

On the Occasion of the International Water Day 2017: Israeli Apartheid, The Case of Water

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Questions & Answers

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1. How are water resources in Palestine and Israel supposed to be shared?

According to the Palestinian position, the sharing of transboundary water resources between Palestine and Israel is to be governed by international law, and its main principles.

The right to water and sanitation, an individual basic human right, has been implicitly and explicitly enshrined through international conventions such as the International Covenant on Economic and Social Rights (ICESCR), the Convention Against All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC). Indeed all transboundary freshwater resources must be shared “equitably and reasonably” in line with customary international law.

As such, transboundary water resources between Palestine and Israel must, as all matters, be governed by international law and the guiding principles of these international conventions.

2. Are water resources in Palestine and Israel in fact shared as per international law?

No. In practice, the Israeli government does not abide by international water law, nor agreements it has signed. Moreover, as the Occupying Power, Israel has very specific obligations toward the land and population it occupies. Unfortunately, Israel not only fails to fulfill these responsibilities, which are obligations under customary international law, but in fact continues to exploit Palestinian natural resources in the territory it occupies.

By exploiting over 85% of these resources for exclusive Israeli use, including use in illegal Israeli settlements, Israel allocates less than 15% for Palestinian use. This is done through a system of numerous Israeli military orders, which govern and restrict water resources for Palestinians.

In 1995, as part of the Oslo Accords, the PLO signed an Interim Agreement with Israel. Annex III, Article 40 of that agreement dealt with water, allocating water resources for a period of five years, at which point the water issue was to be resolved as part of a permanent status agreement between the States of Palestine and Israel. In the meantime, the Joint Water Committee (JWC) was established to oversee all water and wastewater related projects in the West Bank, theoretically requiring both Palestinian and Israeli agreement for projects, use of aquifers and shared water resources, and protection of water sources and their replenishment.

Over 24 years after the Interim Agreement was subject to termination, and Israel was required to return all occupied territory to Palestine, Israel today continues to control over 60% of the West Bank, retains full control over water and other projects, and effectively creates a doubly prohibitive system of domination.

While water availability for Palestinians has decreased, the Palestinian population has doubled. As of January 2017, more than 100 Palestinian water and sanitation projects are pending approval. Since 1967, not a single new well has been approved by Israel in the Western Aquifer. Wells built without Israeli-issued permits are systematically destroyed by the Israeli occupying forces.

A final important aspect relating to water resources in Israel and Palestine is the fact that the West Bank, including East Jerusalem, and Gaza Strip, now the State of Palestine, have been under military occupation for almost 50 years. As an Occupying Power, Israel is responsible for protecting the local population in the territory which it occupies and is prohibited from exploiting natural resources in order to benefit its own population. Israel has failed to fulfil the former responsibility and has directly violated the latter.

3. What does this mean for Palestinians?

For Palestinians, this means a lack of access to water which varies according to location and ability to pay for extra water, which they must essentially 'buy back' from Israel.

According to the World Health Organisation (WHO), the minimum water requirement is 100 litres per person per day. The average Palestinian lives on an average of 73 litres/day and there are some areas, reported by the World Bank, where daily water consumption falls to a mere 25 litres/day.

A Palestinian family spends on average 8% of its monthly expenditure on purchasing water, as compared to the worldwide average of 3.5%. In certain areas under Israeli control, Palestinians are forced to rely on tankered water, which can cost up to a staggering 50% of their monthly expenditure.

In the West Bank, some Palestinian communities are linked to so-called "joint" water networks, which also serve Israeli settlers who live illegally on occupied Palestinian land. During dry summer months, water valves leading to the Palestinian areas are routinely shut off by Israeli occupying authorities, so that Israeli settlers do not suffer water shortages.

In the Gaza Strip, which has been under Israeli military blockade for the past 10 years, a severe lack of water has led to heavy reliance on the underlying portion of the Coastal aquifer as Gaza's only water supply. The 2 million Palestinians in Gaza presently extract almost three times the aquifer's sustainable yearly recharge. The UN estimates that this portion of the aquifer will be irreversibly damaged by 2020.

4. What does this mean for Israelis?

In stark contrast to Palestinians, the average Israeli uses around 300 litres per person per day. Estimates suggest that Israeli settlers – those living illegally in settlements on Palestinian land in the occupied West Bank – enjoy up to 6 times the amount of water than that of nearby Palestinian communities. In the Jordan Valley, average water bills for settlers amount to a mere 0.9% of their monthly expenditure. The closing of valves leading to Palestinian areas in summer months allows settlers to maintain high levels of water usage uninterrupted by shortages, at the expense of Palestinian communities.

5. Can the water situation in Palestine/Israel be defined as Apartheid?

Under international law (specifically the Rome Statute of the International Criminal Court), the crime of Apartheid is defined as: "inhumane acts...committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime[.]"

In 2013, the human rights organization Al-Haq published a report entitled, *Water for One People Only: Discriminatory Access and 'Water-Apartheid' in the OPT*, which provides an in-depth legal analysis and sets out the three pillars of Israel's 'Water-Apartheid':

1. Demarcation of the Population along Racial Lines
2. Segregation into Different Geographical Areas

3. The Use of “Security” to Justify an Institutionalised Regime of Domination and Systematic Oppression.

The report concludes that “Israel’s illegal exercise of sovereign rights over Palestinian water resources and its discriminatory policies and practices are integral elements of an institutionalized system of Jewish-Israeli domination over Palestinians as a group, in the form of a colonial and apartheid regime.”¹

- 1. Al-Haq, *Water For One People Only: Discriminatory Access and ‘Water-Apartheid’ in the OPT*, p. 96, available at: <http://www.alhaq.org/publications/Water-For-One-People-Only.pdf>.