



People's Water Forum Submission 3

in response to call for inputs: "Human Rights and Starvation, with an emphasis on the Palestinian People's Food Sovereignty"

This input is submitted as a part of a series of complementary submissions coordinated by members of the People's Water Forum including¹: Palestinian Grassroots Anti-Apartheid Wall Campaign²; Henry Thomas Simarmata, Apintlaw³; Muhammad Reza Sahib and Sigit Budiono, KRuHA (People's Coalition for the Right to Water)⁴; Meera Karunanathan, Adrian Murray, Marcela Olivera and Leonard Shang-Quartey, Blue Planet Project⁵.

The objective of these complementary contributions by members of the People's Water Forum are:

1. To identify the denial of water as an essential part of Israel's strategy of starvation of the Palestinian population in Gaza.
2. To highlight that denying water is a long-standing Israeli practice that stands as a gross violation of Palestinian human rights, and is an integral part of Israel's policies of apartheid, ethnic cleansing/forced displacement, and persecution against the entire Palestinian people. The current use of this practice as a component of Israel's starvation strategy, among other genocidal acts being committed against the Palestinian people, is therefore only an exacerbation of long-existing practices.
3. To detail the impact of Israel's water policies in the Occupied Palestinian Territory, especially Gaza, regarding the realization of the food sovereignty of the Palestinians.
4. Bearing this in mind, to give indications regarding effective solidarity and international obligations in front of Israel's sustained and ongoing violations.

Submission 3: International obligations and solidarity to enhance Palestinian food sovereignty and stop the weaponization of water

¹ Water defenders, movements, communities, researchers, jurists, advocates and others gathered in Bali 21-23 May 2024 for the People's Water Forum. The forum included an assessment of "water apartheid" and adverse effects on global water ecosystems, including food sovereignty, and sought to advance a water justice agenda against water apartheid. <https://thepeopleswaterforum.org/>

² <https://stophthewall.org>

³ <https://apintlaw.info>

⁴ <https://kruha.org/>

⁵ <https://blueplanetproject.net/>

Prepared by: Palestinian grassroots Anti-Apartheid Wall Campaign

1. The impact and reach of the policies of denial of water as part of Israeli war crimes, the crime of apartheid and genocide, go beyond the borders of the territories controlled by Israel. Commercial actors and Israeli state institutions, such as Mekorot, Israel's national water company, and other corporations such as Hagihon⁶, and IDE Technologies⁷, Netafim⁸ and others, are crucial in implementing and profiting from this policy.
2. Mekorot's practices have created the pre-conditions for Israel to be able to completely cut off the Palestinian population in Gaza from clean water. Mekorot has systematically overexploited the Gaza Aquifer leading to its contamination. The company's extensive water extraction, primarily from Palestinian resources, has led to a significant drop in water levels, rendering Palestinian wells increasingly saline and often dry.
3. Mekorot also plays a central role in the discriminatory allocation of water resources contributing significantly to what has been described as "water apartheid" against Palestinians. Mekorot's infrastructure development is part of Israel's illegal settlement enterprise, with advanced large-diameter pipes and high-capacity storage reservoirs for settlers, while Palestinian areas, if at all, receive smaller, insufficient pipes, exacerbating water scarcity. Furthermore, Mekorot frequently reduces water quotas to Palestinian communities, while Israeli consumption continues unchecked. This manipulation not only undermines Palestinian water security but also forces Palestinian communities to purchase water from Mekorot at inflated prices, reinforcing economic dependencies and contributing to the broader Israeli control over Palestinian resources.

Drawing from OCHA, "Gaza depends on three Mekorot water pipelines that run from Israel to provide drinking water. Only one of them – Bani-Saeed – is currently operational [as of March 2024], but only at 47% of its capacity. The other two have been non-operational for months."⁹

4. Customary international law, as codified in the International Law Commission (ILC) Articles on State Responsibility, obligates states not to aid or assist in the maintenance of an illegal situation resulting from serious breaches of peremptory norms, which include apartheid.¹⁰ The current situation at hand, involving genocide and crimes against humanity, in addition to the ongoing international humanitarian law and human rights violations related to the overall prolonged military occupation and apartheid, is one of these serious situations. States have furthermore the obligation to prevent and punish genocide.

⁶ <https://www.whoprofits.org/companies/company/4143>

⁷ https://www.alhaq.org/cached_uploads/download/2022/12/12/al-haq-report-2-1670826325.pdf

⁸ <https://www.whoprofits.org/publications/report/149>

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<https://reliefweb.int/report/occupied-palestinian-territory/water-sanitation-and-hygiene-infrastructure-under-attack-gaza>

¹⁰ "State Responsibility in connection with Israel's Settlement Enterprise." Legal Memo, pp. 17-18, <https://www.alhaq.org/advocacy/6854.html>

5. States therefore are under the obligation to exert all reasonable influence and efforts, including imposing immediate and effective lawful sanctions on Israel, most importantly a two-way military embargo.

6. States therefore also have to 'deny access to public support and services for companies 'involved with gross human rights abuses', such as acts of genocide.¹¹ Third States engaged in commercial activities with companies potentially implicated in acts of genocide in Gaza, for example through public procurement, as shareholders, or through public pension fund and other investments should terminate such contracts and exclude such companies.¹²

7. International commercial relations with Mekorot and other corporations involved in Israel's crimes are used to keep its water apartheid, water pillage and genocidal acts going. This brings Third States and actors in Third States, which cooperate and do business with these corporations, in violation of their own obligations under international law.

8. The international community has the immediate obligation to ensure Israel complies with the ICJ's provisional orders, including ensuring clean and sufficient water is made available to the entire population in Gaza.

9. While it is absolutely crucial that humanitarian aid, including water will enter the Gaza Strip at scale now, this will not solve the question of Israel's structural denial of access to water and the systematic creation of water dependency as a form to undermine any possibility for food sovereignty to the Palestinian people.

10. Food sovereignty and an end to the weaponization of water can only be guaranteed if Israel stops the overall policies of pillage, apartheid, genocide, and occupation.

11. The international community has the obligation to take all effective and proportionate measures available to prevent, end, and punish the crimes of genocide, apartheid, and pillage.

12. In the long term, the provision of aid to Palestinian communities, including food and water, has proven to guarantee sustainability to Israeli policies of dispossession and Israel's crimes and to further undermine Palestinian food sovereignty. Israel, as the Occupying Power, has a duty to restore and maintain public order and civil life in the territory that it occupies. Under this obligation, the Occupying Power has the responsibility for the welfare of the occupied territory's

¹¹ "Obligations of Third States and Corporations to Prevent and Punish Genocide in Gaza", Dr Irene Pietropaoli, 5 June 2024, <https://www.somo.nl/wp-content/uploads/2024/06/Obligations-of-Third-States-and-Corporations-to-Prevent-and-Punish-Genocide-in-Gaza-3.pdf>

¹² "Obligations of Third States and Corporations to Prevent and Punish Genocide in Gaza", Dr Irene Pietropaoli, 5 June 2024, <https://www.somo.nl/wp-content/uploads/2024/06/Obligations-of-Third-States-and-Corporations-to-Prevent-and-Punish-Genocide-in-Gaza-3.pdf>

population.¹³ Israel has systematically worked to avoid this responsibility and international aid is de facto paying for the costs of the occupation Israel is unwilling to pay, making Israel's project of colonization and apartheid economically viable and profitable. Furthermore, aid fosters economic dependence, allowing Israel to maintain control over resources and movement, undermining Palestinian self-determination even further.

13. It is therefore fundamental to understand that humanitarian aid is central as a stop-gap solution in front of the international community's existing failure to prevent, end, and punish genocide and apartheid in time. It does not in any way exempt Israel from the responsibility to shoulder the costs of its occupation, war crimes and crimes against humanity. Neither does it exonerate the international community from the responsibility to impose effective measures, in particular sanctions and not to aid and assist Israel in its violations of international law.

¹³ <https://blogs.icrc.org/law-and-policy/2022/07/26/armed-conflict-ukraine-ihl-occupied-territory/>