**

10 November 2020

**Input for water report**

*Please provide examples of ways in which water pollution, water scarcity and floods are having adverse impacts on human rights. Adversely affected rights could include, among others, the rights to life, health, water and sanitation, food, culture, livelihoods, non-discrimination, a safe, clean, healthy and sustainable environment, and indigenous peoples’ rights.*

The scarce availability of water, combined with its poor quality, severely impacts the enjoyment of a wide range of human rights—including the right to water and sanitation, the right to food, the right to health, the right to a healthy and sustainable environment, and the principle of non-discrimination—throughout the whole occupied Palestinian territory (oPt), which includes the Gaza Strip.

Since 1948, the State of Israel has instituted a series of discriminatory laws, policies, and practices that form the foundation of its institutionalized system of racial domination and oppression (apartheid) in violation of the indigenous Palestinian people’s rights.

The Israeli system of racialized and institutionalized material discrimination in the water sector has operated as early as 1937 through parastatal institutions, such as Mekerot (Israel National Water Co.). Since 1967, Israel has controlled all water resources in the oPt through the issuing of a series of Military Orders that have, *inter alia*, prohibited Palestinians from drawing its waters and building new water facilities without a permit granted by Israeli occupying authorities. As a result of these practices, currently, Israel controls more than 85 percent of water sources in the oPt.

Since its invasion and occupation, Israel has also perpetrated its wartime military practice of destroying Palestinian pumps and irrigation infrastructures, sewage networks, and sanitation systems. This practice has had serious consequences, especially in the Gaza Strip, where frequent and indiscriminate attacks against civilian objects by the Israeli military have severely damaged or destroyed hundreds of water and sanitation facilities.

Another aspect that cannot be disregarded and is inextricably linked to water issues in the Gaza Strip is the humanitarian catastrophe caused by Israel’s 13-year land, air, and sea blockade and comprehensive closure. The restrictions on the movement of goods and materials under the closure prevent access to the construction material needed to build and develop water and sanitation facilities and block access to the spare parts needed to operate and maintain the existing infrastructures.

As of today, 95 percent of Gaza’s two million residents do not have access to clean water. According to UN OCHA, 97 percent of water in Gaza is unfit for human consumption based on the standards of the World Health Organization (WHO).[[1]](#footnote-1) The Palestinian Water Authority had warned that only 3.9 percent of Gaza’s wells (11 of 282 wells) met the WHO standards, while the others are qualified as polluted.

Without access to safe and adequate water and sanitation in the Gaza Strip, the ability of residents to live a life of dignity, with access to their basic, fundamental and inalienable human rights, is greatly hampered. These conditions, ongoing for over 13 years in the Gaza Strip, may amount to cruel, inhuman and degrading treatment or punishment.

The situation in Gaza prevents the full enjoyment of the human rights to water and sanitation, the right to a safe, clean, healthy, and sustainable environment, and the right to health—and ultimately places an additional burden on the exercise of Palestinians' right to life—mainly due to the following factors:

1. In the Gaza Strip, 86 percent of all water is extracted from the coastal aquifer. However, as Israel and the Gaza water utility (the Coastal Municipalities Water Utility) do not have any coordination policy between them, both are extracting an excessively large amount of water from the coastal aquifer. Already in 2012, a UN study warned that the aquifer could become unusable by 2017, with the damage irreversible by 2020.[[2]](#footnote-2) Over-extraction, along with sewage infiltration and groundwater deterioration, has consistently contributed to the continued deterioration of water quality and quantity in Gaza.
2. Israel’s regular military bombardments and consequent destruction or damage of civilian infrastructures across the Gaza Strip—including Gaza’s only power plant—contribute to the failure of the sewerage networks and sanitation systems. These attacks on water and sewage infrastructure, conducted as recently as 2018, hamper the functioning of sewage pumps and sewage treatment systems, and water purification, and risk bringing the vital public health facilities to a total halt.
3. Within the context of occupation, the Gaza Strip suffers from a chronic deficit in electricity supply, which has a significant impact on the capacity to run public services at the municipal level, in particular across crucial sectors, such as water and sanitation. Normally, the availability of electricity in Gaza ranges between 10-16 hours per day, while in times of crisis it can be shortened to only 5-6 hours per day.
4. Electricity shortage inevitably leads to shortages in water supply. Gaza’s residents, accustomed to this issue, typically store water (when it is available) in roof-top tanks. However, during emergencies, the power supply is redirected to essential services. This means that water is supplied during power cuts, when water pumps cannot function. This means that residents cannot store water. As a consequence, most of Gaza’s residents rely on low- and medium-quality trucked water that is 10–30 times more expensive than municipal water.[[3]](#footnote-3) Still, many others, due to the poor financial situation and high levels of poverty in Gaza, cannot afford to buy filtered water as an alternative to tainted water from public taps. The fact that water pumps do not work at full capacity also has serious implications on sanitation levels as toilets cannot be flushed, clothes cannot be washed, homes cannot be cleaned, hands cannot be washed, and food cannot be cleaned for long periods. These conditions drastically undermine the population’s ability to prevent the spread of infectious disease, such as COVID-19, as even basic hygiene measures – such as hand washing – become difficult to implement without water.
5. The shortage in power supply also hinders the functioning of Gaza’s desalination plants. These conditions expose the population to water-borne illnesses, as well as other diseases that are transmitted by contaminated water, with potentially devastating effects.[[4]](#footnote-4) As a consequence, Gaza’s residents who cannot afford to purchase desalinated water from private vendors have resorted to various ingenious filters, boilers, and under-the-sink or neighborhood-level desalination units to treat tap water.
6. With the municipal water supply system working beyond capacity, poorly treated wastewater and sewage are discharged into the Mediterranean Sea every day. This has serious consequences from a right to food, health and environmental point of view. As of 2019, 44.5 percent of seawater in the Gaza Strip is contaminated.[[5]](#footnote-5) Following an analysis carried out by the Palestinian Health Ministry between 9-11 August 2020, the Environmental Quality Authority announced that along the coast of the Gaza Strip (length: 40 km), the seawater pollution rate is 63 percent.[[6]](#footnote-6)

For more on these conditions and the corresponding legal framework, please see Al Mezan and partner’s 9 November 2020 urgent appeal to UN Special Procedures concerning the escalating water and sanitation crisis in the Gaza Strip. Link: <http://mezan.org/en/uploads/files/1605008575924.pdf>

*To protect a wide range of human rights, what are the specific obligations of States and responsibilities of businesses in terms of addressing water pollution, water scarcity and floods? Please provide specific examples of constitutional provisions, legislation, institutions, regulations, standards, policies and programmes that apply a rights-based approach to preventing, reducing, or eliminating water pollution, water scarcity and floods. Please include, inter alia, any instruments that refer directly to the right to a healthy environment and/or the rights to clean water and adequate sanitation.*

During emergencies, such as times of full-scale military hostilities or pandemic, ensuring access to safe water and sanitation must be—along with food and shelter—a top priority for actors working on humanitarian assistance and development.

Individual, collective, domestic and extraterritorial human rights obligations of States and international organizations require that stakeholders operating in the humanitarian and development fields align their short-term, emergency humanitarian response with longer-term and institution-building development approaches and policies, within the over-arching framework of human rights and the corresponding obligations.[[7]](#footnote-7)

Applying a rights-based approach to humanitarian work would transform short-term basic needs into long-term rights, thus paving the way for the transition between a purely needs-based emergency response to a development and capacity building initiative.

1. UN OCHA, “Study warns water sanitation crisis in Gaza may cause disease outbreak and possible epidemic,” 16 November 2018, at: <https://www.ochaopt.org/content/study-warns-water-sanitation-crisis-gaza-may-cause-disease-outbreak-and-possible-epidemic>. [↑](#footnote-ref-1)
2. UNICEF, “UNICEF seawater desalination plant helps head off Gaza water crisis,” 6 April 2017, at: <https://www.unicef.org/stories/unicef-seawater-desalination-plant-helps-head-gaza-water-crisis> [↑](#footnote-ref-2)
3. Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967\*, A/HRC/40/73,15 March 2019, para. 53. [↑](#footnote-ref-3)
4. According to the WHO, microorganisms in contaminated water cause diseases such as: diarrhoea, Arsenicosis or Fluorosis, Schistosomiasis, Soil-transmitted helminthiasis, Malaria, Dengue fever and legionellosis, at: <https://www.who.int/water_sanitation_health/diseases-risks/diseases/en/>. [↑](#footnote-ref-4)
5. Al Mezan, 23 September 2020, “Annual Report on the Situation of Economic, Social, and Cultural Rights in 2019,” at: <http://mezan.org/en/post/23812>. [↑](#footnote-ref-5)
6. The Environmental Quality Authority posted on Facebook on 19 August 2020 (available only in Arabic): <https://www.facebook.com/environmentquality/>. [↑](#footnote-ref-6)
7. See Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights, 2011, <https://www.etoconsortium.org/nc/en/main-navigation/library/maastricht-principles/?tx_drblob_pi1%5BdownloadUid%5D=23#:~:text=The%20Maastricht%20Principles%20were%20issued,the%20United%20Nations%20Human%20Rights>; International Law Commission, Draft articles on the responsibility of international organizations, with commentaries, A/66/10, Sixty-third session (26 April–3 June and 4 July–12 August 2011), at: https://undocs.org/A/66/10; General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, 21 October 2015, paras. 3, 7–8, 10, 19, 29, 35, 74(e) and Goal 6: Ensure availability and sustainable management of water and sanitation for all, at: <https://undocs.org/A/RES/70/1>; and Committee on World Food Security, Framewwork for Action for Food Security and Nutrition in Protracted Crises, CFS/2015/42/4, paras. 15–16 and, with regard to water and sanitation, Principles 1.x and 2.ii, at: <http://www.fao.org/3/a-bc852e.pdf>. [↑](#footnote-ref-7)