



Vitens N.V.
Ms. L.C.A. Declercq, CEO
P.O. Box 1205
8001 BE Zwolle
The Netherlands

Date: 12 December 2013
Ref. No.: 516/2013

**Re: Involvement of *Mekorot* in international law violations in
the Occupied Palestinian Territory**

Dear Ms. Declercq,

Al-Haq welcomes the decision by Vitens NV to terminate its collaboration with the Israeli national water company *Mekorot*. In particular, Al-Haq commends Vitens' adherence to international law standards and encourages you to remain steadfast in your decision to terminate your involvement with *Mekorot*.

In 1982, the former Israeli Minister of Defence Ariel Sharon transferred ownership over all West Bank water supply systems to *Mekorot*. However, the State of Israel retained 50 per cent shares in *Mekorot*. In exchange for ownership over all Palestinian-owned water infrastructure - amounting to an estimated value of 3.6 million EUR - *Mekorot* made a symbolic payment of one NIS (approximately 0.20 EUR). Upon receipt of this payment, the integration of the water system in the Occupied Palestinian Territory (OPT) into the metropolitan Israeli network was completed.

As a result of *Mekorot's* control over Palestinian water sources, Palestinians have largely been forced to rely on *Mekorot* to meet their annual water needs. According to the Palestinian Water Authority (PWA), in 2010 Palestinians relied on *Mekorot* for more than a third of their water needs. In 2013, the United Nations International Fact-Finding Mission on the Impact of Israeli Settlements on the Civil, Political, Economic, Social and Cultural Rights in the OPT estimated that "*Mekorot* supplies almost half the water consumed by Palestinian communities."

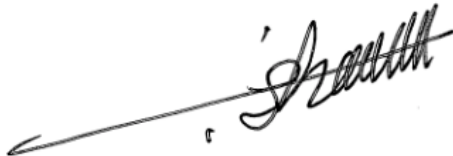
In order to ensure that copious amounts of water reach the settlements and Israel, *Mekorot* extracts water from Palestinian water resources. For example, as of September 2011, all Israeli settlements situated in the West Bank, including East-Jerusalem, were connected to a water network and serviced by *Mekorot*. *Mekorot* meets water consumption by settlers amounting to an average of 396 litres per capita daily (lpcd), whilst only allowing Palestinians an average of 73 lpcd – much below the minimum domestic use recommended by the World Health Organisation (100 lpcd). In effect, more than 500,000 settlers in the OPT consume more than six times the amount of water used by the Palestinian population of almost 2.6 million, despite the fact that the water is extracted from Palestinian occupied land. As such, *Mekorot* has played an instrumental part in furthering the settlement enterprise, ensuring

discriminatory allocation of water, and in denying Palestinian control over natural resources in the OPT.

We stress that although Israel has merged the Palestinian water system into its own, Israel is illegally exercising sovereign rights over Palestinian natural resources. In accordance with Palestinians' inherent right to self-determination, Palestinians retain permanent sovereignty over their own natural resources, including water, and as such Israel is prohibited from exploiting and disposing of natural resources situated in the OPT. International humanitarian law (IHL) prohibits Israel, as the Occupying Power, from administering the occupied territory to benefit its own interests, including its private business enterprises and settlements. Any legal arrangements and/or agreements between parties, including the Palestinian Authority, that contradict international humanitarian law and result in derogation from the protection conferred upon the occupied population is considered null and void.

The decision to terminate your cooperation with *Mekorot* is therefore in line with international law and international regulations and Al-Haq hopes that your decision will serve as a precedent to other companies. This letter is a brief summary of the basic facts. As such, please find attached the Al-Haq report *Water for One People Only: Discriminatory Access and 'Water Apartheid' in the Occupied Palestinian Territory*, which provides further information about *Mekorot* and an extensive legal analysis on this issue. In addition, we encourage Vitens to contact us in case further information or assistance is needed.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Shawan', with a long horizontal line extending to the left.

Shawan Jabarin
General Director
Al-Haq