



Israel's Exercise of Sovereign Rights over Water Resources in the Occupied Palestinian Territory (OPT)



Israeli controlled water pump, Jordan Valley – Al-Haq©

Gaining Control over Water Resources in the OPT: the Six Day War (June 1967)

- Control over water resources has been identified as one of the major causes of the Six Day War of June 1967. During the Six Day War, Israeli forces captured and occupied lands strategic for their natural water resources, thereby securing access to and control over the major surface and groundwater resources of the region.
- Since then, Israel has exerted considerable military and political efforts, including the establishment of settlements, in order to exercise exclusive control over water resources in the OPT. As a result, Palestinians have seen their access to and use of water severely curtailed.

"Is it possible today to concede control of the [Mountain] aquifer [in the West Bank], which supplies a third of our water? Is it possible to cede the buffer zone in the Jordan Rift Valley? You know, it's not by accident that the settlements are located where they are."

Former Prime Minister of Israel, Ariel Sharon¹



Integrating the Water System of the OPT into the Israeli System

- Israel's appropriation of the water resources in the OPT began immediately after the beginning of the occupation through a series of military orders, which integrated the water system of the OPT into the Israeli one, at the same time denying Palestinian access over this vital resource.
- In 1982, ownership of all water supply systems in the West Bank and the Gaza Strip was brought under the control of 'Mekorot', Israel's national water company. As a result, Palestinians have been forced to rely on 'Mekorot' to meet their water needs.
- According to the Palestinian Water Authority (PWA), it had to purchase an additional 55.5 million cubic metres (mcm) from 'Mekorot' in 2010 "to cover the minimal and very basic needs." This means that in 2010 the Palestinians had to rely on Israel for more than a third of their water needs.²
- Since 1967, Israel has developed a water network in the OPT that is linked into its national network.
- In addition, 'Mekorot' has established wells, mainly in the Jordan Valley, that supply Israeli settlements.
- 'Mekorot' significantly reduces the Palestinian water supply – sometimes by as much as 50 per cent – during the summer months in order to meet consumption needs in Israel and the settlements.³
- Due to these severe water cuts and the limited coverage of the water network in the OPT, many Palestinian communities have had to resort to purchasing expensive water delivered by water tankers, increasing the price of water to an average of eight times or more what Israeli settlers pay.⁴
- According to data collected by the PWA, in 2010 the average cost of tanker water was around 12 ILS (approximately 3.2 USD) per cubic metre, in comparison to 2.64 ILS (approximately 0.70 USD) in the West Bank and 2.38 ILS (approximately 0.62 USD) in the Gaza Strip for those connected to the water networks.⁵

Kufr al-Deek: Dry and Contaminated

The residents of Kufr al-Deek village, Salfit governorate have a water supply of merely 23 lpcd, which is almost entirely supplied by 'Mekorot'. Kufr al-Deek is located only 300 metres from 'Ariel,' one of the largest Israeli settlements in the West Bank. When supplies of water are low in the summer months, 'Mekorot' closes the valves that supply Kufr al-Deek so as not to affect 'Ariel's' supplies. 'Ariel' is strategically built over the Western Aquifer Basin and sits on top of the hill above the 'Ein al-Matwi spring and the Palestinian towns of Salfit, Bruqin, Kufr al-Deek and Farkha. As is the case in numerous Palestinian communities within the West Bank, local spring water makes up a vital source for these towns. Recently however, the 'Ein al-Matwi spring has become subjected to an upstream source of contamination. The settlement of 'Ariel' threatens the very source of water that these communities rely on for drinking purposes, as it routinely discharges wastewater in an inappropriate manner, thereby adversely affecting not only the health of the Palestinian communities directly, but also the local agriculture and the environment in the immediate vicinity.⁶



Water tanker with a volume of 500 litres, al-Jiftlik, Jordan Valley – Tony Kane©

The Impact of the Oslo Accords on Water Allocation and Control

- Under Article 40 of the Oslo II Accord of 1995, Israel recognised undefined Palestinian water rights and passed partial responsibility for water allocation to the PWA.
- The PWA's partial responsibility for water allocation is limited to only those Palestinians residing in Area A or B. Indeed, most Palestinians reside in Area A or B, but the infrastructure on which they depend lies inside or crosses Area C.⁷
- Exacerbating these difficulties, Area A and B are not contiguous, but fragmented into enclaves surrounded by Israeli settlements. Israeli jurisdiction in Area C fortifies its control over water resources and makes the planning and management of water resources virtually impossible for the Palestinian Authority.⁸

Joint Water Committee (JWC)

- The JWC, established under Oslo II as part of a five-year interim arrangement, holds complete decision-making power over the coordinated joint management and development of the West Bank's water resources and wastewater systems. One of the primary ways that Israeli authorities maintain exclusive control of Palestinian water resources is through their effective veto power in the JWC.
- A recent study done by Dr. Jan Selby into the JWC records between 1995 and 2008 demonstrates that approval rates for Palestinian water related projects are significantly lower than Israeli projects.⁹
- Israel only approves major Palestinian projects, especially wells, if the Palestinians agree to Israeli demands to construct new and enlarged water supply systems benefitting colonies in the West Bank.



The Impact of the Annexation Wall on Water Resources in the OPT

- Since June 2002, Israel has been constructing the Annexation Wall in the OPT, an exercise that has faced international condemnation on the basis of its illegality under international law.¹⁰
- Upon completion of the Annexation Wall, Israel will have appropriated a total of 70 per cent of the West Bank's share of the Western Aquifer Basin's recharge area, which is the only area that has any significant potential for well development and increasing water extractions in the future.

Conclusions and Recommendations

Up to the present day, Israel continues to illegally exercise sovereign powers over the OPT's water resources. This has prevented Palestinians from developing their water and sanitation sectors, as well as precluded the possibility to put in place more efficient extraction systems and distribution networks. In addition, the establishment of the JWC has allowed for the formalisation of a discriminatory water management regime in the OPT.

Accordingly:

The Government of Israel, as the primary duty-bearer in the OPT, must:

- I. Immediately cease the unlawful appropriation and exploitation of Palestinian water resources in the OPT, including through manipulation within the system established under the JWC.

The Palestinian Authority, the Palestinian Water Authority and the Coastal Municipalities Water Utility must:

- I. Reassess their involvement in the JWC. In particular, the PA must denounce this discriminatory management regime that facilitates Israel's illegal exercise of sovereign rights over Palestinian water resources.



Endnotes

¹ Former Prime Minister of Israel, Ariel Sharon, in response to the question of whether withdrawal of Israeli settlers from the West Bank would ever be possible. A Shavit, 'Sharon Is Sharon Is Sharon' *Haaretz Magazine* (12 April 2001).

² PWA 'Water Supply Report 2010' (March 2013) 31.

³ UNGA, Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs in the Occupied Territories (8 June 2007) UN Doc. A/61/500Add.1, paragraph 29.

⁴ A Hass, 'Someone tell the Palestinians: It's the occupation, stupid!' *Haaretz* (10 September 2012)

<<http://www.haaretz.com/news/features/someone-tell-the-palestinians-it-s-the-occupation-stupid.premium-1.463777>> accessed 22 March 2012.

⁵ The amounts are what the Palestinians pay Israel per cubic metre in 2012. See PWA 'Water Supply Report 2010' (n1) 8 and A Hass, 'Palestinian Authority: Israel violating Oslo deal on water prices' *Haaretz* (11 October 2012)

<<http://www.haaretz.com/print-edition/features/palestinian-authority-israel-violating-oslo-deal-on-water-prices.premium-1.469290>> accessed 22 March 2012.

⁶ PHG, 'Wastewater from Ariel Settlement Pollutes Palestinian Water Supply in Salfit' (2010).

⁷ Oslo II stipulated three jurisdictional zones in the West Bank (excluding East Jerusalem) known as 'Area A,' 'Area B,' and 'Area C.' Area A includes those parts of the West Bank that are under full Palestinian civil and security control. In Area A, Area B includes those parts of the West Bank that are under full Palestinian civil control and joint Israeli-Palestinian security control. Within Area B, which encompasses many Palestinian villages and towns, the Palestinian authorities was vested with the same functional authorities as in Area A, including public order for Palestinians. However, Israel retained overriding responsibility for security. Area C Includes those parts of the West Bank that are under full Israeli civil and military control, including land registration, planning, building and designation of land use. It contains the bulk of Palestinian agricultural and grazing land, water sources and underground reservoirs.

⁸ World Bank 'West Bank and Gaza: Assessment of Restrictions on Palestinian Water Sector Development', Sector Note (April 2009) vii.

⁹ J Selby, 'Cooperation, Domination and Colonialism: The Israeli-Palestinian Joint Water Committee' (2013) 6 Water Alternatives.

¹⁰ Al-Haq, 'The Annexation Wall and its Associated Regime' (2012) (Second Edition) 11.