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Human rights in Lebanon

**Report of the Special Rapporteur on the right to food, Jean Ziegler,
on his mission to Lebanon.**

Summary

The Special Rapporteur on the right to food, Jean Ziegler, has the honour to submit to the Human Rights Council the present report on his mission to Lebanon which took place from 11 to 16 September 2006. The mission was undertaken at the invitation of the Government of Lebanon. The Special Rapporteur also requested authorization to visit Israel to investigate the situation of the right to food of the affected Israeli population, but as of the time of writing, he had received no response from the Government of Israel. This report therefore covers only the situation in Lebanon, but the Special Rapporteur remains willing to visit Israel as soon as he receives permission from the Government.

The mission followed the war that took place from 12 July to 14 August 2006 between Hezbollah and Israel, following Hezbollah's capture of soldiers in a raid across the border between Israel and Lebanon. During the 34 days of the war the Israeli forces launched more than 7,000 air attacks and 2,500 attacks by sea as well as heavy artillery shelling. The war has had far-reaching effects on the Lebanese population. According to the Government of Lebanon, the war resulted in 1,189 killed (mostly civilians), 4,399 injured, 974,189 displaced and between 15,000 and 30,000 homes destroyed.

During the war, a combination of destruction of road and transport infrastructure and repeated denial of safe transit by the Israeli armed forces made it very difficult for humanitarian agencies to transport food and other relief, especially to the approximately 22,000 people left trapped in the area south of the Litani River, where there are 38 localities under the control of the United Nations Interim Force in Lebanon. The forced displacement of a vast number of people from their homes and agricultural lands disrupted normal access to food and left tens of thousands dependent on food aid.

The war took place at the peak of the fishing and fruit harvest season, affecting the people who earn their livelihood from these sectors both directly in terms of damage, but even more importantly, indirectly in terms of lost markets and revenues. Much farmland has been affected by bombing and will continue to be affected by unexploded bombs that continue to make access to many fields impossible. According to the United Nations Mine-Action Centre, hundreds of thousands of pieces of unexploded ordnances (UXO), mostly cluster bombs (anti-personnel weapons that spray bomblets indiscriminately over a wide area), will need to be cleared before agriculture can be re-established. It was reported that more than 1.2 million cluster bombs were dropped by the Israeli forces. About 90 per cent were dropped in the last 72 hours of the war when the Israeli forces were already aware that a ceasefire was imminent. The destruction by the Israeli forces of infrastructure essential to the survival of the Population, particularly agricultural, irrigation and water infrastructure will also have long-term impacts on livelihoods and access to food and water. Fishing was heavily affected by the massive oil spill following Israeli bombing of the four Jiyeh fuel tanks on 14 July 2006.

The long-term impacts of the war on livelihoods are the key concern today. The right to food is not primarily about food aid; it is the right to be able to feed oneself through an adequate livelihood. The Special Rapporteur found that the livelihoods of a large part of the population have been disrupted by the war, and the process of reconstructing livelihoods has been slow. Loss of livelihoods and sources of income is the main threat to the future well-being of many thousands of families, particularly in rural areas.

In the light of his findings and the international obligations of the parties involved in the war, the Special Rapporteur concludes with a series of recommendations aimed at improving the realization of the right to food of the whole Lebanese population. In particular, the Special Rapporteur recommends that:

(a) Violations of the right to food under international human rights and humanitarian law should be further investigated, including to determine whether they constitute grave breaches of the Geneva Conventions of 12 August 1949 and Additional Protocol I thereto and possible war crimes under the Rome Statute of the International Criminal Court;

(b) The International Humanitarian Fact-Finding Commission, established in accordance with Additional Protocol I, should be accepted by the Government of Israel and the Government of Lebanon to investigate violations of the right to food under international humanitarian law;

(c) According to international jurisprudence the Government of Israel should be held responsible under international law for any violation of the right to food of the Lebanese civilian population. The Government of Israel should be held responsible under international law for the violations of the right to food of the Lebanese civilian population. Under international law, the Government of Israel has the obligation to ensure that all victims receive adequate reparation and compensation for the losses suffered during the war as well as for ongoing losses due to the disruption of livelihoods;

(d) The Government of Lebanon, with bilateral and multilateral donors, should accelerate the clearing cluster bombs from agricultural fields. The Government of Israel should provide the full details of its use of cluster munitions in order to facilitate the destruction of the UXO and the clearing of affected areas.

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I. INTRODUCTION

1. The Special Rapporteur on the right to food, Jean Ziegler, visited Lebanon from 11 to 16 September 2006 upon the invitation of the Government and in accordance with his mandate established by Commission on Human Rights resolutions 2000/10 and 2001/25 (which extended his mandate to include the question of drinking water) and as transferred by the by General Assembly in resolution 60/251 to the Human Rights Council which extended the mandate by its decision 102. This mission was undertaken independently from the Commission of Inquiry established on the basis of Council resolution S-2/1.

2. The visit to Lebanon was requested in relation to concerns raised by the international community regarding the impact on the right to food of the war between Israel and the armed forces of the Lebanese political party, Hezbollah. Initial concerns were raised regarding limits on humanitarian access to people trapped during the war, with certain areas in Lebanon cut off from access to humanitarian aid for prolonged periods of time during the 34 days of hostilities. In 21 July 2006, the Special Rapporteur, in concert with a number of other United Nations human rights experts, issued a press release calling for the immediate cessation of hostilities and for unrestricted and secure passage of humanitarian assistance. The massive displacement of almost 1 million people also disrupted access to food across the country. With the loss of much of this year's harvest, the destruction of roads, agricultural and water infrastructure, fields littered with unexploded bombs and the disruption of agricultural and fishing livelihoods, serious concerns were also raised regarding the longer-term impact of the war on the right to food and water.

3. The Special Rapporteur also requested authorization to visit Israel to investigate the situation of the right to food of the affected Israeli population, but as of the time of writing, he had received no response from the Government of Israel. This report therefore covers only the situation in Lebanon, but the Special Rapporteur remains willing to visit Israel as soon as he receives permission from the Government.

4. The objective of the mission was to investigate the situation of the right to food in Lebanon from the perspective of international human rights and humanitarian law. It is a clear obligation in international human rights and humanitarian law that the right to food and water must be protected in times of armed conflict, as well as in times of peace.

5. During the visit, the Special Rapporteur held constructive dialogues with the Lebanese authorities, including the Acting Minister for Foreign Affairs, the Ministers of Agriculture, Health, Social Affairs, Energy and Water, as well as with the Parliamentary Commission on Human Rights, the High Relief Council and members of Parliament. The Special Rapporteur wishes to express his warm and sincere thanks to the Government for the full cooperation he received during his mission. The Special Rapporteur also held meetings with a wide range of United Nations agencies, national and international non-governmental organizations, academics and individuals. He was able to visit the southern suburbs of Beirut and travelled to the south of the Litani River, where he was able to talk directly to local authorities and affected families, agricultural workers, farmers and fishermen.

II. GENERAL CONTEXT

6. The mission followed the war that took place from 12 July to 14 August 2006 between Hezbollah and Israel, following Hezbollah's capture of soldiers in a raid across the border between Israel and Lebanon. During the 34 days of the war the Israeli forces launched more than 7,000 air attacks and 2,500 attacks by sea as well as heavy artillery shelling. The war has had far-reaching effects on the Lebanese population. According to the Government of Lebanon, the war resulted in 1,189 killed (mostly civilians), 4,399 injured, 974,189 displaced and between 15,000 and 30,000 homes destroyed.¹

7. On 11 August 2006, the Security Council adopted resolution 1701 (2006) in which the Council called for a full cessation of hostilities based upon, in particular, the immediate cessation by Hezbollah of all attacks and the immediate cessation by Israel of all offensive military operations. On the same day, the Human Rights Council, having convened a special session on the war, adopted resolution S-2/1, in which it called upon Israel to immediately stop military operations against the civilian population and civilian objects resulting in death and destruction and serious violations of human rights. It also decided to urgently establish and immediately dispatch a high-level commission of inquiry comprising eminent experts on human rights law and international humanitarian law, to assess and investigate, inter alia, the extent and impact of Israeli attacks on human life, property, critical infrastructure and the environment. The fighting continued after the adoption of the resolutions and even intensified up to the last moment, the cessation of hostilities taking effect on 14 August 2006.

III. LEGAL FRAMEWORK RELATED TO THE RIGHT TO FOOD IN LEBANON

8. As the International Court of Justice has reaffirmed,² both human rights law and, as *lex specialis*, international humanitarian law are applicable during armed conflicts and situations of occupation. These include the war in Lebanon, where all provisions of international human rights and humanitarian law protecting the right to food were applicable. It is important to note in that context that both Israel and Lebanon are parties to the International Covenant on Economic, Social and Cultural Rights and to the Convention on the Rights of the Child, the two main human rights instruments for the protection of the right to food, as well as to the Geneva Conventions of 12 August 1949. It is also important to note that while only Lebanon is a party to the Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of International Armed Conflicts (Additional I Protocol, adopted in 1977), most of its provisions that are relevant to the right to food are considered part of customary international law and are therefore binding on all States and all parties to a conflict, regardless of status and ratification.³

9. The right to food is primarily the right to be able to feed oneself through physical and economic access to food, as defined in general comment No. 12 of the Committee on Economic, Social and Cultural Rights. The right to food entails obligations of Governments towards their people, but also towards people living in other countries (see E/CN.4/2006/44, paras. 28-38). This is particularly true for States parties to the International Covenant on Economic, Social and Cultural Rights, including Israel and Lebanon that have undertaken to cooperate, without any territorial or jurisdictional limitations, to realize the right to food. In time of an armed conflict, the most important human rights obligation of Governments is the obligation to respect the right to food, which means refraining from restricting, inhibiting or preventing people's access to food. As the right to food also includes access to clean, safe drinking water and irrigation water

necessary for subsistence production (see A/56/210 and E/CN.4/2003/54), there is also a minimum obligation to refrain from restricting access to water or the destruction of water infrastructure. The right to food also obliged Governments to ensure that any individual or group affected by the war and without access to productive resources will have access to humanitarian assistance.

10. As outlined in the report of the Special Rapporteur to the Commission on Human Rights in 2002 (E/CN.4/2002/58) in a chapter on the right to food in armed conflict, there are a range of provisions contained in the Geneva Conventions of 1949 and in the Additional Protocols of 1977 that are particularly relevant to the protection of the right to food. International humanitarian law aims primarily to protect persons not taking or no longer taking part in hostilities, such as civilian populations, and one of its basic principles is that parties to an armed conflict must at all times distinguish between the civilian population and combatants and between civilian objects and military objectives, and direct attacks only against military objectives. One of its core rules is that indiscriminate attacks are strictly prohibited. Accordingly, one of its most important provisions is article 54, paragraph 2, of the Additional Protocol I which establishes that:

“It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works...”

11. Parties to the conflict are therefore prohibited from attacking not only civilians, but also the infrastructure for food, water and agricultural production that is necessary to their survival. Failing to respect this obligation would constitute a grave breach of international humanitarian law and a war crime.⁴ The destruction of drinking water installations would be particularly problematic, but the systematic destruction of roads, bridges, ports and food factories, even if perceived on one side as military objectives, would also be prohibited and may also constitute a war crime if it causes excessive loss of life or injury to civilians or damage to civilian objects, or widespread, long-term and severe damage to the natural environment.⁵

12. International humanitarian law also limits the right of the parties to a conflict to choose methods or means of warfare, including by prohibiting parties to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering. It follows that using cluster munitions in populated civilian areas, given the injuries and suffering that it will cause and given the effects that do not discriminate between military and civilian objectives, is likely to result in many violations of international humanitarian law. The dispersal of unexploded bomblets from cluster bombs also raises other serious concerns, not only as to their immediate affects on civilian life, but also in relation to the after-effects in terms of damage to agricultural fields, as well as life and civilian infrastructure.

13. International humanitarian law also contains many rules that protect the right to food for populations caught in armed conflict. These rules cover both the rights of affected civilians to receive aid and the rights of humanitarian agencies to deliver it. According to articles 70 and 71 of Additional Protocol I, the parties to an armed conflict shall allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel. They must encourage and facilitate effective international coordination of the relief actions and ensure the safety of medical and humanitarian personnel. States must facilitate and protect these operations, and must

not divert or obstruct the passage of humanitarian assistance. The deliberate impeding of humanitarian operations and targeting of personnel, installations, material, units or vehicles involved in humanitarian assistance constitute war crimes.⁶

IV. MAIN FINDINGS AND CONCERNS RELATED TO THE RIGHT TO FOOD AND WATER

A. During the war

14. During the war, a combination of destruction of road and transport infrastructure and repeated denial of safe transit by the Israeli armed forces made it very difficult for humanitarian agencies to transport food and other relief, especially to the approximately 22,000 people left trapped in the area south of the Litani River, where there are 38 localities under the control of the United Nations Interim Force in Lebanon (UNIFIL). While the majority of the population fled their homes, those left behind were the elderly, the sick and the poor, including women and children. Amnesty International reported, for example, that more than 200 people trapped in the villages of Aitaroun and Bint Jbail, including women, children, and elderly and disabled people, were facing food shortages. The destruction of water infrastructure left thousands of people dependent on filthy water collected in ponds and ditches.⁷ For at least a week, no humanitarian organization was able to reach these villages.⁸ According to the High Relief Council, in Markaba, a village of about 10,000 habitants, 128 people were left stranded between 6 and 13 August, without food and water.⁹ UNIFIL also reported on several occasions that it was prevented from distributing food and undertaking other emergency work in its area of operations because Israel had denied consent.

15. On 7 August 2006, the Government of Israeli informed the United Nations agencies that any vehicle except those of UNIFIL travelling south of the Litani River within 5-30 km of the Israeli-Lebanese border could be attacked. As a consequence, the World Food Programme and other United Nations humanitarian agencies were forced to suspend all operations for the delivery of emergency assistance in the south. On the same day, an Israeli air strike destroyed the last remaining open crossing over the Litani River, effectively cutting off the southern port city of Tyre and the surrounding region, as the main Qasmiyeh road bridge had been destroyed by earlier air strikes. On 8 August 2006, Israeli military dropped leaflets warning that it would attack any vehicle travelling south of the Litani River on suspicion of “transporting rockets and arms for the terrorists”.¹⁰ This prevented not only the movement of humanitarian assistance vehicles, but also of trucks transporting agricultural produce to markets and distribution points. According to Human Rights Watch, on 18 July Israeli air strikes hit a convoy of the United Arab Emirates Red Crescent Society, destroying a vehicle containing rice, sugar and other food, and killing the driver.¹¹ The destruction by the Israeli forces of hundreds of bridges and road networks impeded aid assistance convoys and will make reconstruction a long-term project.

16. The refusal of safe passage by the Israeli armed forces not only disrupted the humanitarian food aid; it also had often dramatic consequences for the population fleeing their bombed villages and for families trapped in the ruins of their houses. On 20 July 20, 23 persons, mostly from the Al-Ghanam-family, fled in a truck from their village of Marwaheen to the north. On the way they were hit by a shell from an Israeli boat. Minutes later an Israeli helicopter appeared in the sky and fired a missile into the burning truck. Only one person survived: a 4-year-old girl, with severe burns over most of her body.¹² Many of the families trapped under the

ruins of their houses called for help, often over their cellular phones. Delegates of the International Committee of the Red Cross (ICRC) said that they could hear the voices, but it was impossible to send help, because the cranes, mechanical diggers and ambulances were immobilized.¹³

17. One quarter of Lebanon's population, about 1 million people, were forced to leave their homes and agricultural lands, which disrupted normal access to food and left tens of thousands dependent on food aid. Almost half of those displaced fled to central Beirut and the surrounding area, while others fled to the Syrian Arab Republic or other countries. Those who could not rely on friends and family were often crowded in squalid conditions in temperatures reaching 45 degrees Celsius in the parks, schools and public institutions in central Beirut, where humanitarian agencies did manage to deliver food rations and water supplies. Food aid was delivered by the High Relief Council of the Government, either directly or through local NGOs.¹⁴ Food aid was also delivered by political parties, private donors, and local and international NGOs. As a result, while the diet of thousands of displaced people was disrupted, the nutritional status of the majority was not seriously threatened.¹⁵

18. In his discussions with the Ministry of Agriculture and the Ministry of Social and Family Affairs, the Special Rapporteur was informed that apart from the material damage, the psychological damage and deep trauma of the war will have long-term effects on the civilian population that will affect the reconstruction of traditional economic and social life, particularly in rural areas. The loss of family members, as well as the loss of normal functions for those who are permanently injured including amputatees, contribute to psychological stress. On 4 August 2006, the village of Qaa, in the eastern part of the country, Israeli forces attacked a group of agricultural workers in full daylight. Some were unloading a truck of fruit and vegetables; the others were working close to a refrigeration truck. Twenty men and 6 women were killed and 20 others were wounded, most of them seriously. On the night of 29-30 July 2006, the aerial bombardments of Qana left 56 people dead, including 34 children, according to the High Relief Council. Sabrina Tavernise, in her article entitled "The night the children of Qana died,"¹⁶ wrote that on arriving at the site of the carnage, she witnessed rescue teams pulling bodies out of the rubble. She counted 28 bodies, including 20 children, the youngest only 10 months old. As she left, bodies were still being pulled out. In its report entitled "Fatal strikes: Israel's indiscriminate attacks against civilians in Lebanon", Human Rights Watch argue that many of these massacres were not "collateral damage", but were intentional and deliberate acts against the civilian population. Human Rights Watch argues that these indiscriminate attacks on civilians could amount to war crimes. The indiscriminate nature of attacks on civilians is well illustrated by an article by Meron Rapoport in 8 September issue of the Israeli newspaper Haaretz. Referring to an army officer uncomfortable with his orders to indiscriminately attack a village, Mr. Rapoport wrote: "His battalion was given an entire village as a target one night. He thinks it was Taibeh. A village in what is called the Eastern sector. But he is not sure. The battalion commander assembled the men and told them that the whole village had been divided into parts and that each team was supposed to 'flood' its allotted space – without specific targets – simply to bombard the village."

B. After the war

Food, agriculture and livelihoods

19. Most of the hundreds of thousands of Lebanese displaced by the war started to return to their villages and towns as soon as the cessation of hostilities was declared. Many of these towns and villages had been partially or totally destroyed. Food supplies were generally available immediately after the end of the war, despite the aerial and sea embargo. Many families returning to their villages took with them food aid that had been distributed to them in centres set up for displaced people. The blockade has, however, affected the variety of food commodities that could be found and thus the quality of people's diet. Food prices have also increased by between 10 and 15 per cent. For example, wheat flour, the main ingredient of the Lebanese staple food, bread, rose in price by 15 per cent as a result of the sea and land blockade that prevented imports during the war and in the weeks after. The impact of the loss of much of this year's wheat harvest and the harvests of vegetables and fruits will also have an impact.¹⁷ Thousands of already poor families are still relying on food aid and assistance. Oxfam reported, for example, that in Zebqine, a small village of 300 families in South Lebanon, most of the population has returned to their homes and lands, but with the destruction of local shops and the devastation of agricultural fields, the food supply is precarious and it is still almost wholly dependent on food aid.

20. The longer-term impact of the war on livelihoods is now the key concern. The right to food is not primarily about food aid, but about the right to be able to feed oneself through an adequate livelihood. The Special Rapporteur found that the livelihoods of a large part of the population have been disrupted by the war, and the process of reconstructing livelihoods has been slow. The many testimonies the Special Rapporteur gathered during his visit, provided evidence that loss of livelihoods and sources of income is the main threat for the future well-being of many thousands of families, particularly in rural areas. Many people with whom the Special Rapporteur spoke informed him that they were very concerned about their livelihood prospects. The war took place at the peak of the fishing and fruit harvest season, affecting the people who earn their livelihoods from these sectors both directly in terms of damage but, more importantly, indirectly in terms of lost markets and revenues.¹⁸ Much farmland has been affected by bombing and will continue to be affected by unexploded bombs that continue to make access to many fields impossible. The destruction by the Israeli forces of infrastructure essential to the survival of the population, particularly agricultural and water infrastructure will also have long-term impacts on livelihoods and access to food and water.

21. According to Oxfam, up to 85 per cent of Lebanon's farmers lost some or all of their harvest.¹⁹ Most of these farmers have small farms of 1 ha or less and are generally poor. In the south of Lebanon, the majority of villages are dependent on agriculture as the sole source of income and livelihood for families. Across Lebanon, FAO estimates that agriculture provides direct employment for 9 per cent of the Lebanese population, but another 40 per cent of the population are involved in work that is indirectly related to agriculture.²⁰ The main agricultural regions are in the south, in the Nabatiyeh and Beqaa regions, all of which have suffered as a result of the war, particularly Baalbeck, Herml and West Baqaa in the Beqaa region, as well as in Akkar in the north and the coastal area of Damour.²¹ The war resulted in the devastation of thousands of hectares of orchards, tobacco fields and olive groves by fire, the destruction of potato and banana plantations and the burning of hundreds of hectares of greenhouses. Tens of

thousands of head of livestock and poultry were killed and agricultural infrastructure, such as roads, machinery, buildings, farms and agro-processing factories, were destroyed.²² For example the Special Rapporteur was informed that in Lusi village in the Beqaa Valley, a goat and sheep farm was bombed, killing about 200 head of goats and sheep.²³ The Ministry of Agriculture estimates that immediate and direct losses in agriculture amount to several hundreds of millions of United States dollars.

22. The war prevented farmers from harvesting and from irrigating their fruit and vegetable crops, and the land and sea blockade prevented any exports. The war took place at the peak time for the harvest (mainly stone fruits and potatoes) destined for export, but much of this year's harvest perished on the ground, as bombing forced farmers to abandon their lands and transport to market became impossible. It was reported that trucks attempting to transport agricultural products to market were hit several times by Israeli raids. With the loss of income from harvests, many farmers have become heavily indebted as they usually repay their debts during the harvest season (May-October) to secure credit for the following planetary season. The Ministry of Agriculture was concerned that this would lead to a downward spiral of debt and poverty for Lebanese farmers.

23. Agricultural fields have also been rendered useless until unexploded bombs littering the land can be removed or exploded. According to the United Nations Mine-Action Centre (UNMAC), hundreds of thousands of pieces of unexploded ordnance (UXO), mostly cluster bombs (anti-personnel weapons that spray bomblets indiscriminately over a wide area), will need to be cleared before agriculture can be re-established. It was reported that more than 1.2 million cluster bombs were dropped by the Israeli forces. About 90 per cent were dropped in the last 72 hours of the war when the Israeli forces were already aware that a ceasefire was imminent.²⁴ As of 19 September 2006, the United Nations had identified 516 individual cluster bomb strike locations.²⁵ UNMAC estimates that the failure rate of these cluster bomb sub-munitions is between 30 and 40 per cent. Many hundreds of thousands of unexploded cluster sub-munitions are scattered throughout the southern region.²⁶ Complete clearing of the south could take up to 10 years.²⁷ It is also estimated that from 14 August to 17 September, 83 civilians were injured and 15 died as a result of mines and cluster bombs.²⁸ It is also estimated that a large area of grassland used for animal grazing was also contaminated by cluster bombs.²⁹ The Special Rapporteur was concerned that due to limited resources for clearing lands from bombs, mine clearance personnel are understandably giving priority to urban centres and roads, rather than agricultural fields. This means that many farmers are attempting to explode the bombs on their own, which is extremely dangerous.³⁰ Clearing the fields has now become urgent, as in the upcoming rainy season, cluster bombs and other munitions will sink into the mud and/or become camouflaged by the spring grasses, effectively becoming like landmines. Clearing the land of these unexploded bombs is essential to enable the reconstruction of livelihoods. The long-term damage of Israel's last flurry to flood the land with cluster bombs is difficult to estimate. The Lebanese Ministry of Agriculture is also currently investigating whether bombs releasing poisonous chemical products have also affected the soil.³¹

24. The destruction of infrastructure in relation to agriculture, including the destruction of agricultural land and civilian infrastructure such as ports, roads, warehouses, food industries, bridges and markets, has made and will continue to make the production of food and its distribution throughout the country extremely difficult. It has been estimated that 145 bridges and overpasses and 600 km of roads were destroyed or damaged.³² The Special Rapporteur was

also concerned at the destruction of agro-processing factories and plants. For example, in the Bekaa valley, the Liban Lait dairy farm and processing plant, the leading producer of milk and dairy products in Lebanon, was completely destroyed in an Israeli aerial attack on 17 July 2006. The Special Rapporteur was told that this attack has left unemployment in its wake, with 170 employees unable to return to work, and the surrounding 40 farms that used to provide milk to Liban Lait have now lost their livelihoods as well. Liban Lait produced more than 90 per cent of long-life pasteurized milk in Lebanon. The destruction of Liban Lait has also had wider impacts given that fresh milk provision to local schools by Liban Lait, in collaboration with NGOs and intergovernmental organizations, has now been interrupted and children are deprived of fresh milk.³³ In addition, at least 1,500 Bekaa residents have reportedly lost their sources of livelihood.

25. The Ministry of Social and Family Affairs told the Special Rapporteur that currently, more than 70 per cent of the rural population is unemployed. With the destruction of farms and of 124 medium-sized and large factories, many of them agricultural processing factories, many people have been forced out of work. Many workers were already in a precarious situation: rural farm workers earn only US\$ 300 per month and there is normally work only 8 months of the year; small farmers who own their own land earn about US\$ 500 per month. Now unemployed, there is little to live on as Lebanon has no unemployment benefit or insurance for those forced out of work, although the Ministry has established emergency assistance programmes to provide families with financial and psycho-social support. The Minister of Social and Family Affairs also told the Special Rapporteur that the war had caused profound trauma owing to the impossibility of burying the dead. He noted that 115 corpses, 50 of them children, had been taken to the Tyre hospital morgue at the end of July 2006 but they could not be buried because of continuous Israeli bombardments, violating the Muslim requirement that a body be buried in dignity within a few days of death. The Special Rapporteur was also concerned to find that one of the vulnerable groups of people particularly badly affected were Palestinian refugees living in unregistered camps, or “gatherings”, who do not benefit from the services of UNRWA and do not have the same rights as Lebanese, in terms of inheritance, ownership or work. There are nine “gatherings” in the area of Tyre and nine in the Bekaa area, and the majority of the Palestinian families survive on casual agricultural work, and/or fishing, which have disappeared since the war, making it more difficult to feed their families. The Special Rapporteur visited two of these “gatherings” in the south: Jall al-Bahr and Wasta. A serious concern that has been raised is that the poorest agricultural labourers, including Palestinians, will also be most at risk from UXO as they will be too desperate not to accept work to clear the fields.

Fisheries

26. Fishing activities and livelihoods have also been seriously affected by the war. An estimated 8,000 families in the north and south of Lebanon rely on fishing for their livelihoods, including fisherfolk, fish cleaners, market sellers and boat repairers. People were unable to go out fishing due to destruction of boats, insecurity and the naval blockade imposed during the war.³⁴ The ports of Tyre and Ouzai were heavily damaged: more than 400 boats were destroyed, in addition to fishing nets, fish markets, warehouses and related facilities.³⁵ The Special Rapporteur visited the port of Ouzai, which was reportedly hit by 23 attacks and which, at the time of the visit, had still not resumed working as fisherfolk no longer had boats nor the resources to repair them or buy new ones. The fisherfolk he met spoke about the precarious

situation which they had now to face. The Special Rapporteur was shocked to see the port of Deliah where, at the time of his visit, the sea was covered by the thick carpet of the oil spill preventing fisherfolk from returning to work.

27. The Special Rapporteur also visited Jiyeh, where about 15,000 tons of oil spilled into the sea following the Israeli bombing of four fuel tanks on 14 July 2006. In addition, 55,000 tons of oil stored in the tanks exploded, causing a plume of polluting smoke 60 km high.³⁶ A preliminary assessment of the impact of the oil spill found that damage to the shoreline was extensive, with the oil slick measuring up to 50 cm thick in some places and beaches had heavily contaminated.³⁷ Lebanon had a 220 km coastline, with two large bays, 12 peninsulas and a number of river deltas, about two thirds of which are affected by the pollution. It is estimated that the massive oil spill will reach the Syrian coast by mid-September 2006. The Special Rapporteur was able to speak with leaders of the fishing cooperatives and with NGOs regarding the short- and long-term damage of the bombardment of the Jiyeh tanks. The United Nations Environment Programme, assisted the French naval experts, estimates that the damage is as bad as the damage caused by the sinking of the tanker *Erica* on the north-west coast of France in 1999 and the *Exxon Valdez* disaster in Alaska in 1989. The long-term consequences remain to be seen; in the *Exxon Valdez* catastrophe, it took three years for the full effects to be felt on the ecosystem. Professor Richard Stark, mandated by the Ministry of the Environment, the World Conservation Union and Green-Line, a Lebanese NGO, has produced an assessment of how the food chain will be affected. As polluted algae are eaten by small fish, which are the prey of larger fish, the pollution will move up the food chain. The French NGO Plan Action Méditerranée has also expressed concern that the fuel spilled contains class 1 carcinogenic substances like benzene that may have long-term impacts and increase the number of cancer cases. At a minimum, with the loss of fishing livelihoods, thousands of people will need basic support to survive until their livelihoods can be restored. The long-term effects of the oil spill on livelihoods must also include adverse impacts on the tourism industry, which provides employment for a large section of the Lebanese population.

Drinking water and agricultural irrigation

28. There have been shortages of potable water, especially in the south. A joint United Nations assessment team, including representatives of OCHA, UNICEF, UNHCR and WFP, that travelled from Tyre to Aitarou on 26 August 2006 found an urgent need for clean drinking and washing water in villages following extensive damage to the water network. In Tebnine, Aita Ech Chaab and Bint J'ail the need for water was a priority.³⁸ In some areas, only bottled water is available and the price of water is becoming unaffordable.³⁹ Concerns have been raised about the threat of widespread outbreaks of water-borne disease; the first cases have been reported in the village of Yahoune. The authorities, the United Nations and many NGOs are working to provide the minimum standard of 15 litres of water per person per day.

29. Israeli bombing has destroyed wells, water mains, storage tanks, water pumping stations, distribution networks and water treatment works throughout southern Lebanon. The irrigation canal attached to the Litani River was also hit.⁴⁰ The water service elsewhere in the country has also been disrupted, as water pipes running beneath roads have been extensively damaged when the roads above were bombed.⁴¹ This has exacerbated water shortages, which were already a problem in Lebanon: prior to the war, most of the Lebanese territory was already facing a shortage of drinking water⁴² and the civil war had delayed water planning on the Litani River for

more than 20 years.⁴³ According to the authorities, water infrastructure that has been extensively damaged includes the pipelines from Ain El Zarka spring to the villages of eastern Saida and from Nabeh El Tasseh spring to the village of Aankoun, 31 water tanks in different areas and two artesian wells, Bfarwa well and a well in Fakher El Din.⁴⁴ UNICEF has also reported that underground pipes and other water-related infrastructure have been seriously damaged or destroyed in many areas.⁴⁵ Amnesty International in its report questioned whether attacks on such civilian infrastructure, including water facilities, were deliberate attacks, rather than collateral damage.⁴⁶

30. The destruction of irrigation infrastructure will also continue to hinder the re-establishment of agriculture. The south of Lebanon is dry and arid, and the underground water level is very deep - about 600 m. Much of the agriculture in the region cannot be sustained by the rains alone. Without irrigation, much of the next harvest, even if it can be planted, will be lost. Fadi Comair, Director-General of Hydraulic Resources of Lebanon, expressed concern that much of the complex system of the Litani canal, which provides irrigation water to southern Lebanon, had been destroyed. With many irrigation canals now full of unexploded bombs, he estimated that it would take several years to clear the irrigation canals and repair the infrastructure. A shortage of fuel and electricity has also contributed to the water crisis, as water pumps require electricity or fuel-fed generators to run.⁴⁷ Electrical facilities, power plants and fuel stations have suffered extensive damage, and at least 20 fuel depots have been completely destroyed.⁴⁸

IV. CONCLUSIONS AND RECOMMENDATIONS

31. The right to food and water is protected under international human rights and humanitarian law. Given the essential nature of food and water to the survival of civilian populations, these are central obligations in time of war, as well as in time of peace. In the light of the findings described above and the international obligations of the parties involved in the war, the Special Rapporteur makes the following conclusions and recommendations:

(a) Violations of the right to food under international human rights and humanitarian law should be further investigated, including to determine whether they constitute grave breaches of the Geneva Conventions and Additional Protocol I and, possibly, war crimes under the Rome Statute of the International Criminal Court;

(b) The Commission of Inquiry established by the Human Rights Council should also investigate violations of the right to food and recommend measures for awarding reparation and determining accountability;

(c) The International Humanitarian Fact-Finding Commission established in accordance with Additional Protocol I should be accepted by the Government of Israel and the Government of Lebanon to investigate violations of the right to food under international humanitarian law;

(d) Individuals should be held responsible for violations of the right to food and water. The United Nations High Commissioner for Human Rights in her statement to the Human Rights Council at its second special session noted that when legal obligations

regulating the conduct of hostilities are violated, personal criminal responsibility may ensue, particularly for those in a position to command and control;

(e) International law regarding access for humanitarian agencies providing food and water to civilian populations must be respected at all times;

(f) According to international jurisprudence,⁴⁹ the Government of Israel should be held responsible under international law for any violation of the right to food of the Lebanese civilian population. Under international law, the Government of Israel has the obligation to ensure that all victims of violations of the right to food receive adequate reparation and compensation for the losses suffered during the war as well as for ongoing losses due to the disruption of livelihoods;

(g) Under international law, the Government of Israel has the obligation to reimburse the Government of Lebanon for the clean-up of the oil spill from the Jiyeh power plant and the fisherfolk for their economic losses caused by the spill;

(h) The Government of Lebanon, in cooperation with United Nations agencies and international and national NGOs, should design programmes to support all those whose livelihoods have been devastated by the war, especially farmers, agricultural labourers and fisherfolk. The right to food and water must be a central part of the reconstruction effort;

(i) The Government of Lebanon, in cooperation with United Nations agencies and NGOs, must ensure that transitional measures are available to guarantee the access to food for all vulnerable groups and that the right to food is not compromised while long-term measures are put in place. This will require the provision of food assistance in the short term, but in the longer term it will require the re-establishment of livelihoods;

(j) The Government of Lebanon, with agencies and donors, must ensure that everyone has access to adequate quantities of clean drinking water. Reconstruction of water wells and water distributions networks must be a central priority;

(k) The Government of Lebanon should institute a moratorium on debt for small-scale farmers and fisherfolk to reverse the downward cycle of debt and impoverishment that will be caused by the loss of this year's harvest;

(l) The Government of Lebanon, with UNWRA, should ensure that unregistered "gatherings" of Palestinians refugees are recognized as official camps and can be provided with all the basic services by the relevant authorities as well as by the Agency;

(m) The Government of Lebanon, in cooperation with donors, should also prioritize reconstruction of agricultural infrastructure, including irrigation networks;

(n) The Government of Lebanon, with bilateral and multilateral donors, should accelerate the clearing of cluster bombs from agricultural fields. The Government of Israel should provide the full details of its use of cluster munitions in order to facilitate the destruction of the UXO and the clearing of affected areas.

Notes

¹ See High Relief Council, at www.lebanonundersiege.gov.lb.

² See advisory opinion of the International Court of Justice, of 9 July 2004 on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, para. 106.

³ See Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law*, ICRC, 2005.

⁴ Additional Protocol I, art. 85 (3); Rome Statute of the International Criminal Court, art. 8 (2) (b).

⁵ Ibid.

⁶ Rome Statute of the International Criminal Court, article 8 (2) (b).

⁷ ICRC, cited in Amnesty International, 23 August 2006, "Israel/Lebanon -Deliberate destruction or 'collateral damage'? Israeli attacks on civilian infrastructure".

⁸ Amnesty International appeal of 9 August 2006, MDE 15/076/2006.

⁹ High Relief Council, 12 September 2006.

¹⁰ See Agence France Presse (AFP), "Israel says it will bomb all moving vehicles south of Litani River", 8 August 2006.

¹¹ Human Rights Watch, "Fatal strikes: Israel's indiscriminate attacks against civilians in Lebanon" vol. 18, No. 3.

¹² *International Herald Tribune*, 22/23 of July 2006.

¹³ Roland Huguenin, ICRC spokesperson in Tyre, quoted in *Le Matin (Switzerland)*, 13 August 2006.

¹⁴ The High Relief Council told the Special Rapporteur that it had distributed (for a family of four) 26 kg packages of food including rice, sugar, tea, jam, lentils, salt, milk, etc. every two weeks. They also distributed hygiene kits and packets of food and items for babies.

¹⁵ See World Food Programme, Lebanon Crisis. WFP Rapid Food Security Assessment, 27 August-10 September 2006.

¹⁶ *International Herald Tribune*, 31 July 2006.

¹⁷ See note 15 above.

¹⁸ Ibid.

¹⁹ Oxfam, press release "Lebanese farmers in crisis after month of war", 31 August 2006.

²⁰ FAO, First Assessment Report, Lebanon, September 2006.

²¹ Government of Lebanon, Ministry of Agriculture, "Preliminary Report: War Damage Assessment in the Agricultural Sector", September 2006.

²² Ibid.

²³ Discussion with informants, 15 September 2006.

²⁴ See Meron Rapoport, "What lies beneath", *Haaretz*, 8 September 2006; AFP, Over 1.2 million cluster bombs dropped on Lebanon, 13 September 2006.

²⁵ See United Nations Joint Logistics Centre, Consolidated Sitrep, Lebanon Crisis, 16 September 2006.

²⁶ See United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Lebanon: cluster bomb fact sheet, 19 September 2006.

²⁷ See Associated Press, L'ONU demande à Israël de préciser les emplacements visés au Liban par des bombes à sous-munitions, 19 September 2006.

²⁸ See United Nations Development Programme, Information on Mine and UXO Victims.

²⁹ See note 25 above.

³⁰ The Special Rapporteur was told that farmers they cover bombs with straw, then pour kerosene on them and run for cover as they ignite the site.

³¹ See note 20 above.

³² United Nations press release, 26 August 2006.

³³ Discussion with Nabil de Freige, member of Parliament, President of the Economic and Industry Commission, 15 September 2006.

³⁴ For example, it was reported that an Israeli patrol boat fired at three Lebanese fishing boats only two days after the naval blockade had been lifted off the coast of the town of Naqoura (see the Lebanese English – language daily *The Daily Star*, 11 September 2006.

³⁵ See note 20 above.

³⁶ World conservation Union (IUCN) and Green Line, Lebanon oil spill rapid assessment/response mission, final report, 11 September 2006.

³⁷ Ibid.

³⁸ OCHA situation report No. 35.

³⁹ Action Contre la Faim, "Au Sud Liban: des milliers de personnes survivent sans un accès minimum à l'eau potable" 28 August 2006.

⁴⁰ South Lebanon Water Establishment Needs assessment report, 10 September 2006.

⁴¹ See note 7 above.

⁴² See Fady G. Comair, Litani water management - prospect for the future, 1998.

⁴³ See Hussein A. Amery, Assessing Lebanon's Water Balance, in David B. Brooks and Ozay Mehmet (eds.), *Water Balances in the Eastern Mediterranean*, 2000.

⁴⁴ See note 39.

⁴⁵ UN press release, 22 August 2006.

⁴⁶ See note 7 above.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ See note 2 above, paras. 152, 153 and 163.
