



Israel's violations of the human right to water and sanitation in the Occupied Palestinian Territory

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Executive Summary

The state of Israel exercises effective control over all aspects of Palestinian civilian life in the West Bank and the Gaza Strip including East Jerusalem (Occupied Palestinian Territory or OPT) as a part of its protracted 45-year military occupation. Israel's almost exclusive control over all sources of water resources in the OPT constitutes a key obstacle for the realization of Palestinian rights to water and sanitation and a factor in the continued denial of Palestinian right to self-determination. As the Occupying Power in the OPT, Israel is responsible for the well-being of the occupied population, including guarantee of provision of adequate water and sanitation services and, public health and hygiene. Furthermore, human rights provisions to which Israel is party continue to apply under conditions of military occupation. Israel has neglected its responsibilities under International Humanitarian Law and International Human Rights Law as well as UN resolutions for the respect, protection and fulfillment of the rights to water and sanitation of Palestinians. In fact, Israel's policies and practices have been directly detrimental for the realization of these rights while very little has been done to ensure accountability at state-level for these persistent, well-documented violations. Violations of the rights to water and sanitation documented in this submission have implications on other rights such as right to adequate standards of living, right to health, right to work, and foremost the right to self-determination.

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Applied Research Institute – Jerusaem (ARIJ) represents 20 years of combined organizational experience in the Palestinian Territory in the fields of economic, social, management of natural resources, water management, sustainable agriculture and political dynamics of development in the area. ARIJ plays an active role in the local community as an advocate for greater cooperation among local institutions as well as international and non-governmental organizations. In its capacity as a national research institute, it frequently provides current data and research necessary to the formulation of position papers and policy strategies on such issues as land and water resources. Moreover, through its work with donor institutions and regional and international experts, ARIJ promotes an atmosphere conducive to the introduction of new initiatives and ideas, and thus serves as a facilitator in the coordination of multilateral activities. Visit: <http://www.arij.org/>

MA'AN Development Center (MA'AN) works in equal partnership with NGOs, CBOs & Popular Committees in the poorest and most marginalized areas of the occupied Palestinian territories, enhancing people's steadfastness and self-reliance, empowering them to take a lead in developing their communities, and to improve their quality of life. Since the establishment of the organization in January 1989, MA'AN has carried extensive work in the areas of capacity building, sustainable agriculture, and infrastructure support throughout Palestine. This has been made possible by the existence of full offices in Gaza City, Jenin, and Ramallah, as well as satellite branches in Tulkarem, Jerusalem, and Khan Younis. Today, MA'AN has an experienced staff of over 100 employees and maintains an annual operating budget over \$6,500,000. MA'AN's considerable track record has provided the organization with the skills and connections needed to succeed. With a strong network of engineers and experts, an effective internal system and external network, MA'AN has the resources needed to competently and efficiently work in this field. Moreover, MA'AN consistently works in harmony with the strategic plan of relevant ministries and coordinates all its projects with local government, councils and committees. Visit: <http://www.maan-ctr.org/>

EWASH Advocacy Task Force is a sub-committee of the Emergency Water, Sanitation and Hygiene Group (EWASH). EWASH is a coalition of aid agencies in the OPT of which MA'AN and ARIJ are members. The support of the EWASH Advocacy Task Force in this submission is acknowledged here. Visit: www.ewash.org

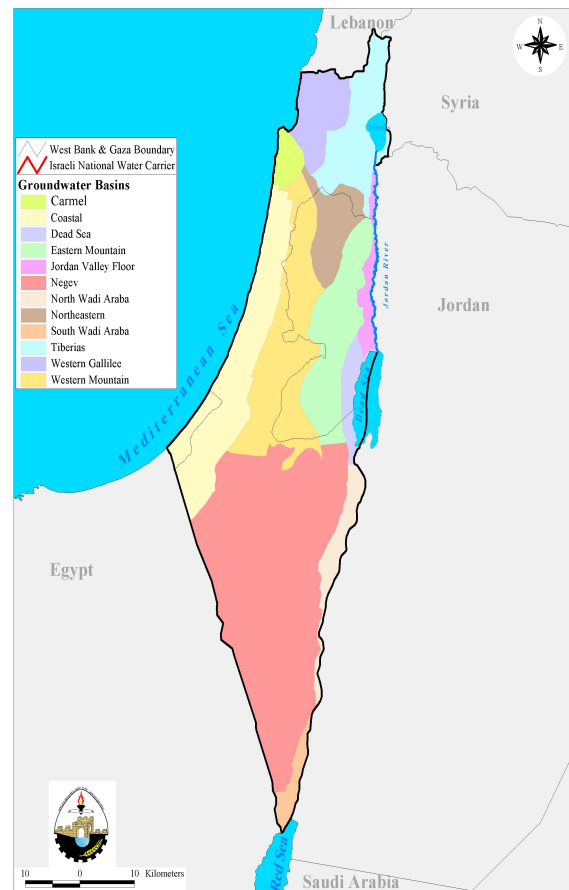
Israel's violations of the human right to water and sanitation in the Occupied Palestinian Territory

Israel's control over water resources in the OPT

Fresh sources of water in the OPT comprise of 1) Mountain Aquifer, a shared groundwater resource underneath the West Bank and parts of Israel, naturally replenished mostly in the former, composed of three basins (Western, Eastern and Northeastern); 2) Jordan River, the most important surface water resource for Israel and Palestinians; 3) Coastal Aquifer, a shared groundwater resource parallel to the Mediterranean Coast, of which the southern end is Gaza's sole source of fresh water; 4) springs in the West Bank.

Through a regime of military orders and an institutionalized framework created under Oslo II (1995), Israel determines water allocations for Palestinian domestic consumption and economic development. Distribution is discriminatory and unequal, leaving Palestinians with only a trickle.¹

In order to make use of the rich water resources of the **Mountain Aquifer** underneath the West Bank, Palestinians are required to go through a maze of permits granted through the Israeli authorities. Such permits are not always forthcoming having resulted in a dwindling of Palestinian extractions since the 90s despite increase in demand.² Since 1967, Israel has not allowed for a single Palestinian well in the Western basin of the Mountain Aquifer, the largest and most productive of all, mounting to a de facto annexation of this vital resource.



¹ Amnesty International (2009), Troubled Waters – Palestinians denied fair access to water: <http://www.amnesty.org/en/library/asset/MDE15/027/2009/en/e9892ce4-7fba-469b-96b9-c1e1084c620c/mde150272009en.pdf>

² World Bank (2009), Assessment of Restrictions on Palestinian Water Sector Development: <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/WaterRestrictionsReportJuly2009.pdf>

Since 1967 Palestinians have been denied access and use of their rightful water share as riparians of the **Jordan River** system, with Israel retaining exclusive use. Furthermore, a pattern of appropriation of Palestinian **springs** has been noted through actions of violent settlers.³

While Israel does not restrict extractions of water from within the Gaza Strip, Palestinians there do not receive a fair share of the **Coastal Aquifer's** waters due to Israel's actions upstream of the aquifer, nor are allowed to consider feasible alternatives to this depleted resource due to the restrictions associated with the illegal blockade regime.

Israel's control over infrastructure development in the OPT

Adequate provision of water and sanitation to populations is dependent on the existence of adequate service infrastructure. Israel has severely restricted large-scale development of infrastructure such as wastewater treatment plants (WWTP) in the OPT.

A regime instituted under the Oslo framework resulted into the fragmentation of the West Bank in Areas A, B and C. The latter is where there is suitable land for development of large-scale infrastructure, constituting 60 per cent of the West Bank area, which Israel retains full military control. Israeli settler institutions largely dictate planning regime in Area C.⁴ Permits for Palestinian construction through this system is severely hampered. As a result the relevant Palestinian authorities have been unable to guarantee reliable water/sanitation provision and in certain areas they are forced to operate under conditions of minimal humanitarian provision, particularly in Area C of the West Bank.

Israel has restricted the entry of construction materials into the Gaza Strip through the single crossing designated for such purposes (Kerem Shalom) as part of its illegal blockade regime. These restrictions have all but halted independent development of large-scale infrastructure in Gaza. Ongoing construction of essential WWTPs continue to drag for several years due to consistent restrictions and delays on the part of Israeli authorities. This has resulted in a situation of collective punishment of Gaza's population where the most basic standards of water/sanitation supply have been neglected and de-prioritized for political purposes.⁵

Evidence of Israel's violations of the human right to water and sanitation in the OPT (2008-2012)

Israel's obligations to respect, protect and fulfill the human right to water and sanitation of Palestinians derive from its commitment to the following international law instruments, all applicable in the OPT:

³ UN OCHA (2012), How Dispossession Happens, The Humanitarian Impact of the Takeover of Palestinian Water Springs by Israeli Settlers:

http://www.ochaopt.org/documents/ocha_opt_springs_report_march_2012_english.pdf

⁴ UN OCHA (2011), Displacement and Insecurity in Area C of the West Bank (August),

http://www.ochaopt.org/documents/ocha_opt_area_c_report_august_2011_english.pdf

⁵ ICRC (2010), Gaza closure: not another year! <http://www.icrc.org/eng/resources/documents/update/palestine-update-140610.htm>

- The Universal Declaration of Human Rights
- International Covenant for Economic, Social and Cultural Rights
- Convention on the Elimination of All Forms of Discrimination Against Women
- Convention on the Rights of the Child
- International Convention on the Elimination of All Forms of Racial Discrimination
- The Hague Regulations of 1907, the Fourth Geneva Convention of 1949
- UN General Assembly Resolution 64/292 (2010) on the Human Right to Water and Sanitation
- Resolutions referent to Palestinian sovereignty over natural resources in the OPT and peremptory norms of the right to self-determination⁶

General comment 15 (2002) of the International Covenant on Economic, Social and Cultural Rights establishes five key components of the human right to water and sanitation: 1) availability; 2) quality; 3) accessibility; 4) affordability; and 5) non-discrimination.⁷

1. Availability

Israel's effective control of fresh water sources and infrastructure development in the OPT has resulted in a situation of human-induced water scarcity. Daily average water consumption in the OPT ranges between 50-70 liters per person, well below the World Health Organization (WHO) recommended minimum of 100 liters for domestic and public service use.⁸ In some areas however daily average water consumption dips to as little as 20 liters per person, the WHO has determined that 20 liters is the amount necessary for "short-term survival" in humanitarian disasters.

West Bank

Some 191,238 Palestinians live in 134 villages without a running-water network. There are an additional 190,000 Palestinians who live in communities in which the water system is very limited.⁹ Availability of water to these communities is limited and overall water consumption is very low. For example, over 51,510 Palestinians in 151 communities located mostly in Area C of the West Bank, where Israel exercises full military control, are considered at high risk of chronic water scarcity, accessing less than 30 liters of water per capita per day (lpcd), paying a high

⁶ See for example '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' <http://unispal.un.org/UNISPAL.NSF/5ba47a5c6cef541b802563e000493b8c/3fa987e4302ec0be8525793b00480dcd?OpenDocument>

⁷ Text of General Comment 15: http://www2.ohchr.org/english/issues/water/docs/cescr_gc_15.pdf

⁸ See Palestinian Water Authority (2012), 2010 Water Supply Report (hard copy)

⁹ Water crisis statistics: <http://www.btselem.org/water/statistics>

price for water, having no network nor adequate water storage and relying on low quality water.¹⁰

About one third of Palestinian homes in the West Bank are connected to a sewage network, with the remaining dependent on unsanitary cesspits or septic tanks. Improvements in the level of sanitation provision are hampered with the difficulty in getting Israeli-issued construction permits for new WWTPs. There is currently only one WWTP fully operating in the whole of the West Bank with further projects currently awaiting Israeli approval, some of which on hold for almost a decade. As a result, only 6.33 per cent of a total of 56 MCM of wastewater from Palestinian towns and villages is treated, with the remaining being discharged untreated into the environment.¹¹ Israel treats about 6 MCM of sewage from West Bank cities close to the Green Line, although it has refused to return the treated effluent to Palestinians for reuse in agriculture while continuing to charge the relevant Palestinian authorities in excess of 200 million NIS for this treatment between 2002 and 2010.¹²

Gaza Strip

The Coastal Aquifer, the sole source of fresh water available to Palestinians in the Gaza Strip, is over abstracted by twice its sustainable yield in order to meet growing demand from Gaza's 1.6 million residents. The long-term sustainability of this fragile resource is at risk and in danger of collapse. Israel's policy of fragmentation of the Palestinian polity has made it impossible for Palestinians in Gaza to access water deposits from the aquifers underneath the West Bank while at the same time Israel has neglected upon the supply of an additional amount of water from the Coastal Aquifer that would fulfil a "fair and equitable" share for Palestinians (Israel currently provides 5 MCM/year although this is far from what Palestinians deserve). In addition, Israel has artificially stopped the flow of Wadi Gaza, a natural rainwater stream originating from the Hebron Mountains.¹³

Gaza's sole power plant has been functioning at only a third of its capacity since Israel bombed it in 2006. Since 2007, Israel has reduced the supply of electricity to Gaza from its own network. The resulting electricity supply deficit has severely impaired the functioning of Gaza's water and sewage systems. As of June 2012, the Gaza Strip experiences eight to twelve hours of scheduled power outages per day, resulting in 40 per cent of the Strip's population receiving water supply once every 4 days and 35 per cent receiving water once every 3 days.¹⁴

¹⁰ UN WASH Cluster (2011), Consolidated Appeals Process 2012 – 2013 – Needs Assessment Framework (NAF) for Water, Sanitation and Hygiene in the Occupied Palestinian Territory [hard copy]

¹¹ BTselem (2009), Foul Play: Neglect of Wastewater Treatment in the West Bank, p. 7
http://www.btselem.org/download/200906_foul_play_eng.pdf

¹² EWASH (2011), Wastewater in the Occupied Palestinian Territory
<http://www.ewash.org/files/library/Factsheet%207.pdf>

¹³ Center for Economic and Social Rights (2003), Israeli Violations of the Human Right to Water in the Occupied Palestinian Territories: <http://www.cesr.org/section.php?id=24>

¹⁴ UN WASH Cluster (2012), Monthly Situation Report of May:
<http://www.ewash.org/files/library/May%202012%20WASH%20Cluster%20Monthly%20Situation%20Report%20final%20May.pdf>

Almost a third of Gaza's households are not connected to the municipal sewage network and depend on cesspits or boreholes, which often flood the streets, as families are unable to afford adequate maintenance.

- *Israel is responsible and should ensure Palestinians meet WHO standards and have access to sufficient and continuous supply of fresh water for personal and domestic uses, this includes immediate intervention to ensure communities in Area C of the West Bank have access to acceptable quantities.*

2. Quality

West Bank

Several Israeli settlements in the West Bank do not treat their wastewater, which is released into the environment, polluting groundwater reserves and agricultural fields. The amount of domestic wastewater generated annually by almost 628,000 Israeli settlers living in the West Bank including East Jerusalem amounts to 54 MCM per year,¹⁵ of which 5.5 MCM is untreated and flows as raw wastewater into West Bank streams and valleys.¹⁶ Israeli settlers produce more than the annual amount of wastewater generated by the 2.62 million Palestinians living in the West Bank, a result of excessive water consumption.

Israel has built industrial zones within the West Bank and relocated several polluting industries from its areas into Palestinian areas close to the Green line. These industrial zones discharge industrial wastewater and solid waste onto nearby Palestinian agricultural lands endangering the environment and the public health of Palestinians and contaminating the groundwater. In most cases the reason behind the relocation of such industries is the complaints of Israeli residents about the impacts of the industries on their lives. It is worth mentioning that the Israeli industrial plants located in the OPT do not apply or have enforced on them Israeli environmental laws.¹⁷

There have been instances where Israeli settlers have vandalized and polluted Palestinian water sources. Settlers from the Yitzhar settlement have repeatedly damaged the al-Shara spring for example, the sole water source for the village of Madama near Nablus, along with the pipe that carries water to the village's storage tank. This has included filling the pipe with concrete and contaminating the spring by dumping raw sewage, diapers and chicken carcasses into the water. Attacks such as these take place with regularity and with impunity.¹⁸

¹⁵ ARIJ (2011) Status of the Environment in the occupied Palestinian territory – A Human Rights Based Approach:

<http://www.arij.org/publications/SOER%202011%20-%20English%20Summary.pdf>

¹⁶ Btselem (2009), Foul Play: Neglect of Wastewater Treatment in the West Bank, June 2009, p. 7

http://www.btselem.org/download/200906_foul_play_eng.pdf

¹⁷ Jad Isaac & Jane Hilal (2011): Palestinian landscape and the Israeli—Palestinian conflict, International Journal of Environmental Studies, 68:4, 413-429

¹⁸ Palestinian Council for Human Rights Organizations (PCHRO) submission to the European External Action Service regarding implementation of the EU-Israel Action Plan in 2011, The Right to Water –A policy of Denial and Forced

Gaza Strip

Up to 95 percent of the water extracted from the Coastal Aquifer is now contaminated with dangerous levels of nitrates and chlorides (well above the guidelines recommended by the WHO for safe drinking water) due to underdevelopment of sanitation sector and over abstraction of the aquifer. WHO standards require nitrates to be under 50 mg/liter and chlorides levels below 250 mg/liter. However, the vast majority of the Coastal Aquifer now has nitrates ranging between 100-800 mg/liter and chloride ranging between 500-3,000 mg/liter.¹⁹

UNRWA's Epidemiological Department in Gaza reports that watery diarrhea, acute bloody diarrhea, and hepatitis diseases caused by lack of access to safe water and adequate sanitation, remain the major cause of morbidity among infectious diseases affecting the refugee population of the Gaza Strip.²⁰

Up to 90 million liters of raw or partially treated wastewater is released daily into the Mediterranean Sea from Gaza posing a danger to the public, particularly during the summer, when large Gaza's beaches are crowded with families. Large amounts of sewage seep into the aquifer contributing to contamination of underground aquifer. Gaza's WWTPs are working over capacity and efforts to upgrade them have progressed slowly due to the strict operational requirements instituted by Israel to bring materials through its crossings.

- *Israel is responsible and should ensure Palestinians have access to safe and clean water and should urgently supply the additional water needed to protect public health in Gaza.*

3. Accessibility

West Bank

The Joint Water Committee (JWC) was established under Oslo-II with the stated objective of overseeing management of water resources and sector development in the West Bank. The JWC comprises an equal number of Israelis and Palestinians and is tasked to approve mostly Palestinian water-related projects. Decisions must be approved by consensus, although Israel holds veto power. In addition, projects destined for area C of the West Bank require a permit from each of the 13 departments of the Israeli Civil Administration (ICA).

In practice, this complex bureaucracy has been used to stifle development of infrastructure that would ensure Palestinian self-reliance. Out of 417 projects submitted to the JWC from 1996 to

Displacement in the Occupied Palestinian Territory, November 2011, p.7

http://www.alhaq.org/images/stories/PDF/PCHRO_Contribution_to_ENP_Progress_Report_Israel_2012.pdf

¹⁹ EWASH and AlHaq (2011), Israel's violations of the International Covenant on Economic, Social and Cultural Rights with regard to the human rights to water and sanitation in the Occupied Palestinian Territory:

[http://www.ewash.org/files/library/110818%20EWASH%20Parellel%20Report%20to%20CESCR%20\(2011\)%20\(FIN%20AL\).pdf](http://www.ewash.org/files/library/110818%20EWASH%20Parellel%20Report%20to%20CESCR%20(2011)%20(FIN%20AL).pdf)

²⁰ UNRWA, "Epidemiological Bulletin for the Gaza Strip". Issue 8, Volume 2, Thursday 12 August 2010 [hard copy]

2008, only 231 were approved, while 22 projects were rejected and 143 are still pending.²¹ In 2011, Palestinians submitted a total of 38 projects to the JWC. Of these 3 were approved in 2011.²²

As a result, Palestinian access to both water and sanitation has in fact deteriorated since Oslo (1995). One example of this is the increased Palestinian dependency on water purchases from Israel's national water company Mekorot due to Israeli restrictions on Palestinians operating their own wells. While Palestinian water extractions have been steadily declining in consequence, over half of the water consumed in the West Bank is now purchased from Israel. This increased dependency on Israel has left Palestinians vulnerable to political maneuver. During the summer for example, Mekorot further limits water supply to several Palestinian communities, leaving them to dry. The water shortages have been so severe in recent years that they have led to social unrest, particularly in refugee camps in the Bethlehem area.²³

Israel's separation wall has cut off access of owners to 136 wells providing 44.1 MCM of water annually. The barrier has closed 46 springs and 906 dunums of underground water. Consequently, over 7,000 Palestinian agriculture-dependent families have lost their livelihoods.²⁴

A number of water springs, on which some Palestinian communities depend as their sole source of fresh water, have recently been taken over by Israeli settlers, as highlighted by a recent UN report. Of the 56 springs surveyed in the report, 30 were found to be in full settler control, and the other 26 at risk of a settler takeover. Palestinians were barred from accessing the spring areas by acts of intimidation, threats and violence by the settlers, as well as physical obstacles.²⁵

²¹ ARIJ (2012), Water resource allocations in the occupied Palestinian territory: responding to Israeli claims, p. 13
<http://www.ewash.org/files/library/Water%20resource%20allocations%20%28digital%20view%20document%29%20final%281%29.pdf>

²² EWASH (2012), Down the Drain – Israeli restrictions on the WASH sector in the Occupied Palestinian Territory and their impact on vulnerable communities:
[http://www.ewash.org/files/library/\(0\)FINAL%20REPORT%20FOR%20WEBSITE%20\(1%20Apr%202012\).pdf](http://www.ewash.org/files/library/(0)FINAL%20REPORT%20FOR%20WEBSITE%20(1%20Apr%202012).pdf)

²³ The National, Bethlehem's taps run dry as West Bank Israelis continue to fill their swimming pool, July 2011
<http://www.thenational.ae/news/world/middle-east/bethlehems-taps-run-dry-as-west-bank-israelis-continue-to-fill-their-swimming-pool> (accessed July 2012)

²⁴ UN GA (2007), 'Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan'
<http://unispal.un.org/UNISPAL.NSF/0/DE28BDD02093A3D2852572F0004EE307>

²⁵ UN OCHA (2012), How Dispossession Happens, The Humanitarian Impact of the Takeover of Palestinian Water Springs by Israeli Settlers, p. 2
http://www.ochaopt.org/documents/ocha_opt_springs_report_march_2012_english.pdf

Gaza Strip

Israel's Access Restricted Area (ARA)²⁶ along the Green Line with Gaza inhibits the provision and access to essential services including water and sanitation.²⁷ 305 water wells were destroyed by Israeli military in the ARA since the imposition of the Israeli blockade of Gaza in 2007.²⁸ This has seriously impacted on livelihoods and right to work as the ARA encompasses an estimated 35% of Gaza's agricultural land.²⁹ Farmers in the ARA have been forced to retreat from their lands and many have lost access to their wells reducing drastically the area of farming and increasing production costs.³⁰

Since Israel declared an 'ease' to the blockade in June 2010, less than a fifth of the needed materials for essential water and sanitation projects have been allowed in, even though these were part of the 'ease' package contained within the published guidelines. Essential water/sanitation projects promoted by international aid agencies have been frozen as a result.³¹

- *Israel should remove movement and access restrictions and remove bureaucratic barriers that have prevented Palestinians from accessing adequate water and sanitation and build infrastructure, this includes the end of Gaza's blockade and the dismantlement of the wall in the West Bank*

4. Affordability

West Bank

Palestinians without water network connection or with insufficient water on the pipes have to rely on trucked water. The price of tankered water depends on the distance of the closest filling point, the time of the year and the vendor himself (see Table 1 in Annex). In the village of Susiya, located in the south Hebron hills, residents pay 25 NIS/m³ (6.5 USD/m³) of tankered water, 5 times more than communities connected to the water network, and spend up to one third of their income on water.³² The case of Susya is representative of other communities in

²⁶ The Access Restricted Area (referred to by Israel as the "buffer zone"), unilaterally imposed by Israel, is the land that extends along the entire northern and eastern perimeter of Gaza, bordering with Israel, where Palestinians are restricted from entering. This regime extends from 300 meters to 1.5 kilometers at its widest point in North Gaza. Access restrictions are imposed primarily by live fire on people entering the restricted area.

²⁷ . OHCHR, 'The Access restricted areas in the Gaza Strip', Jan-December 2011:

<http://reliefweb.int/sites/reliefweb.int/files/resources/ARA%20Update%202011.pdf>

²⁸ . Ibid

²⁹ . Ibid

³⁰ UN OCHA (2010), Between the Fence and a Hard Place – the humanitarian impact of Israeli-imposed restrictions on access to land and sea in the Gaza Strip (August):

http://www.ochaopt.org/documents/ocha_opt_special_focus_2010_08_19_english.pdf

³¹ EWASH (2012), Down the Drain: Israeli restrictions on the WASH sector in the Occupied Palestinian Territory and their impact on vulnerable communities:

[http://www.ewash.org/files/library/\(0\)FINAL%20REPORT%20FOR%20WEBSITE%20\(1%20Apr%202012\).pdf](http://www.ewash.org/files/library/(0)FINAL%20REPORT%20FOR%20WEBSITE%20(1%20Apr%202012).pdf)

³² UN OCHA (2012), Susiya: at imminent risk of forced displacement (March):

http://www.ochaopt.org/documents/ocha_opt_susiya_factSheet_march_2012_english.pdf

Area C where many of its 150 000 Palestinians living precariously pay on average 4 times more per liter than those connected to the water network.³³

Gaza Strip

The vast majority of Gaza's residents purchase water for personal consumption from external vendors because the water coming from the tap is too polluted. The cost of desalinated water is high (50 NIS/m³ or 13 USD/m³)³⁴ adding considerable financial strain to low-income families where high rates of poverty and unemployment are already prevalent. Some families spend up to a third of their income on water.³⁵ About 17 per cent of the population cannot afford to buy desalinated drinking water (approximately 300,000 people) and so rely on their own wells or even tap water, which are likely to be polluted given the poor state of the aquifer.³⁶

- *Israel should ensure that communities are allowed to connect to the water network and increase quantities of clean water by removing all obstacles it has placed for this to happen, being this one of the main reasons for the high cost of water*

5. Non-Discrimination

West Bank

The most flagrant cases of discrimination are observed when comparing Israeli settlements in the West Bank and nearby Palestinian communities. While the average water consumption in Israel stands at around 300 lpcd (over 4 times the Palestinian average), water consumption in Israeli settlements is much higher: over 700 lpcd for the settlements of Qalya and Mitzpe Shalem; meanwhile, Palestinian villages next door have access to a mere 20 lpcd (see table 2 in Annex).³⁷ It is common view dried up Palestinian communities next to green lush Israeli settlements.

Discrimination is manifested too in Israel's routine policy of demolishing essential water/sanitation infrastructure belonging to Palestinians, particularly in Area C, where Israeli settlements are located. Faced with no other alternative, Palestinians there are forced to build small-scale water/sanitation facilities such as cisterns and latrines without Israeli permits.³⁸ Israel deems these projects illegal and routinely demolishes them or confiscates material associated to the project concerned. Over the last three years, WASH demolitions have increased, especially in the cases of wells and cisterns: 82 were destroyed in 2011, compared

³³ UN OCHA (2011), Humanitarian Factsheet on Area C of the West Bank, (July):

http://www.ochaopt.org/documents/ocha_opt_Area_C_Fact_Sheet_July_2011.pdf

³⁴ UN, Consolidated Appeal Process (CAP) 2011 Needs Assessment Framework (NAF) for Water, Sanitation and Hygiene (WASH) in the OPT (draft: September 2010); and UNICEF/PHG, Water, Sanitation and Hygiene Household Survey – Gaza (April 2010), Available from: http://www.unicef.org/oPt/FINAL_WASH_REPORT.pdf

³⁵ . Ibid

³⁶ UNICEF (2010), Protecting children from unsafe water in Gaza. Strategy, Action Plan & Project Resources. [hard copy]

³⁷ UN OCHA (2011), Limited Availability of Water in the West Bank <http://www.ochaopt.org/annual/c7/3.html>

³⁸ Diakonia (2011), Israel's Administrative Destruction of Cisterns in Area C of the West Bank, (September): http://www.diakonia.se/documents/public/IHL/IHLanalysis/Diakonia_Cisterns_Legal_Brief_28092011_LOW.pdf

to 57 in 2010 and 10 in 2009. When figures for sanitation-related demolitions and the number of confiscations are added, a total of 134 WASH facilities were targeted by the Israeli Civil Administration in 2011, amounting to a total of 218 since 2009.³⁹ Israeli settlements face no such predicament. While Palestinian communities in Area C are gradually shrinking, illegal Israeli settlements continue to grow. Access to essential services such as water/sanitation has been a trigger for displacement as residents' lives become increasingly unsustainable without this basic right.

Gaza Strip

Israel's blockade of the Gaza Strip in place since 2007 has been deemed an act of collective punishment due to the undue suffering caused to its civilian population. Israel's policies towards civilians in Gaza are discriminatory as they are guided on the basis of nationality.⁴⁰

Israeli military operations have targeted water and sanitation infrastructure in the Gaza Strip. During the 3-week offensive known as Cast Lead (27 December 2008 – 18 January 2012) Israel targeted water and sanitation infrastructure in a "deliberate and systematic" way, according to the UN fact finding mission report.⁴¹ The Israeli military destroyed over 30 kilometers of water networks in addition to 11 wells in Gaza and damaged over 6,000 roof tanks and 840 household water connections.⁴² As a result, some 800,000 persons, over half the population of Gaza, were left temporarily without access to running water. Eight months after Cast Lead, some 10,000 people in the Gaza Strip remained without access to running water.⁴³

Israel has continued to cause damage to water/sanitation infrastructure as part of its routine military operations.⁴⁴ On 19 August 2011, the Israeli military destroyed a sewage pumping station, which had only just been completed to connect 130,000 residents of the Al Nusseirat and Al Bureij refugee camps to sewage mains.⁴⁵ In April of the same year, Israeli military damaged a water reservoir in the east of Gaza city leaving 30,000 residents without water for three days.⁴⁶ In addition, in July 2011, Israeli military destroyed completely private water well

³⁹ UN OCHA, Ibid, p. 53

⁴⁰ UN CERD (2012), Concluding observations: <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.ISR.CO.14-16.pdf>

⁴¹ Report: <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/factfindingmission.htm>

⁴² Palestinian Hydrology Group (2009), Rapid Community Based Water and Sanitation Needs Assessment from the Impact of the Israeli Offensive on Gaza between 27th Dec. 2008 and 17th Jan. 2009 (Feb) [hard copy]

⁴³ OCHA (2009), Locked in Despair: the Humanitarian Impact of Two Years of Blockade on the Gaza Strip (August): http://www.ochaopt.org/documents/Ocha_opt_Gaza_impact_of_two_years_of_blockade_August_2009_english.pdf

⁴⁴ EWAS EWASH Advocacy Task Force (2011), Demolition & destruction of water, sanitation & hygiene (WASH) infrastructure in the Occupied Palestinian Territory: <http://www.ewash.org/files/library/factsheet%2011%20-%20demolition.pdf>

⁴⁵ ibid

⁴⁶ . Ibid

serving 39 dunums of land and nine domestic water tanks leaving 59 people without water for days.⁴⁷

- *Israel must dismantle all settlements in the West Bank, end settler control of the planning regime in the West Bank and end all discrimination in water access that favor Israeli citizens. Targeting of Palestinian water/sanitation infrastructure must end in the West Bank and Gaza Strip.*

East Jerusalem

Israel has de jure annexed East Jerusalem to its sovereign jurisdiction although this has not been recognized by other states. Living standards in East Jerusalem are precarious much of it due to Israel's regard of Palestinians Jerusalemites as "temporary residents" with limited legal recourse. This recognition vacuum extends to housing/property rights and entitlement to municipal services and infrastructure, prime among which water and sanitation.

About half of the estimated 260 000 Palestinian Jerusalemites are not allowed, under Israeli law, to connect to the water network mainly because they do not have housing permits (which are almost impossible to obtain), thus resorting to unlicensed substandard connections and paying almost double the price per cubic meter.⁴⁸ About 80 per cent of Palestinian Jerusalemites live under the poverty line.

Over a third of Palestinian households are not connected to the sewage network, resorting to unsafe and unhygienic septic tanks (standards which are impermissible under the regulations of the Israeli Ministry of Environment and Ministry of Health). It is estimated that 50 km of main sewage lines are lacking.⁴⁹

Discrimination in service provision between the city's Jewish and Arab is latent evidenced by the chronic underinvestment of the Israeli-run Jerusalem Municipality in Palestinian areas.⁵⁰ Almost 90% of the sewage pipes, roads and sidewalks are located in West Jerusalem⁵¹.

- *Israel must ensure full equality for Palestinian Jerusalemites in access to Municipal services including provision of water and sanitation*

⁴⁷ . Ibid

⁴⁸ Correspondence between The Association for Civil Rights in Israel and Israeli Ministry of Interior and Ministry of National Infrastructure (20 February 2008)

⁴⁹ ACRI (2010), Human Rights in East Jerusalem: Facts and Figures: <http://www.acri.org.il/en/2010/05/10/new-acri-report-on-east-jerusalem-highlights-education-welfare/>

⁵⁰ BTselem, East Jerusalem: Neglect of Infrastructure and Services in Palestinian Neighborhoods http://www.btselem.org/english/jerusalem/infrastructure_and_services.asp

⁵¹ ibid

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Annex

Table 1: Comparison between prices of network and tanker water

Region	The price of 1 m ³ of water	
	Network (NIS\m ³)	Tanker (NIS\m ³)
Palestinian Territory	3.0	24.3
West Bank	3.8	19.4
North of West Bank	3.7	15.7
Middle of West Bank	3.7	24.4
South of West Bank	4.5	23.0
Gaza Strip	1.3	35.0

Source: www.masader.ps/p/files/WD-PCPS-En.doc

Table 2: domestic water consumption in Israeli settlements in the West Bank and nearby Palestinian villages

Israeli Settlement	Litres/person/day	Nearby Palestinian village	Litres/person/day
Beda'ot	401	Tubas	30
Niran	433	Al-A'uja	82
Arganan	411	A-Zubeidat	82
Ro'i	431	Al-Hadidiya	20
Beqa'ot	406	Al-Hadidiya	20

Source: Btselem

Case Study 1: A trickle of water for Hannan and her family in the West Bank

Hannan Ammashi is a mother of 6 and a member of the women's cooperative in the Akbat Jaber refugee camp in Jericho. Most of the 8,000 Palestinians living in the camp suffer from water shortages; UNRWA, the UN agency created to assist Palestinian refugees, pumps some water from a nearby spring to supply part of the camp, but most of the water is bought from Israel's national water carrier Mekorot. Yet the amount of water supplied to the camp is insufficient, particularly in the summer, when Mekorot turns off the tap for days at a time. Israeli settlements nearby have plenty of water and use it to irrigate fruit and vegetable plantations destined for the export market. "I get water from the tap twice a week," explains Hannan, "but the water network is old and the water is contaminated. The main storage unit is open, and birds die in it and there are insects too." Most of the women of the cooperative complain that their children often suffer from diarrhea, and blame the poor quality of the water. Hannan has been suffering from water shortages for over four years, and is forced to buy water from private vendors, which costs 9 times the amount she normally pays—in total, 20% of her husband's monthly income is spent on buying water. But there aren't enough tankers to service the whole camp, and her family often has no access to water at all. "Sometimes I have to wait days to do the dishes," says Hannan, "or borrow buckets of water from the neighbors to use the toilet. Sometimes the people here fight, because some have more water than others, and they get jealous." Many of the camp's residents have left because of the water shortages, says Hannan; she is also thinking of moving to another refugee camp nearby where more water is available.

Cast Study 2: Farming in despair in the Gaza Strip

Mohsen Abu Mo'ammr, 40, owns 25 dunams of land close to Gaza's border fence with Israel in al-Shouka village, south of the Gaza Strip. His land was declared a no-go area in 2007. Locals refer to it as a "death zone" because farmers risk being shot while working the land if they inadvertently get too close to the border fence. Mohsen lives in fear but is forced to continue his work as a farmer to feed his family of eight.

Al-Shouka lacks in basic services. The authorities cannot connect the village to the water and electricity networks due to concerns about safety, the Israeli authorities see with suspicion any attempts to lay infrastructure in the area. Prior to the blockade, Mohsen used a nearby pond and an old agricultural well to irrigate his crops. However in 2007 the Israeli forces leveled the area and with it destroyed the pond and the pipe connecting his land to the well. Ever since, Mohsen has only been able to work on 5 dunams of land because there is not enough water to irrigate the rest. "Farming was easy and our lands were flourishing until Israel destroyed our water sources putting us through hardship and despair" says Mohsen.

Mohsen now gets water from another well 3 km away at a higher cost but even this has been at a premium lately. The electricity shortages that Gaza has experienced, for up to 12 hours a day, mean that the well has been closed for most of the time. His crops suffered as a result, some irreversibly damaged, making him lose much needed income for his family. Al-Shouka residents live in poverty and their condition has continued to decline with constant Israeli attacks.

"Some of my neighbors left their land due to the lack of water and I am afraid to do the same one day.... I dream of green fields, God willing, but with the current situation it seems impossible"