

## WATER AND SANITATION IN PALESTINE

Water and sanitation are basic human rights. In Palestine, today, they cannot be fully enjoyed. The discriminatory water sharing agreements (Oslo II, 1995) and the Israeli permit regime in place in the West Bank (especially in Area C), as well as the near-decade long blockade on Gaza, deny Palestinians the control over their water resources and prevent them from developing adequate water and sanitation (WASH) infrastructure. In such circumstances, the enjoyment of those and other basic rights, as well as the sustainable development of Palestine, are at stake.

Israel, as the occupying power has an obligation under international humanitarian law to ensure the dignity and wellbeing of the population under its control. This includes obligations regarding the provision of and access to humanitarian relief and basic services, including water and sanitation.

Third States have an obligation under the Geneva Conventions to ensure respect for international humanitarian law. Moreover, all stakeholders including the donor community bear the responsibility of redressing this situation.

## **WEST BANK**

In the West Bank, the human right to water cannot be fully enjoyed by Palestinians due to two main challenges:

- 1. WATER SHARING AGREEMENTS LEAVING PALESTINIANS WITH TOO LITTLE WATER: The basis of water access between Israel and Palestine is fundamentally unequal. The Oslo II Interim Accords of 1995 left Israel in control over almost all shared water resources, but it was supposed to be temporary. Today, 20 years later, Palestinian water allocations are still capped at 1995 levels despite the Palestinian population having doubled since then. Palestinians in the West Bank nowadays extract not more than 10% of the shared water resources (10 to 20% less than what they were allocated in 1995) due to the Israeli restrictions on the development of essential Palestinian water infrastructure and its exploitation of the shared Mountain Aquifer. Palestinians also have no access to the Jordan River, located all along the Palestinian-Jordanian border.
- 2. **RESTRICTIONS ON PALESTINIAN PLANNING:** Palestinians' right to plan, develop, and maintain their WASH infrastructure according to their needs and to ensure water for sustainable development is restricted by the Israeli permit regime in place in the West Bank. For all water projects, Israeli authorities have a veto power over the development of Palestinian infrastructure. Moreover in Area C (over 60% of the West Bank, under full Israeli control), a building permit from the Israeli Civil Administration is also required. Yet such permits are nearly impossible to obtain: only 1.5% of the Palestinian applications for building permits in Area C submitted between 2010 and 2014 were approved.<sup>2</sup>

As a result, Palestinians living in Area C of the West Bank are left with no choice but to build without a permit, constantly risking demolitions, or not to build at all. This applies all the way down to simple rainwater tanks built entirely on privately-owned property.

This situation is all the more troubling because Area C is also the natural space for development, especially for WASH infrastructure such as wastewater treatment plants that cannot be built in inhabited areas. In 2015, 39 Palestinian owned WASH structures in the West Bank were either demolished or confiscated - including latrines, water networks, and water cisterns.<sup>3</sup> 2016 has already seen a sharp increase in the number of structures demolished.<sup>4</sup> Since the beginning of 2016 until February 17 alone, almost as many WASH structures as during the entire 2015 **(37) have already been destroyed – almost 80% of which were donor-funded.** This is happening in the frame of a six-month EU-Israel structured dialogue started in September which was meant to lead to a freeze of demolitions. The pick of demolitions in the last months, in particular of EU-funded structures, shows that Israel is not serious about this dialogue.

<sup>&</sup>lt;sup>1</sup> Palestinian Water Authority (PWA), *Palestine: The Right to Water*, 2012. Palestinian water abstraction rates from the Mountain aquifer have fallen from 138 million cubic meters (MCM) in 1999, to 113 MCM in 2007 and 86.9 MCM in 2011 (Palestinian Water Authority, *Annual Status Report on Water Resources, Water Supply, and Wastewater in the Occupied State of Palestine*, 2012).

<sup>&</sup>lt;sup>2</sup> UNOCHA, Under threat: Demolition orders in Area C of the West Bank, In the spotlight, September 2015.

<sup>&</sup>lt;sup>3</sup> Data provided by UN OCHA, February 2016.

<sup>&</sup>lt;sup>4</sup> UNOCHA, Humanitarian Coordinator calls on Israel to halt demolitions in the occupied West Bank immediately and to respect international law, 17/02/2016.

The result of such policies is that the average Palestinian in the West Bank only consumes 70 litres of water per capita per day (I/c/d), well below the World Health Organization (WHO) minimum recommended 100. In the most vulnerable communities in Area C which are not connected to the water network, the average water consumption even drops down to 20 I/c/d.

## **GAZA**

1.8 million Palestinians living in the Gaza Strip are in dire need of sustainable water solutions. **The main challenges they face are:** 

- 1. **THE BLOCKADE**: The post-war reconstruction and the development of the WASH sector are delayed, when not hindered, by the nearly decade-long Israeli blockade on Gaza. The blockade has been condemned by the international community as a form of collective punishment. As needed materials are not allowed into Gaza at a sufficient pace, nor are people able to move freely and build their capacity, projects are delayed for years, not running, if not cancelled. Today, **46 out of 53 WASH projects for Gaza are at stake.** 8
  - The Gaza Reconstruction Mechanism (GRM) was set up to facilitate the entry of materials for the reconstruction and development of the Strip, in particular materials that Israel considers dual-use items considering that they could serve for military purpose. This dual use list is overly proscriptive and well out of line with relevant international standards. Although the GRM is indeed allowing large amounts of construction materials such as cement into Gaza, the entry of technical equipments for the WASH sector, 70% of which are considered as dual-use items, keeps being problematic. Very few of such materials made it into Gaza so far.
  - 100,000 people across the Gaza Strip are still cut off from the water network<sup>9</sup>, and 23% of the Gaza population is not connected to the sewage network.<sup>10</sup>
- 2. **RECURRENT CONFLICT**: The already dire WASH situation was further deteriorated by the recent war as Israeli airstrikes caused approximately **USD 34 million damage to WASH infrastructure.** <sup>11</sup>
- 3. **THE DEPLETION OF THE COASTAL ACQUIFER**: Gaza's share of the Coastal Aquifer, the only available source of freshwater in the Gaza Strip, is not sufficient to serve alone the needs of the Gaza's population. The Aquifer is being over-exploited by up to three times its sustainable yield. Decades of over-pumping as well as the contamination resulting from the intrusion of wastewater, agrochemicals and saline water have put the aquifer in danger of irreparable damage. **96% of the water extracted from the Costal Aquifer is already unfit for human consumption**. The UN and the Palestinian Water Authority (PWA) estimate that the aquifer will become completely unusable as soon as 2016. 95% of Gaza's population depends on desalinated water purchased from private vendors for drinking: 68% of this water contains bio-contaminants, yet its price so prohibitive that **the most vulnerable households in Gaza end up spending up to a third of their income on water.** 15

The blockade preventing projects from being implemented, the recurrent conflicts destroying over and over vital infrastructure, and the ever worse quality of water of the Coastal Aquifer - the water situation in Gaza is a humanitarian crisis in need for political action and solutions.

<sup>&</sup>lt;sup>5</sup> UNOCHA, Displacement and Insecurity in Area C of the West Bank, April 2011.

<sup>&</sup>lt;sup>6</sup> UNOCHA, *Area C of the West Bank, Key Humanitarian Concerns*, August 2014.

<sup>&</sup>lt;sup>7</sup> As highlighted by multiple reports of the UN Secretary-General, the continued imposition of the blockade is unacceptable and punishes innocent civilians. According to the International Committee of the Red Cross, the blockade "constitutes a collective punishment imposed in clear violation of Israel's obligations under international humanitarian law".

<sup>&</sup>lt;sup>8</sup> Data provided by CMWU, February 2016.

<sup>&</sup>lt;sup>9</sup> Data provided by CMWU, January 2016.

 $<sup>^{10}</sup>$  Data provided by the WASH Cluster in Gaza, 2015.

<sup>&</sup>lt;sup>11</sup> CMWU, Damage assessment Report, 2014

<sup>&</sup>lt;sup>12</sup> UNSCO, Gaza in 2020 - A Liveable Place?, 2012.

<sup>&</sup>lt;sup>13</sup> UNSCO, *Gaza in 2020 – A Liveable Place?*, 2012, and data provided by the Palestinian Water Authority, Jan 2014.

Data provided by the PWA, 2016.

<sup>&</sup>lt;sup>15</sup> UNICEF, Water, Sanitation and Hygiene Household Survey Gaza, April 2010.