Water in the OPT and Mekorot’s violations of Palestinian Water Rights

Contrary to popular belief, water is not scarce in Palestine. In fact, three main sources of fresh water run through the region, but Palestinians still suffer from limited access to water resources. The sole reason for Palestinian water scarcity is Israel's colonial occupation.

Since the 1950s, Mekorot, Israel's national water company, has facilitated and benefitted from Israel's discriminatory water policies in the OPT.

The company has monopoly control over all water sources in the OPT, making it the largest single water supplier in the territory. Mekorot exploits water resources from the OPT to supply colonial settlements and transfers Palestinian water across the Green Line, at the expense of Palestinian communities. The company also supplies water to Israeli military bases in the OPT.

Mekorot’s extensive water extraction is causing considerable environmental harm to Palestinian water quantity and quality in Palestinian communities, specifically to Palestinian springs in the Jordan Valley.
Mekorot’s discriminatory water policies involve:

1. Routinely restricting and reducing water supplies to Palestinian communities, especially during summer months to meet consumption demands in Israel and Israeli settlements.

2. Applying discriminatory water prices by charging higher rates to Palestinians than Israelis.

As a result, more than 500,000 illegal Israeli settlers consume six times more water than 2.6 million Palestinians living in the West Bank.

Alongside the discriminatory policies Mekorot itself implements and the benefits the company receives, Mekorot also facilitates and contributes to Israel’s settlement enterprise. Mekorot provides water and develops water infrastructure in settlements and thus enables and contributes to the viability of agricultural settlements, while also supplying residential settlements. The estimated value of agricultural goods produced by settlements in the Jordan Valley alone is nearly 128 million USD per year.

In the United States, Mekorot has contracts in New York, California and Ohio. In 2009, Water Solution Technologies (WST) of Fresno, California signed a MOU with Mekorot for their “expertise in water management, specifically in desalinating water.” Mekorot set up its first US office in Ohio in 2012. The company also has activities in Central and Eastern Europe, Central and Eastern Asia, Africa and South America.

For more information, see Al-Haq’s report “Water for One People Only: Discriminatory Access and ‘Water Apartheid’ in the OPT” Available at www.alhaq.org

LEGAL FRAMEWORK

Under international law, Israel, as Occupying Power, is considered temporary administrator of these resources and is prohibited from exploiting them in a way that undermines their capital. Any economic benefit from the resources should be used to offset the costs of the occupation or in the interest of the Palestinian people.

Instead, and in violation of its legal obligations under international humanitarian law and human rights law, Israeli and foreign businesses profit from resources in the OPT and obstruct the Palestinian right to self-determination. The UN General Assembly has affirmed “the right of the Palestinian people to permanent sovereignty over their natural wealth and resources” which “must be used in the interest of their national development, the well-being of the Palestinian people and as part of their right to self-determination.”

But through a range of policies and a set of military orders, Israel has limited Palestinians’ access to and control over their natural resources. In fact, the first military orders issued after the occupation in 1967 declared water resources in the OPT to be under Israeli military rule, and stated that Palestinians could not develop water infrastructure without the approval of the Israeli Civil Administration. In effect, these military orders made the Palestinian population dependent on Israel for the use of their own water.

Mekorot systematically exploits water resources in the OPT and as such is involved in the international crime of pillage. Mekorot also directly contributes to the denial of Palestinian self-determination, which includes the right to exercise permanent sovereignty over natural resources.