed under international law, and in light of the UN General Assembly’s (UNGA) 2022 recognition of the independent right to a clean, healthy and sustainable environment.<sup>27</sup>

The occupying power under international law has to administer the occupied territory temporarily without having any sovereign rights over such territory.<sup>28</sup> As has been confirmed, the occupying power is an outsider authority to the territory it controls, and it is avowedly temporary.<sup>29</sup> During an occupation, the occupying power has legal obligations under the provisions of the law of occupation to take care of the occupied population and their territory.<sup>30</sup> Therefore, this duty must extend to protecting the environment, including the responsibility to prevent any unnecessary suffering of it and its natural resources in occupied territory, to let the occupied population live as normal a life as possible.<sup>31</sup> Several norms of international law govern an

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<sup>22</sup>Ibid.

<sup>23</sup>The 1995 Oslo II Accord divided the West Bank into three types of areas [...] 61% of the West Bank were designated Area C – the land mass surrounding Areas A and B, where Israel retains full control over security and civil affairs, including planning, building, laying infrastructure and development’. For more information about Area C in the West Bank, ‘Planning policy in the West Bank’ B’Tselem (6 February 2019).

<sup>24</sup>*Policies and Practices of Israel* (note 5 above).

<sup>25</sup><<https://forensic-architecture.org/investigation/ecocide-in-gaza>>; K Ahmed, D Gayle & A Mousa “Ecocide in Gaza”: Does the scale of environmental destruction amount to a war crime? *The Guardian* (29 March 2024).

<sup>26</sup>Ibid.

<sup>27</sup>UNGA ‘The human right to a clean, healthy and sustainable environment’ (26 July 2022) UN Doc A/RES/76/300 agenda item 74(b).

<sup>28</sup>Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land. (The Hague, IV) (signed at The Hague 18 October 1907, entered into force January 26 1910) (The Hague Regulations 1907) art 43.

<sup>29</sup>G Fox *Humanitarian Occupation* (2008) 4; see also A Roberts ‘What is a military occupation?’ (1985) 55 *British Yearbook of International Law* 249.

<sup>30</sup>Ibid.

<sup>31</sup>W Abualrob *Protection of the Environment under International Law During Occupation: International Humanitarian, Human Rights, and Environmental Law* (2025) 57.

occupying power's responsibilities towards the environment during occupation, requiring it to respect and protect the environment for as long as it maintains effective control over the occupied territory.<sup>32</sup>

Very few scholars have, in fact, examined environmental harm in situations of military occupation,<sup>33</sup> and even fewer have engaged in sustained analysis of environmental racism in occupied territories. As a result, environmental racism under occupation remains significantly underexplored, with limited legal analysis and insufficient conceptual frameworks within international law. This article addresses this gap by extrapolating an international legal framework governing environmental racism during military occupation, with Palestine as its primary case study. It focuses on the period of the Israeli occupation of the OPT since 1967, including the West Bank, East Jerusalem, and the Gaza Strip, while situating these developments within the broader settler-colonial context of Palestine since 1948.

Through an analysis of systemic injustices produced by Israel's illegal occupation, it examines practices such as the establishment of illegal civilian and industrial settlements, the neglect and obstruction of wastewater treatment, and the destruction of agricultural land and water wells. These practices not only degrade the environment and undermine the value of its natural resources but also constitute forms of environmental racism and violations of multiple international human rights obligations.

The article adopts environmental racism as its central analytical framework, within which related concepts, including ecological apartheid and/or eco-apartheid, are situated. To the author's knowledge, there is gap in analysis of environmental racism in occupied territories through the combined lenses of international humanitarian law (IHL), international human rights law (IHRL) and international environmental law (IEL). This article aims to fill that gap, offering a detailed legal analysis of this urgent and underexplored issue in international law before turning to the legal consequences of such violations, including questions of reparation and accountability under international law.

## 2. The international legal framework applicable to environmental injustice in times of occupation

The analysis that follows draws on IHRL, IHL and IEL. While each of these branches establishes distinct legal obligations, contemporary jurisprudence increasingly reflects their interrelationship. Accordingly, rather than examining each body of law in isolation, this section considers them together, as multiple sources of law often emerge simultaneously in existing jurisprudence.

Situations of occupation are governed by provisions of the law of occupation, which determines the occupying power's rights and duties and the relationship between the occupant and the occupied population in the occupied territory. Other branches of public international law are also applicable to situations of occupation, such as IHRL and IEL.

<sup>32</sup>Ibid.

<sup>33</sup>See for example, Abualrob (note 31 above); K Hulme 'Enhancing environmental protection during occupation through human rights' (2020) 10 *Göttingen Journal of International Law* 203.

I take such an application as a matter of fact, in particular, after several international and regional court rulings, confirming such applications, such as the rulings of the ICJ and the European Court of Human Rights (ECtHR). In 1996, in the Nuclear Weapons Advisory Opinion, the ICJ held that IHRL applies to situations of armed conflict.<sup>34</sup> Furthermore, the ICJ, in its two advisory opinions regarding the Israeli illegal occupation of Palestine in 2004 and 2024, conformed to the continued application of human rights conventions to situations of occupation.<sup>35</sup> For example, its advisory opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* stated, ‘the Court considers that the protection offered by human rights conventions does not cease in case of armed conflict’.<sup>36</sup> Specifically, the ICJ has provided the extraterritorial application of the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the UN Convention on the Rights of the Child (UNCRC) in the context of outside of the state parties’ borders (extraterritorially) and under what circumstances.<sup>37</sup> Twenty years later, the ICJ confirmed again that ‘the protection offered by human rights conventions does not cease in case of armed conflict or of occupation’.<sup>38</sup> The Court further observed, ‘Israel remains bound by the ICCPR and the ICESCR in respect of its conduct with regard to the [OTP]’.<sup>39</sup> The ICJ, in the same advisory opinion, stated that the UN *ICERD* applies to situations of occupation, when the Court provided that *ICERD* ‘is also applicable to conduct of a State party which has effects beyond its territory [...] In the Court’s view, Israel must comply with its obligations under *ICERD* in circumstances in which it exercises its jurisdiction outside its territory’.<sup>40</sup> Furthermore, the ICJ, in case law between *DRC v Uganda* in 2005 and 2022, confirmed the continued application of human rights conventions to situations of armed conflict and occupation.<sup>41</sup>

In different cases, the ECtHR stated that the European Convention on Human Rights (ECHR) applies to armed conflict and occupation situations.<sup>42</sup> Furthermore, the International Law Commission (ILC), in the draft articles on the effects of armed conflicts on treaties, provides that IHRL treaties continue to be in operation, in times of armed conflict.<sup>43</sup> Moreover, some IHRL conventions allow for derogations during

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<sup>34</sup>*Legality of the Threat or Use of Nuclear Weapons* (Advisory Opinion ICJ Reports 1996) para 25.

<sup>35</sup>*Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion ICJ Reports 2004); *Policies and Practices of Israel* (note 5 above).

<sup>36</sup>*Wall Advisory Opinion* (ibid) para 106.

<sup>37</sup>Ibid para 107.

<sup>38</sup>*Policies and Practices of Israel* (note 5 above) para 99.

<sup>39</sup>Ibid para 100.

<sup>40</sup>Ibid para 101.

<sup>41</sup>*Armed Activities on the Territory of the Congo Democratic Republic of the Congo v Uganda* (Judgment ICJ Reports 2005) paras 178, 216–217, 219, 345; see also *Armed Activities on the Territory of the Congo DRC v Uganda* (ICJ Judgment 9 February 2022) paras, 5, 52, 54–55, 65, 69, 78, 125, 133, 145, 188, 241.

<sup>42</sup>*Loizidou v Turkey* ECtHR Appl No 40/1993 (435/514) Preliminary Objection (23 February 1995), para 62; see also *Loizidou v Turkey* Reports of Judgments and Decisions 1996-VI (18 December 1996) para 16; *Cyprus v Turkey* ECtHR Appl No 25781/94 Judgment (10 May 2001) paras 71, 77, 101; *Al-Jedda v the United Kingdom* Grand Chamber Judgment Appl No 27021/08 (ECtHR 2011); *Al-Skeini v the United Kingdom* Appl No 55721/07 (ECtHR 7 July 2011); *Chiragov v Armenia* ECtHR Judgment (Merits) (Appl No 13216/05) Judgment (16 June 2015) paras 32, 63, 67, 96, 100, 128, 168, 220.

<sup>43</sup>International Law Commission (ILC) ‘Draft articles on the effects of armed conflicts on treaties’ with commentaries adopted by the ILC at its 63rd session in 2011, and submitted to the UNGA as a part of the Commission’s report covering the work of that session UN Doc (A/66/10) draft art 7.

armed conflict. Thus, they implicitly recognise that these conventions are applicable in armed conflict and occupation.<sup>44</sup> Additionally, during times of occupation, the occupying power must govern the occupied territory in a way similar to what it used to be in peacetime, where the relationship between the government of the occupied territory and the population of that territory is regulated by human rights.<sup>45</sup> Today, many international law scholars agree that IHRL applies in times of occupation.<sup>46</sup>

I extend this reasoning to the applicability of IEL, including multilateral environmental agreements (MEAs), in similar contexts. Any normative conflicts between these three branches of international law should be resolved through interpretation in accordance with art 31(3)(c) of the Vienna Convention on the Law of Treaties (VCLT), which requires that IHL be applied in consideration of other relevant rules of international law.<sup>47</sup> This rule embodies the idea that the international legal system can be understood as a coherent system in which different sets of legal rules coexist harmoniously.<sup>48</sup>

The law of occupation is also relevant here, which is a specific subset of the *jus in bello*, also known as 'IHL' or the law of armed conflict,<sup>49</sup> and it applies to international armed conflict only.<sup>50</sup> The provisions of the law of occupation are mainly contained in the Hague Regulations 1907, the fourth Geneva Convention (GCIV) 1949 and the first Additional Protocol (API) 1977.<sup>51</sup> The rules embodied in the Hague Regulations are considered to reflect customary IHL and thus, they bind all states worldwide.<sup>52</sup> Several provisions of the GCIV 1949 are already recognised as a part of customary IHL, and at the same time, they constitute an essential part of the treaty law.<sup>53</sup> Furthermore, the API is applicable during times of occupation as long as the states are parties to it.<sup>54</sup> However, some of its rules correspond to customary international humanitarian law and the ones that do so bind non-contracting states.<sup>55</sup> The law of occupation determines the rights and obligations of an occupying state.<sup>56</sup>

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<sup>44</sup>Article 4 of the International Covenant on Civil and Political Rights (ICCPR), 1966; see also art 15 of the European Convention on Human Rights, 1950; see also art 27 of the American Convention on Human Rights, 1969.

<sup>45</sup>M Longobardo *The Use of Armed Force in Occupied Territory* (2018) 69–71.

<sup>46</sup>Abualrob (note 31 above) 69–81; see also R Provost *International Human Rights and Humanitarian Law* (2002) 19; Y Takahashi *The Law of Occupation: Continuity and Change of International Humanitarian Law, and its Interaction with International Human Rights Law* (2009) 401–407; Longobardo (note 45 above) 62; E Benvenisti *The International Law of Occupation* 2 ed (2012) 12–15; S Vité, 'Occupation' in B Saul & D Akande (eds) *The Oxford Guide to International Humanitarian Law* (2020) 300–303, 314. Contra, see M Dennis 'Application of human rights treaties extraterritorially in times of armed conflict and military occupation' (2005) 99 *American Journal of International Law* 119, 119.

<sup>47</sup>Vienna Convention on the Law of Treaties (adopted on 23 May 1969, entered into force 27 January 1980) art 31(3)(c).

<sup>48</sup>Abualrob (note 31 above) 85.

<sup>49</sup>Y Dinstein *The International Law of Belligerent Occupation* 2 ed (2019) 3.

<sup>50</sup>H Gasser 'Protection of the civilian population: Belligerent occupation' in D Fleck (ed) *The Handbook of International Humanitarian Law* 2 ed (2009) 272.

<sup>51</sup>UN ILC 'First report on protection of the environment in relation to armed conflicts by Marja Lehto, Special Rapporteur' (A/CN.4/720) (30 April 2018) para 27.

<sup>52</sup>*Policies and Practices of Israel* (note 5 above) para 89.

<sup>53</sup>J Henckaerts & L Doswald-Beck *Customary International Humanitarian Law* (2009).

<sup>54</sup>UN ILC (note 51 above) para 27; see also Protocol Additional to the Geneva Conventions on 12 August 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3 (Additional Protocol I) art 1(3).

<sup>55</sup>Henckaerts & Doswald-Beck (note 53 above).

<sup>56</sup>Gasser (note 50 above) 270.

The rights of local people living in an occupied territory have been greatly improved under the norms of the law of occupation, particularly after the World War II and the adoption of the GCIV in 1949, which significantly widened the rights of the local population, as well as the moment when the Nuremberg Military Tribunal declared the Hague Regulations part of customary international law.<sup>57</sup>

The international legal framework provides avenues for addressing environmental racism and human rights violations in situations of occupation that mainly the ICESCR and the ICCPR represent. According to art 2 of both Covenants of Human Rights, the rights enshrined in both Covenants should be exercised without discrimination of any kind, including in situations of occupation.<sup>58</sup> For example, art 2(1) of the ICCPR provides that:

each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.<sup>59</sup>

According to art 2 of the Universal Declaration of Human Rights (UDHR):

no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.<sup>60</sup>

This includes the right of occupied peoples to enjoy their natural wealth, resources, and a safe, clean, healthy, sound and sustainable environment without discrimination.<sup>61</sup>

Furthermore, the *ICERD*, as discussed above and as the ICJ confirmed, applies to discriminatory policies and practices an occupying power carries out in occupied territory; in this respect, the ICJ expressly referred to Israel.<sup>62</sup> Article 5 of the *ICERD* provides that:

States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law.<sup>63</sup>

The ICERD Committee has interpreted art 5 as imposing positive obligations upon states to eliminate both direct and indirect forms of racial discrimination, including in relation to access to health, housing, property, safe food, safe drinking water and

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<sup>57</sup>Ibid 270-271; see also *Trial of the Major War Criminals before the International Military Tribunal (Nuremberg, 14 November 1945 – 1 October 1946)* (IMT 1947) vol XXII, 497.

<sup>58</sup>UNGA International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) (ICESCR) art 2(2); see also UNGA ICCPR (adopted 16 December 1966, entered into force 23 March 1976) 999 UNITS 171 (ICCPR) art 2(1).

<sup>59</sup>ICCPR (ibid).

<sup>60</sup>UNGA Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217A (III)) (UHDR) UN Doc A/810 at 71 (1948) art 2.

<sup>61</sup>UNGA 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967' A/HRC/40/73 (30 May 2019) paras 27, 35, 38.

<sup>62</sup>*Policies and Practices of Israel* (note 5 above) para 101.

<sup>63</sup>International Convention on the Elimination of All Forms of Racial Discrimination (adopted 21 December 1965, entered into force 4 January 1969 UNGA Res 2106 (XX)) (RD) art 5.

adequate sanitation, among other areas that environmental and climate-related harm closely affect.<sup>64</sup>

In this regard, the Committee has clarified that art 5(e)(iv) of the Convention requires states to ensure: ‘the prevention of health-harming conditions, including climate change and environmental hazards.’<sup>65</sup> Moreover, in its *General Recommendation No 37 on Equality and Freedom from Racial Discrimination in the Enjoyment of the Right to Health*, the Committee further emphasises that States parties to the ICERD should refrain from: ‘Conducting activities that cause disproportionate environmental damage’,<sup>66</sup> and from ‘expropriating lands from, and displacing, Indigenous Peoples without their prior, free and informed consent; and installing waste disposal sites or other environmental hazards on Indigenous Peoples’ territories.’<sup>67</sup>

While the prohibition of racial discrimination under ICERD, the ICESCR, the ICCPR and the UDHR provide the primary legal framework for analysing environmental racism in Palestine under IHRL, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) further reinforces these obligations by requiring ‘State Parties shall take all appropriate measures to eliminate discrimination against women in all matters.’<sup>68</sup> CEDAW’s Committee has recognised that environmental harm can undermine the enjoyment of all human rights protected under CEDAW, and stresses that State parties to the Convention are bound to apply the Convention and other IHRL and IHL obligations at all times, including in situations of armed conflict and occupation.<sup>69</sup>

Consequently, I argue that obligations under IHRL bind the occupying powers to uphold principles of non-discrimination and ensure equitable access to a safe, clean and healthy environment. The UNGA in 2022 took an important step by formally recognising the right to a clean, healthy and sustainable environment as a fundamental human right.<sup>70</sup> This recognition aligns with a resolution the Human Rights Council (HRC) adopted in 2021.<sup>71</sup> Moreover, the 2022 UNGA resolution references the framework principles on Human Rights and the Environment the HRC adopted in 2018 – notably that ‘States should prohibit discrimination and ensure equal and effective protection against discrimination in relation to the enjoyment of a safe, clean, healthy and sustainable environment.’<sup>72</sup>

Article 11 of the ICESCR mentions ‘the right to an adequate standard of living’ and art 12 ‘the right to health’ – both include environmental dimensions that

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<sup>64</sup>Committee on the Elimination of Racial Discrimination *General Recommendation No 37 (2024) on Equality and Freedom from Racial Discrimination in the Enjoyment of the Right to Health* (CERD/C/GC/37) (21 February 2025) paras 20, 22 and 23.

<sup>65</sup>Ibid para 46.

<sup>66</sup>Ibid, para 51(f).

<sup>67</sup>Ibid para 51(h).

<sup>68</sup>Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981 UNGA Res 43/180) (CEDAW) art 16(1)(h).

<sup>69</sup>CEDAW *General Recommendation No 30 on Women in Conflict Prevention, Conflict and Post-conflict Situations* (CEDAW/C/GC/30) (18 October 2013) paras 9 and 12(C); see also Report of the Committee on the Elimination of Discrimination against Women for the Twenty-fourth & Twenty-fifth Sessions, Implementation of art 21 of the Convention: Gender and Sustainable Development (1 January 2001) UN Doc A/56/38, 385.

<sup>70</sup>UNGA (note 27 above).

<sup>71</sup>UNGA Human Rights Council ‘The human right to a safe, clean, healthy and sustainable environment’ A/HRC/48/L23/Rev 1 (5 October 2021).

<sup>72</sup>The UNHRC ‘Framework principles on human rights and the environment’ (2018) framework principle 3.

environmental degradation or pollution the occupying power caused or allowed may violate.<sup>73</sup>

Such obligations also derive from the provisions of the law of occupation, such as the obligations under art 43 of the Hague Regulations of 1907 requiring occupying powers to ensure public order, civil life and welfare in occupied territory.<sup>74</sup> Article 55 of the same regulations requires occupying powers to act as administrators and usufructuaries of natural resources in occupied territories, which means prohibiting their exploitation for discriminatory or destructive purposes.<sup>75</sup> For example, any overexploitation of natural resources in a discriminatory manner in an occupied territory is contrary to the law of occupation and to the rule of usufruct, as mentioned under art 55 of the Hague Regulations, which applies to forests and agricultural estates belonging to the occupied territory.<sup>76</sup> Therefore, the occupying power is prohibited from exploiting such resources for the benefit and in favour of its own population and ignoring the needs of the occupied population.<sup>77</sup> That is, such discriminatory policies and a failure to protect such natural resources in an occupied territory will eventually lead to environmental harm, which might threaten the viability and usefulness of these resources and affect the life of the occupied population.<sup>78</sup> Moreover, it is generally accepted that the occupying power should not use the natural resources belonging to the occupied territory for its own domestic purposes. For example, in *Bataafsche Petroleum v The War Damage Commission*, the Singapore Court of Appeal denounced the Japanese occupation for unlawfully transferring resources from occupied Sumatra to the territory of Japan for the benefit of the Japanese population and ignoring the vital needs of the Sumatran one at the time.<sup>79</sup> This constituted a clear violation of Japan's obligation as an occupying power over Sumatra at that time, and in particular, a violation of art 55 of the Hague Regulations, specifically to the rules of usufruct.<sup>80</sup> Furthermore, the GCIV of 1949 contains obligations that can offer protection to the environment of the occupied territory against certain discriminatory actions and policies the occupying power implement. For example, under art 56 of the GCIV, the occupying power is responsible for preserving public health and hygiene in the occupied territory.<sup>81</sup> Consequently, any detrimental effect on human health due to an occupying power's environmental contamination must be regarded as a prohibited act under art 56 of the GCIV.<sup>82</sup> Moreover, API 1977 considers the destruction of agricultural areas, crops, livestock, drinking water installations and irrigation works as prohibited acts.<sup>83</sup>

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<sup>73</sup> Abualrob (note 31 above) 139.

<sup>74</sup> The Hague Regulations (note 28 above) art 43.

<sup>75</sup> *Ibid* art 55; see also Abualrob (note 31 above) 29-30.

<sup>76</sup> S Vité 'The Interrelation of the law of occupation and economic, social and cultural rights: The examples of food, health and property' (2008) 90 *International Review of the Red Cross* 629, 646-648.

<sup>77</sup> M Tignino 'Principle 23: "The environment of oppressed peoples"' in J Viñuales (ed) *The Rio Declaration on Environment and Development: A Commentary* (2015) 557, 559-562.

<sup>78</sup> *Ibid* 559.

<sup>79</sup> *Bataafsche Petroleum Maatschappij v The War Damage Commission* 1956 22 MLJ 155, 159 (Court of Appeal Singapore) (13 April 1956).

<sup>80</sup> *Ibid*.

<sup>81</sup> Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (12 August 1949) art 56.

<sup>82</sup> Hulme (note 33 above) 210-211.

<sup>83</sup> Additional Protocol 1 to the Geneva Conventions of 1977 arts 48, 54(2) and 57(2)(a)(ii).

IEL is a cornerstone in preventing and prohibiting environmental racism in situations of occupation. It, particularly through MEAs, complements IHRL and IHL in addressing environmental racism during occupation. My stance is mainly based on the arguments presented above: that international law constitutes a coherent legal system, and its rules complement and harmonise each other.<sup>84</sup> This means that its rules must be understood as having been drafted and coordinated to complement and function in conjunction with each other.<sup>85</sup> Therefore, the protection IEL provides should remain applicable even when other branches of international law, such as IHL and IHRL, are in effect. The harmonisation of IEL, IHL and IHRL would enhance the protection of the environment during times of occupation and offer robust legal protection against the occupying power's environmental racism policies and practices.<sup>86</sup> Binding and non-binding documents of IEL can be relevant to environmental racism in times of occupation. However, non-legally binding instruments of IEL have directly addressed the issue of the environment in times of occupation. For example, the *Rio Declaration* of 1992 expresses a position for the occupying power to respect and protect the environment in times of occupation.<sup>87</sup> For instance, it provides that 'the environment and natural resources of people under [...] occupation shall be protected'.<sup>88</sup> The *Rio Declaration* was the first universal legal instrument to emphasise the rights of people living under occupation 'in relation to both the use of natural resources and the protection of the environment'.<sup>89</sup> Arguably, principle 23 can constitute the legal basis under IEL in relation to protecting the environment against discriminatory environmental actions and policies that may be implemented and/or adopted by the occupying power.

There are also binding instruments under IEL that may be used to provide protection to the environment by drawing limitations against the abusive acts that may be conducted by the occupant against the environment, including some racist environmental policies and practices. For example, the Convention on Biological Diversity (Biodiversity Convention) can enhance the protection provided to the environment by preventing the occupying power from implementing racist policies against the environment and the biodiversity of the occupied territory.<sup>90</sup> The occupying power's activities may put biodiversity in the occupied territory in danger. These activities may lead to a mass reduction in biodiversity, particularly by destroying plants and animal habitats.<sup>91</sup> The Biodiversity Convention was drafted to address such challenges, and it enjoys an almost universal status, to which most probably both the occupied state and the occupying state are party.<sup>92</sup> For example, Israel has been a state party to the Biodiversity Convention since 1996.<sup>93</sup>

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<sup>84</sup> Abualrob (note 31 above) 149-150.

<sup>85</sup> UNGA 'Fragmentation of international law: Difficulties arising from the diversification and expansion of international law – Report of the study group of the International Law Commission' (A/CN.4/L.702) (18 July 2006) para 14.

<sup>86</sup> Abualrob (note 31 above) 150; see also W Abualrob, M Longobardo & R Mackenzie 'Applying international environmental law conventions in occupied territory: The *Azerbaijan v Armenia* case under the Bern Convention' (12 May 2023) *Blog of the European Journal of International Law*.

<sup>87</sup> UN Conference on Environment and Development *The Rio Declaration* (1992) principle 23.

<sup>88</sup> *Ibid.*

<sup>89</sup> Tignino (note 77 above) 557.

<sup>90</sup> Abualrob (note 31 above) 178-183.

<sup>91</sup> *Ibid.*

<sup>92</sup> *Ibid.*

<sup>93</sup> <<https://www.cbd.int/countries/default.shtml?country=il>>.

Additional support for the argument that the Biodiversity Convention should remain applicable in times of occupation can be found in art 4 of the Convention.<sup>94</sup> This article governs the Convention's jurisdictional scope, encompassing all activities within the national jurisdiction of a state party as well as those carried out beyond its borders, but under its 'jurisdiction or control' (that is, the Convention's extraterritorial application).<sup>95</sup> Article 4 is particularly pertinent in the context of occupation, as it establishes that a state party is responsible for all activities under its control, even if these occur outside its national territory.<sup>96</sup> Thus, the occupying power, if it is a state party to the Biodiversity Convention, must consider its legal obligations under its provisions when it occupies other states' territories.<sup>97</sup>

Biodiversity plays a vital role in ecosystem functioning and provides both direct and indirect benefits (or ecosystem services) that fulfil human and societal needs, including health, food and nutrition security, energy supply, freshwater, medicines, livelihoods and spiritual well-being.<sup>98</sup> Moreover, maintaining healthy biodiversity among local flora and fauna is essential for the economic stability and overall welfare of the population.<sup>99</sup> Environmental harm, such as water and soil contamination, hazardous chemical and waste pollution, air pollution or other factors causing ecosystem degradation, contributes to biodiversity loss and poses significant risks to human health and well-being.<sup>100</sup> Consequently, the obligation of an occupying power under the Biodiversity Convention may be understood in light of art 43 of the Hague Regulations, which mandates the preservation of public order, normal and civil life, and the welfare of the occupied population.<sup>101</sup> Additionally, as mentioned above, the occupying power is bound by the right to health, ensuring that the occupied population enjoys their right to both physical and mental health. Protecting biodiversity, therefore, can contribute to protecting human health, welfare and well-being, while at the same time, the duty to protect human health requires protection of biodiversity (reciprocal relationship), as the two are inherently interconnected.<sup>102</sup>

Another MEA that applies to situations of occupation and can provide protection to the environment and climate of the occupied territory against the occupying power's racially discriminatory policies is the 2015 Paris Agreement on Climate Change.<sup>103</sup> Although it is primarily a climate-focused treaty, it forms part of the broader legal framework applicable to environmental racism in times of occupation, particularly where ecological harm disproportionately affects the occupied population and their territory as a result of greenhouse gas (GHG) emissions from the occupying power's activities, such as military operations, settlement infrastructure or resource extraction.<sup>104</sup>

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<sup>94</sup>UN The Biodiversity Convention (adopted 22 May 1992, entered into force 29 December 1993) art 4(b).

<sup>95</sup>*Ibid.*

<sup>96</sup>*Ibid.*

<sup>97</sup>Abualrob (note 31 above) 181-182.

<sup>98</sup>UN Environment Programme, Convention on Biological Diversity & World Health Organization *Connecting Global Priorities: Biodiversity and Human Health: A State of Knowledge Review* (2015) 26.

<sup>99</sup>World Health Organization & Secretariat of the Convention on Biological Diversity *Connecting Global Priorities: Biodiversity and Human Health* (2015).

<sup>100</sup>*Ibid.*

<sup>101</sup>Abualrob (note 31 above) 182.

<sup>102</sup>*Ibid.*

<sup>103</sup>Paris Agreement (adopted on 12 December 2015, entered into force on 4 November 2016).

<sup>104</sup>R Pezzot 'IHL in the era of climate change: The application of the UN climate change regime to belligerent occupations' (2023) 105 *International Review of the Red Cross* 1071, 1074, 1078.

These activities may significantly increase GHG levels. Where such emissions disproportionately affect the occupied population or degrade their environment, they may constitute a form of climate injustice, potentially amounting to a breach of the occupying power's obligations under the Paris Agreement.<sup>105</sup>

Notably, as the vast majority of states worldwide have ratified the Paris Agreement,<sup>106</sup> the occupying power is likely itself a party to the treaty and therefore bound by its provisions.<sup>107</sup> For example, Israel is a state party to the convention, thus it must be bound by its provisions.<sup>108</sup> In the context of occupation, where the occupying power exercises effective control over an occupied territory, its obligations under the Paris Agreement continue to apply.<sup>109</sup>

More recently, the ICJ adopted the 2025 *Advisory Opinion on the Obligations of States in respect of Climate Change*.<sup>110</sup> The *Advisory Opinion* emphasises states' obligations under international climate change treaties, including those arising from the 2015 Paris Agreement. Although the *Advisory Opinion* is primarily concerned with the protection of the climate system and states obligations regarding GHG emissions, the principles the court state are relevant and applicable to situations of occupation. For example, the ICJ states that:

states have a duty to prevent significant harm to the environment by acting with due diligence and to use all means at their disposal to prevent activities carried out within their jurisdiction or control from causing significant harm to the climate system and other parts of the environment.<sup>111</sup>

Significantly, the court characterises this obligation as reflecting customary international law,<sup>112</sup> meaning that it applies to all states irrespective of their status under specific climate change treaties. These obligations are especially relevant in contexts where a state exercises effective control over a territory. In such circumstances, the duty of due diligence requires the controlling state to prevent environmental harm arising from activities under its authority or control. Applied to situations of occupation, including Palestine under the Israeli occupation, this means that Israel's failures to prevent pollution, land degradation, water contamination and the depletion of natural resources cannot be dismissed as incidental or unavoidable consequences, particularly where such harm is foreseeable.<sup>113</sup> Where these breaches occur systematically through racialised and colonial patterns, they amount to violations of due diligence obligations under IEL, particularly as expressed by the ICJ's 2025 *Advisory Opinion*. Accordingly, the ICJ *Opinion* reinforces the argument advanced above, namely that an occupying power, including Israel, is required to refrain from implementing policies and practices incompatible with its international climate obligations, particularly racialised and discriminatory environmental practices in occupied territories. The

<sup>105</sup>Ibid 1086.

<sup>106</sup><[https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XXVII-7-d&chapter=27&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-7-d&chapter=27&clang=_en)>.

<sup>107</sup>Pezzot (note 104 above) 1081.

<sup>108</sup><[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVII-7-d&chapter=27&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-d&chapter=27&clang=_en)>.

<sup>109</sup>Pezzot (note 104 above) 1081.

<sup>110</sup>ICJ *Advisory Opinion on the Obligations of States in Respect of Climate Change* No 2025/36 (23 July 2025).

<sup>111</sup>Ibid.

<sup>112</sup>Ibid.

<sup>113</sup>Abualrob (note 31 above) 58-59.

ICJ's articulation of the principle of equity, again in the 2025 *Opinion*, further strengthens this conclusion.<sup>114</sup>

While this article draws upon the legal frameworks of IHL, IHRL and IEL to examine environmental racism in times of occupation, it also recognises the limitations of international law in practice. It acknowledges that international law, historically, has not functioned as a neutral or universally protective tool; instead, it emerged from a racial imaginary, a 'white international' that historically legitimised European domination while rendering racialised harm legally invisible.<sup>115</sup> Furthermore, international law has often functioned more as a political tool than a protective one, especially in colonial and racialised contexts, such as Palestine, where legal mechanisms have been used to legitimise settler-colonial domination, rather than restrain it.<sup>116</sup> As Noura Erakat observes, 'Throughout the course of the Palestinian struggle for freedom, international law has seemed futile, if not irrelevant.'<sup>117</sup> However, international legal norms – despite being instrumentalised by some colonial powers, such as Israel – continue to hold transformative potential, particularly when interpreted holistically and through a decolonial lens. As I have demonstrated in an earlier analysis, IHL, IHRL and IEL can collectively provide a coherent and enforceable framework that holds occupying powers accountable for environmental harm and upholds the rights of occupied populations.<sup>118</sup> This duality, between the law's political use and its normative aspirations, frames the analysis that follows, affirming that international law, while imperfect, remains a vital mechanism in addressing structural environmental injustice under occupation.

Having established the legal framework relevant to addressing environmental racism during times of occupation, the discussion will now turn to Palestine as a focused case study.

### 3. Manifestations of environmental racism in Palestine

Considering the relevant legal framework under IHL, IHRL and IEL, Palestine presents a compelling case study of environmental racism in the context of occupation. The occupying power, Israel, has enacted systematic practices and discriminatory policies that target the environment in Palestine. These actions constitute a form of environmental racism. The conditions in the West Bank, East Jerusalem and Gaza, as well as in Palestinian communities within Israel's internationally recognised borders, exemplify racially discriminatory environmental policies that severely impact upon the natural resources and ecological well-being of the Palestinian population.<sup>119</sup> This section examines key manifestations of these practices, beginning with settlement expansion and its environmental implications, followed by the discriminatory allocation and control of water resources, and the transfer and disposal of hazardous waste, all of

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<sup>114</sup>Note 110 above.

<sup>115</sup>C Gevers 'Unwhitening the world': Rethinking race and international Law' (2021) 67 *University of California Los Angeles Law Review* 1652, 1655–1656.

<sup>116</sup>N Erakat *Justice for Some: Law and the Question of Palestine* (2019) 2–5.

<sup>117</sup>*Ibid* 2.

<sup>118</sup>Abualrob (note 31 above) 195–196.

<sup>119</sup>IMEU (note 19 above).

which collectively illustrate the broader pattern of environmental racism imposed on Palestinians and their environment.

### **3.1 Israeli settlements as instruments of racial discrimination and environmental domination**

There are several activities Israel has conducted that have harmed the environment, which could be considered a violation of both the Covenants of Human Rights, along with its obligations under the law of occupation and IEL. For instance, the environmental harm resulting from the Israeli illegal settlements in the West Bank and East Jerusalem is affecting Palestinians' right to enjoy their natural wealth and resources under art 1 of both Covenants of Human Rights.<sup>120</sup> It prevents the Palestinians from freely exploiting their natural resources, such as water sources, which, in turn, violates their right to self-determination.<sup>121</sup> The ICJ describes Israel's policies in the OPT as a whole as discriminatory against Palestinians and their territory, particularly in Area C in the West Bank.<sup>122</sup> For example, the ICJ found that the Israeli discriminatory policy for decades of exploiting the natural resources in Area C for its own benefit and for the benefit of the illegal settlers and settlements, while ignoring the local Palestinian population, is in breach of its obligation under art 1 of both Covenants of Human Rights to respect the Palestinian people's permanent sovereignty over their natural wealth and resources and exercise of their right to self-determination.<sup>123</sup> According to Marco Longobardo:

the international community has realised that the availability of natural resources is one pivotal component of the principle of self-determination—people can actually gain independence, determine its constitutional architecture, and choose an international policy only if it has full control over its resources.<sup>124</sup>

Furthermore, the Human Rights Council affirms 'the applicability of the principle of permanent sovereignty over natural resources to the Palestinian situation as an integral component of the right to self-determination'.<sup>125</sup> The UNGA has also confirmed the application of the principle of self-determination in the OPT.<sup>126</sup> The ICJ has twice confirmed the applicability of the principle of self-determination in the OPT in the 2004 and 2024 *Advisory Opinions* and confirmed its binding upon Israel.<sup>127</sup> Therefore, the Israeli settlement policy in Palestine, particularly in Area C of the West Bank, represents a clear manifestation of environmental racism in the context of occupation.<sup>128</sup>

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<sup>120</sup>Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab Population in the Occupied Syrian Golan over their Natural Resources' UNGA Res 73/255 (adopted 20 December 2018, entered into force 15 January 2019); see also J Isaac & K Rishmawi *Status of the Environment in the State of Palestine* (2015) 12.

<sup>121</sup>Ibid; the ICCPR and the ICESCR art 1.

<sup>122</sup>*Policies and Practices of Israel* (note 5 above) para 239.

<sup>123</sup>Ibid paras 126, 240.

<sup>124</sup>M Longobardo 'The Palestinian right to exploit the dead sea coastline for tourism' (2015) 58 *German Yearbook of International Law* 317, 339.

<sup>125</sup>UN Human Rights Council Res 49/28 (11 April 2022) UN Doc A/HRC/RES/49/28.

<sup>126</sup>UNGA Res 70/225 (23 February 2016) UN Doc A/RES/70/225.

<sup>127</sup>Note 35 above paras 88, 111–112, 118, 122, 149; see also *Policies and Practices of Israel* (note 5 above) paras 230–243.

<sup>128</sup>A Aloni 'Made in Israel: Exploiting Palestinian land for treatment of Israeli waste' (2017) 5, 13–18.

This is evident both in the exploitation of natural resources for the benefit of illegal Israeli settlers, to the exclusion and detriment of the local Palestinian population, and in the deliberate harm caused to the environment in areas Palestinians inhabit.<sup>129</sup> Such harm arises from intentional activities and discriminatory policies implemented by the Israeli authorities, especially in regions adjacent to Israeli settlements.<sup>130</sup> The following discussion will explore these issues in greater depth, illustrating how these policies and measures by the Israeli occupation constitute environmental racism in Palestine.

A significant number of illegal settlements that violate international law have been established across the West Bank and East Jerusalem.<sup>131</sup> These settlements – encompassing industrial zones, buffer areas and bypass access roads<sup>132</sup> – do not seem consistent with art 49 of the GCIV, which prohibits the transfer of the occupying power's civilian population into the occupied territory.<sup>133</sup> It is evident that the confiscation of the Palestinians' lands in favour of the establishment of the Israeli settlements, military bases, buffer zones and bypass roads is having grave consequences for the environment and its biodiversity, especially in the vicinity of these settlements.<sup>134</sup>

Those settlements lack advanced regional wastewater treatment plants compared to those inside Israel.<sup>135</sup> For example, in the Meitarim industrial area, untreated wastewater from factories, including harmful substances like used oils and detergents, flows directly into nearby valleys.<sup>136</sup> This untreated wastewater, including sewage water, poses significant risks to human and animal health, causing contamination of the soil and groundwater sources, damaging agricultural lands, and affecting the overall ecological balance, mainly in Palestinian areas.<sup>137</sup> The neglect of wastewater treatment and the relocation of industrial settlements to the West Bank violates the rights of Palestinians, particularly those in relation to water and sanitation, which are integral to the right to health and the right to an adequate standard of living, as enshrined in the ICESCR.<sup>138</sup> The Committee on Economic, Social and Cultural Rights has affirmed that states parties to the Covenant are obligated to guarantee equitable and non-discriminatory access to safe and clean drinking water and sanitation.<sup>139</sup> This applies to Israel, too, as a state party to the Covenant.

The Israeli Ministry of Environmental Protection has undertaken minimal enforcement measures against polluting settlements, with only 53 actions recorded between

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<sup>129</sup>Ibid.

<sup>130</sup>Ibid.

<sup>131</sup>Y Lein *Land Grab: Israel's Settlement Policy in the West Bank* (2002) 37.

<sup>132</sup>UNHRC 'Israeli settlements in the occupied Palestinian territory, including East Jerusalem, and the occupied Syrian Golan' (16 March 2017) UN Doc A/HRC/34/39 para 16.

<sup>133</sup>In art 49, the GCIV provides that, 'The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies'.

<sup>134</sup>Z Brophy & J Isaac *The Environmental Impact of Israeli Military Activities in the Occupied Palestinian Territory* (2009) 8–9; see also UNEP *State of Environment and Outlook Report for the Occupied Palestinian Territory* (2020) 14.

<sup>135</sup>E Hareuveni *Foul play: Neglect of Wastewater Treatment in the West Bank* (2009) 11.

<sup>136</sup>Ibid 12.

<sup>137</sup>Ibid 5, 11–12; see also Palestinian Independent Commission for Citizens' Rights *The Status of the Palestinian Citizens' Rights During 2004: Tenth Annual Report* (2005) 21, 24–25.

<sup>138</sup>Office of the UN High Commissioner for Human Rights *Mapping Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment: Individual Report on the International Covenant on Economic, Social and Cultural Rights* (Report No 1 December 2013) paras 12, 16.

<sup>139</sup>UNCESCR 'General Comment No 15: The Right to Water (Arts 11 and 12 of the ICESCR)' (20 January 2003) UN Doc E/C12/2002/11 paras 8, 37.

2000 and September 2008, the majority of which were merely warnings. By comparison, the ministry implemented 230 enforcement measures within Israel in 2006 alone.<sup>140</sup> This disparity suggests that the failure to address wastewater treatment and the relocation of Israeli factories to the West Bank, following their closure within Israel, may constitute environmental racism. Such actions disproportionately harm the Palestinian environment and infringe upon the right of its citizens to a safe, clean, healthy, and sustainable environment, while simultaneously prioritising the protection of Israeli areas and citizens.<sup>141</sup>

Another discriminatory Israeli practice, linked to the establishment of illegal settlements, is the appropriation of ecologically rich areas in the West Bank under the pretext of environmental protection. In many cases, these areas are declared 'state land or designated as nature reserves, ostensibly for the purpose of ecological preservation'.<sup>142</sup> In practice, however, such designations serve to exclude Palestinians from access and use, while permitting continued colonist settlement expansion.<sup>143</sup> For instance, the deforestation of the Jabal Abu Ghneim national park to construct the Har Homa settlement, and the establishment of the Har Kabir nature reserve around the Elon Moreh settlement, illustrate how environmental claims are instrumentalised to prevent Palestinians from accessing their agricultural land, while allowing illegal Israeli settlers to benefit from it.<sup>144</sup> This racially discriminatory policy of Israeli land appropriation, often justified under the guise of environmental protection, has been described in the literature as a form of 'green grabbing'.<sup>145</sup>

### 3.2 Water apartheid and resource denial

The right to water entails ensuring that water supplies are adequate, safe, suitable for consumption, physically accessible and economically affordable.<sup>146</sup> It also stipulates that access to safe and clean drinking water and sanitation must be fair and non-discriminatory, both within societies and between states.<sup>147</sup> Under the provisions of the law of occupation, groundwater is classified as immovable public property, with its utilisation by the occupying power limited strictly to normal use for military and administrative purposes.<sup>148</sup> However, this is not the case in Palestine under the Israeli occupation. Palestinians residing in Area C of the West Bank face considerable challenges in accessing water resources due to discriminatory allocation practices, insufficient infrastructure and ineffective water management, which prioritises the needs of illegal Israeli settlers over those of the Palestinian population.<sup>149</sup> For

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<sup>140</sup>Ibid.

<sup>141</sup>J Isaac & M Ghanyem *Environmental Degradation and the Israeli-Palestinian Conflict* (2003) 15, 22–24.

<sup>142</sup>J Isaac & J Hilal 'Palestinian landscape and the Israeli-Palestinian conflict' (2011) 68 *International Journal of Environmental Studies* 413, 423.

<sup>143</sup>Ibid.

<sup>144</sup>Ibid; see also Pearce (note 16 above) 14.

<sup>145</sup>I Braverman *Settling Nature: The Conservation Regime in Palestine-Israel* (2023) 200.

<sup>146</sup>UNGA (note 61 above) para 42.

<sup>147</sup>Ibid; see also UNCESCR 'General Comment No 15: The Right to Water (Arts 11 and 12 of the ICESCR)' (20 January 2003) UN Doc E/C12/2002/11 para 12.

<sup>148</sup>Ibid para 42; see also The Hague Regulations (note 28 above) art 55.

<sup>149</sup>E Lazarou 'Water in the Israeli-Palestinian conflict' (14 January 2016) European Parliament Directorate-General for Parliamentary Research Services; see also UNGA (note 61 above) para 43.

example, illegal Israeli settlers receive three to four times more water per capita than Palestinian communities, a disparity increasingly recognised as a hallmark of environmental apartheid.<sup>150</sup> These discriminatory policies have led to the depletion and contamination of the remaining water sources available to Palestinians, thereby exacerbating the already severe drinking water shortage within their communities.<sup>151</sup>

The collapse of natural drinking water sources in Gaza, coupled with the restricted access of Palestinians to the majority of their water resources in the West Bank, has rendered water a powerful emblem of the systematic human rights violations taking place in Palestine.<sup>152</sup> While Israeli settlers living in illegal settlements benefit from uninterrupted access to running water throughout the year, millions of Palestinians in Gaza, East Jerusalem and the West Bank face severe water shortages due to contamination or restricted access.<sup>153</sup> The discriminatory policies the Israeli occupation implement are not recent; they have been in place since Israel's occupation of Palestine began. For example, shortly after the onset of its military occupation in 1967 over the remainder of Palestine, Israel placed all Palestinian water usage and development under military control.<sup>154</sup> Military Order No 92, issued in August 1967, transferred authority over all water resources in the occupied territory to the Israeli military, while Military Order No 158, enacted in November 1967, prohibited Palestinians from constructing new water installations or maintaining existing ones without obtaining a military permit.<sup>155</sup> These orders remain in effect to this day and are exclusively applied to Palestinians, whereas Israeli law governs Israeli settlers.<sup>156</sup> In 1982, control of all West Bank water supply systems was transferred to Mekorot, Israel's national water company, of which the Israeli government owns 50 per cent.<sup>157</sup> This has resulted in a significant disparity in water access and consumption between Israelis and Palestinians in the West Bank. Recent estimates indicate that Israelis and settlers consume approximately 250 litres of water per person per day, nearly three times the 84 litres Palestinians in the West Bank consume.<sup>158</sup>

These discriminatory water and land policies have significantly reduced the availability of agricultural land for Palestinians.<sup>159</sup> Furthermore, the expansion of settlements and industrial zones has led to the contamination of both freshwater and groundwater sources.<sup>160</sup> The resulting decline in water resources, coupled with environmental degradation, has profoundly weakened the Palestinian agricultural sector and caused severe damage to the farmlands and crops, leading to long-term consequences, such as reduced soil fertility, and disrupted the ecological balance in areas

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<sup>150</sup>IMEU (note 19 above); see also Z Agha 'Climate change, the occupation, and a vulnerable Palestine' (26 March 2019) AI-Shabaka The Palestinian Policy Network.

<sup>151</sup>Lazarou (note 149 above); see also UNGA (note 61 above) para 43, IMEU (ibid).

<sup>152</sup>Ibid.

<sup>153</sup>Ibid.

<sup>154</sup>Amnesty International *Israel/Occupied Palestinian Territories: Troubled Waters – Palestinians Denied Fair Access to Water* Report MDE 15/027/2009 (2009).

<sup>155</sup>Ibid.

<sup>156</sup>Ibid.

<sup>157</sup>Ibid.

<sup>158</sup>UNGA (note 61 above) para 51.

<sup>159</sup>*Policies and Practices of Israel* (note 5 above) para 130.

<sup>160</sup>Ibid.

surrounding the Israeli settlements.<sup>161</sup> Moreover, this untreated wastewater contains viruses, bacteria, parasites and heavy, toxic metals dangerous to the health of humans, animals and plants.<sup>162</sup> The majority of the illegal settlements in the West Bank have been constructed atop mountains, ridges and hilltops, thus wittingly allowing their untreated wastewater, along with other hazardous waste, to flow downhill into nearby Palestinian towns and villages.<sup>163</sup> This racist policy constitutes a clear violation of Israel's obligations as an occupying power regarding the Palestinians' right to food, water, sanitation as well as adequate standard of living and health.

### *3.3 Hazardous waste transfer and disposal*

The disposal of waste, particularly hazardous materials, and the operation of wastewater plants established illegally by Israel in the West Bank, undermine the local population's ability to enjoy their private property.<sup>164</sup> This includes homes, private lands, farms, agricultural areas, domestic gardens, as well as domestic animals and livestock. Additionally, hazardous waste from several industrial settlements originates from harmful industries, such as fibreglass production, battery manufacturing, aluminium processing, textile dyeing, plastics and other toxic chemicals, which pose significant risks to human, animal and plant health.<sup>165</sup> Many of these factories were previously shut down within Israel due to their detrimental effects on health and the environment but were subsequently relocated to the West Bank.<sup>166</sup> That is, they are having a negative impact on all types of privately owned property while also causing broader harm to the entire ecosystem and its biodiversity, including the contamination of air, soil and water sources.<sup>167</sup> Such environmental harm has had an impact on Palestinians' ability to fully enjoy their private property under several provisions of both IHRL and IHL,<sup>168</sup> such as art 46 of the Hague Regulations, arts 53 and 147 of the GCIV, as well as art 17 of the UDHR and art 17 of the ICCPR.<sup>169</sup>

Another example of Israel's environmentally discriminatory policies towards Palestinians and their environment is the use of Palestinian territory as a sacrificial zone for hazardous waste transfer and disposal. Israel has engaged in the illegal transfer and dumping of hazardous waste from within its borders into the West Bank,<sup>170</sup> a practice that violates its obligations as a state party to the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.<sup>171</sup> As a state party to the Convention since 1994, Israel is obliged to adhere

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<sup>161</sup>Ibid; see also Hareuveni (note 135 above) 11-12, 27; <[https://www.evrpalestine.org/IMG/pdf/pengon\\_presentation.pdf](https://www.evrpalestine.org/IMG/pdf/pengon_presentation.pdf)>.

<sup>162</sup>Hareuveni (ibid) 5.

<sup>163</sup>Ibid 27.

<sup>164</sup>Isaac & Ghanyem (note 141 above) 22-24.

<sup>165</sup>Ibid.

<sup>166</sup>Ibid.

<sup>167</sup>Ibid.

<sup>168</sup>Itani & Ataya (note 19 above) 8-18, 44; see also Brophy & Isaac (note 134 above) 8-9.

<sup>169</sup>Abualrob (note 31 above) 136-144.

<sup>170</sup>Aloni (note 128 above) 13-16.

<sup>171</sup>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (adopted 22 March 1989, entered into force 5 May 1992) 1673 UNTS 57.

to its provisions, including refraining from illegal waste transfer.<sup>172</sup> The Basel Convention prohibits the transboundary movement of hazardous waste to another state party without prior informed consent.<sup>173</sup> Despite this prohibition, hazardous waste has been relocated and deposited in Area C of the West Bank, causing severe environmental degradation and significantly undermining the productivity of Palestine's agricultural sector.<sup>174</sup>

Article 4 (3) of the Basel Convention explicitly categorises 'illegal traffic' as a criminal act.<sup>175</sup> Therefore, Israel's actions constitute a blatant breach of the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.<sup>176</sup> Notably, Palestine acceded to the Basel Convention in 2015 and ratified the Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal in 2019.<sup>177</sup> As a state party, Palestine possesses rights and responsibilities under the Basel Convention and its associated Protocol. These include the right to lodge complaints or report violations by other state parties regarding their obligations under arts 4 and 13 of the Convention.<sup>178</sup> Accordingly, the transfer, smuggling and burial of hazardous waste in the West Bank by Israel constitutes a clear violation of the Basel Convention. In response, Palestine has formally submitted complaints to the Secretary-General of the Basel Convention, highlighting Israel's non-compliance with its legal obligations under the convention.<sup>179</sup> This Israeli action against the Palestinian environment serves as a clear example of environmental racism during occupation. While protecting Israeli regions and citizens from the harmful effects of hazardous waste, Israel exposes Palestinians and their environment to these dangers, showing a blatant disregard for their health, welfare and well-being. As outlined earlier, the occupying power has clear obligations under international law to protect the population under occupation. Such discriminatory actions by Israel starkly contravene its legal obligations under IEL and its MEAs, such as the Basel Convention, IHRL and the provisions of the law of occupation.

Israel's discriminatory actions and policies concerning Palestinian natural resources, as well as various forms of deliberate environmental harm, constitute a breach of its obligations under international law. By diverting a significant portion of these resources to its own population, including illegal settlers, Israel infringes its duties as an administrator and usufructuary, as set out in art 55 of the Hague Regulations. Therefore, Israel's environmentally discriminatory practices breach its obligation to respect the Palestinian people's right to permanent sovereignty over their natural resources and their right to self-determination. These actions also infringe upon other fundamental human rights, including those to health, property, food, water and sanitation, among others.

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<sup>172</sup>Ibid.

<sup>173</sup>Basel Convention (note 171 above) arts 4(1)(c), 4(3), 4(4), 4(7)(a) and 4(9)(a).

<sup>174</sup>United Nations Conference on Trade and Development (UNCTAD) *The Besieged Palestinian Agricultural Sector* (2015) UN Doc UNCTAD/GDS/APP/2015/1, 25.

<sup>175</sup>Basel Convention (note 171 above) art 4(3).

<sup>176</sup>Aloni (note 128 above) 13–16.

<sup>177</sup><<https://www.basel.int/countries/countrycontacts/tabid/1342/default.aspx>>.

<sup>178</sup>Basel Convention (note 171 above) arts 4, 13.

<sup>179</sup>A Rasgon 'Arab-Israeli Conflict: PA registers complaint against Israel with the Basel Convention' (4 November 2016) *The Jerusalem Post*.

#### 4. Legal remedies and accountability for environmental racism

Addressing immediate and long-term consequences of environmental harm resulting from the Israeli occupation and colonisation, racist policies and practices in Palestine raise novel questions about possible reparation.

The UN Environment Programme prepared a Preliminary Assessment report in response to an official request from the State of Palestine for an assessment of the environmental impact of the most recent conflict in the Gaza Strip.<sup>180</sup> The assessment concludes that the environmental situation due to the intensive Israeli bombing is devastating, for instance:

Sewage, wastewater and solid waste management systems and facilities have collapsed. The destruction of buildings, roads and other infrastructure has generated over 39 million tons of debris, some of which is contaminated with unexploded ordnance, asbestos and other hazardous substances. Human remains are buried in this vast quantity of building debris.<sup>181</sup>

This serves as a clear illustration of the necessity for Israel's full reparation for the widespread environmental and infrastructural harm inflicted on Gaza. This particular point is reflected in the language of the ICJ's advisory opinion, where the Court stated that:

Israel is [...] under an obligation to provide full reparation for the damage caused by its internationally wrongful acts [...] The Court recalls that the essential principle is that reparation must, as far as possible, wipe out all the consequences of the illegal act and reestablish the situation which would, in all probability, have existed if that act had not been committed [...] Reparation includes restitution, compensation and/or satisfaction.<sup>182</sup>

Furthermore, the Court added

Israel has an obligation to compensate, in accordance with the applicable rules of international law, all natural or legal persons, and populations, where that may be the case, having suffered any form of material damage as a result of Israel's wrongful acts under the occupation.<sup>183</sup>

The circumstances in Gaza specifically, and in Palestine more broadly, may be likened to the situation arising from Iraq's occupation and invasion of Kuwait, wherein the UN Compensation Commission (UNCC) observed that, 'the Panel considers that the appropriate objective of remediation is to restore the damaged environment or resource to the condition in which it would have been if Iraq's invasion and occupation of Kuwait had not occurred'.<sup>184</sup> Expanding on this example, the same reasoning should be applied to Israel, given the extensive and long-term environmental damage inflicted, particularly in Gaza, and more widely throughout Palestine. The obligation

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<sup>180</sup>UN Environment Programme *Environmental Impact of the Conflict in Gaza: Preliminary Assessment of Environmental Impacts* (2024).

<sup>181</sup>Ibid 7.

<sup>182</sup>*Policies and Practices of Israel* (note 5 above) para 269.

<sup>183</sup>Ibid para 271.

<sup>184</sup>UNCC 'Report and recommendations made by the Panel of Commissioners concerning the third instalment of "F4" claims' (18 December 2003) UN Doc S/AC26/2003/31 para 47.

of states to provide reparations for breaches of IHL is explicitly outlined in the 1907 Hague Convention IV and the API to the Geneva Conventions. For example, art 3 of Hague Convention IV states that, a 'belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation'.<sup>185</sup> In addition, art 91 of API 1977 reaffirms this liability rule, stating that, a party 'to the conflict which violates the provisions of the Conventions or of this Protocol shall, if the case demands, be liable to pay compensation'.<sup>186</sup> In the recently adopted Draft Principles on the Protection of the Environment in Relation to Armed Conflicts, namely Draft Principle 9, the ILC confirms this.<sup>187</sup> The same logic was also affirmed under arts 31 and 34 of the ILC Draft Articles on the Responsibility of States for Internationally Wrongful Acts (ARSIWA).<sup>188</sup> Therefore, the responsibility of occupying powers for environmental damage caused during times of armed conflict and occupation is well-founded in international law.<sup>189</sup> Thus, the occupying power has a legal duty of reparation for such wrongful acts committed against the climate system and environment in times of occupation.<sup>190</sup>

Although legal instruments, such as provisions under IHL, the ARSIWA, and relevant international jurisprudence, set out clear obligations for reparation, enforcement in practice remains severely constrained by geopolitical realities, particularly in the context of the Israeli occupation of Palestine. Efforts through international courts or the UNSC are frequently obstructed by political interests, most notably the use of the veto power by the United States (US), which has historically shielded Israel from meaningful accountability.<sup>191</sup> This persistent impunity is not merely a procedural failure; it reflects what Christopher Gevers terms the racialised foundations of international law itself, which have historically privileged certain states while marginalising others.<sup>192</sup> Nevertheless, alternative mechanisms retain potential. For instance, in response to repeated US vetoes in the UNSC, the UNGA once acted to establish a permanent secretariat to support Palestinian rights.<sup>193</sup> Similarly, international treaty-monitoring bodies and UN special procedures continue to play an important role in documenting environmental violations, generating normative pressure and supporting claims for reparation.<sup>194</sup>

These considerations apply directly and undeniably to Israel, given its systematic violations of key provisions under the Hague Regulations 1907, the GCIV 1949 and

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<sup>185</sup>The Hague Regulations (note 28 above) art 3.

<sup>186</sup>Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS3 art 91.

<sup>187</sup>ILC 'Draft principles on protection of the environment in relation to armed conflicts' (2022) UN Doc A/77/10 principle 9(1): 'An internationally wrongful act of a State, in relation to an armed conflict, that causes damage to the environment entails the international responsibility of that State, which is under an obligation to make full reparation for such damage, including damage to the environment in and of itself'.

<sup>188</sup>ILC 'Draft articles on responsibility of states for internationally wrongful acts, with commentaries' (2001) II *Yearbook of the International Law Commission* 31 arts 31, 34.

<sup>189</sup>L Kong & Y Zhao 'Remedying the environmental impacts of war: Challenges and perspectives for full reparation' (2023) 105 *International Review of the Red Cross* 1441, 1442–1443.

<sup>190</sup>Ibid 1454–1455.

<sup>191</sup>Erakat (note 116 above) 1–2, 126–131.

<sup>192</sup>Gevers (note 115 above) 1660, 1673–1674.

<sup>193</sup>Erakat (note 116 above) 130–131.

<sup>194</sup>A Solntsev 'The growing importance of human rights treaty bodies in environmental dispute resolution' in C Voigt & C Foster (eds) *International Courts Versus Non-Compliance Mechanisms: Comparative Advantages in Strengthening Treaty Implementation* (2024) 361, 362–363, 365, 371.

the API 1977. Through persistent breaches of its obligations under IHL, IHRL and IEL, Israel incurs state responsibility. It must, therefore, be held accountable for all resulting harm, including the widespread environmental destruction in Gaza and ongoing discriminatory environmental practices across other parts of Palestine. Full reparation – encompassing restitution, compensation and satisfaction<sup>195</sup> – is essential to uphold environmental justice in Palestine. One viable mechanism would be the establishment of a dedicated international commission to investigate and address environmental damage, modelled on the UNCC, created in response to Iraq's 1990 invasion and occupation of Kuwait.

## 5. Conclusion

In this article, I argued that the concept of environmental racism offers a critical framework for understanding the environmental challenges faced during times of occupation. In the context of environmental racism, the occupying power can prioritise the protection of its own citizens and territory from environmental harm, while exposing the occupied territory and its population to significant risks. This manifests as a starkly inequitable and discriminatory distribution of environmental burdens, including pollution of air, water and soil. The Israeli occupation of Palestine serves as a compelling example of this phenomenon, demonstrating how occupation can result in severe environmental degradation and exemplifying the departure from international legal principles, particularly during colonial domination and prolonged occupation. These obligations are grounded in IHL, IHRL and IEL, including MEAs, such as the Biodiversity Convention, the Paris Agreement on Climate Change and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

As demonstrated in this article, Israel has significantly deviated from its legal duties as an occupying power over Palestine.<sup>196</sup> Israeli discriminatory actions against the Palestinian environment undermine fundamental rights, such as the rights to health, property, water and sanitation while simultaneously obstructing Palestinian self-determination and fostering a future characterised by inequality and discrimination against both people and the environment.<sup>197</sup> Moreover, in the face of accelerating climate change, these actions exacerbate climate injustice by preventing Palestinians, especially the most vulnerable communities, from accessing and managing their natural resources, developing climate adaptation strategies or contributing to global mitigation efforts.

In light of these violations, international mechanisms for accountability and remedy – including full reparation, encompassing restitution, compensation, satisfaction and guarantees of non-repetition – must be strengthened and pursued, both within human rights frameworks and through environmental and climate justice mechanisms. These violations must be addressed to prevent further environmental and humanitarian crises in occupied territories, such as the environmental situation in

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<sup>195</sup>*Policies and Practices of Israel* (note 5 above) para 269.

<sup>196</sup>UNGA (note 61 above) para 64.

<sup>197</sup>*Ibid.*

Palestine. Therefore, the international community, international organisations and civil society must take urgent steps to acknowledge and monitor the occupying power's compliance with its legal obligations under international law in this regard.<sup>198</sup>

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No potential conflict of interest was declared by the author.

### Notes on contributor

*Dr Waad Abualrob*, visiting lecturer in law, University of Westminster; law tutor, Kaplan Higher Education UK/University of Essex Online.

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<sup>198</sup> Applied Research Institute – Jerusalem *A Palestinian Vision of Environmental Protection and Sustainable Development* (1994) 7–8.