

Parallel Report

to Israel's Follow-up Report of Concluding Observations
of the Committee on Economic, Social and Cultural Rights

29 August 2022

- **Free disposal of natural wealth and resources, Article 1(2)**

1. Israel continues to legalize the licenses of Israeli settlement industries operating in the Occupied Palestinian Territory (OPT) in clear infringement of Article 1(2) of the Covenant.
2. In the West Bank, agricultural land is used by Israel, the State Party, as a dumping ground for military, industrial, nuclear, and sewage waste. This causes serious pollution of air, soil and water, and exposes women and children to many diseases and health risks. Due to the continuous expansion of illegal settlements in the West Bank, settler violence on agricultural land is becoming more frequent, especially during periods of harvesting.
3. According to ARIJ Institute, there are at least seven Israeli settler industrial zones in the West Bank.[1] They are located illegally on a total area of approximately 302 hectares, mainly on hilltops, and often leak industrial wastewater into Palestinian land. Furthermore, the Israeli authorities reallocated a number of industrial polluting companies from Israel to areas near the Green Line (border of Israel with the OPT) or inside the illegal settlements in the West Bank. [2]
4. For instance, Geshuri industries,[3] a privately owned Israeli agrochemicals company, is located in an Israeli settlement on Palestinian confiscated land on the outskirts of Tulkarem, a Palestinian city in the north-east of the West Bank. The site operates near to a residential neighborhood of Tulkarem and hundreds of Palestinian residents are currently at risk of serious health implications due to the company's manufacturing of hazardous pesticides and fertilizers.[4]
5. According to the Environmental Justice Atlas, Gishuri consists of 12 Israeli chemical factories in an area called Shalom Western Tulkarem. Palestinian residents, including women, testified that the chemical waste and emissions from the factories have a detrimental impact on agricultural land around the factory, on groundwater and on air pollution. There are increases in rates of disease, including respiratory diseases, eye infections, and cancer. The Geshuri factory does not operate during the months when the winds blow in the direction of Israel.[5] WCLAC documented the testimonies of six women in Tulkarem and Qalqilya regarding the impact of industrial waste, chemical products, and pesticides on their agricultural land, and the effect on food security and health, specifically chronic respiratory diseases affecting most of the residents. The Palestinian population in Tulkarem has suffered particularly from respiratory diseases ever since the factory was

[1] https://www.arij.org/wp-content/uploads/2014/01/1998-The-Environmental-Impact-of-Jewish-Settlements-in-the-West-Bank.pdf
[2] https://www.arij.org/wp-content/uploads/2014/01/1998-The-Environmental-Impact-of-Jewish-Settlements-in-the-West-Bank.pdf
[3] Gishuri was originally located in the Israeli coastal city of Netanya but following several complaints by Israeli residents, it was closed by a court order in 1982 and relocated to west of Tulkarem. There were multiple complaints by Israeli residents of Netanya who filed cases against the toxic emissions of these companies and the effects on the area.
[4] https://ejatlas.org/conflict/israeli-industries-polluting-palestinian-city-of-tulkarm
[5] https://ejatlas.org/conflict/israeli-industries-polluting-palestinian-city-of-tulkarm

installed in the area 10 years ago. Women and children are disproportionately affected due to the proximity of the factories to their homes and to the agricultural land where women spend much of their time.

6. The destruction of agricultural land causes financial losses for women farmers, polluted environments, endangered health and well-being, and compromised safety, as cited by women who suffer constantly with their families from Israeli settlement industries located near to their residential areas in the north of the West Bank.[6]
7. The repercussions of the multiple aggressions and bombardment of the Gaza Strip for over a decade has directly exacerbated the electricity crisis and diminished the effective operation of 130 local water and sanitation facilities. The result is contamination of the coastal aquifer and deteriorating civilian health. On the eastern border of the Gaza Strip, Palestinian agricultural land is at risk of frequent floods as a result of the systematic opening of Israeli water dams.
8. Israel continues its systematic policy of spraying herbicides along the 40-km Israeli border to the east of the Gaza Strip. Crops are sprayed deliberately twice a year, especially after the produce is ripe. Agriculture is the key income for the inhabitants of the border region in the Strip, especially for women who work the fields daily with their children and husbands to weed, plant and irrigate the crops. As such, any damage to crops is detrimental to the labor of women and their income. In 2020, 2000 dunums (one dunum equals 1000 square meter) of land were damaged as a result of spraying toxic herbicides, and the financial damage totaled US $1.25 million.
9. The spraying of chemical herbicides such as the toxic Oxygal and Glyphosate on agricultural land on the eastern border of the Gaza Strip causes adverse health complications. Severe irritation and illness occurs when these chemicals come into contact with the skin or eyes, and such chemicals should be used with special caution after isolating all living creatures from the sprayed areas. Despite a ban by the Israeli Supreme Court on the use of these toxic substances, the occupation authorities still use them regularly.
10. In the Jordan Valley, military training takes place at random hours, meaning that Palestinians cannot access their fields or feed their livestock. Israeli occupation policies on army training allow for families to be evicted frequently from their homes, villages destroyed, crops bulldozed, and Palestinian lives put on the line. Furthermore, military waste poses a serious health threat to Palestinians because the remnants of training may explode at any time and injure or even kill shepherds and people walking on pasture land. The radioactivity of the equipment used can also cause several illnesses over time.
11. Women living in the Jordan Valley have to adjust and restrict their daily routines according to the occupation army's schedule. Management of military waste is almost non-existent and troops leave behind hazardous remnants that pose a danger to residents and their livestock. When Palestinians face an event such as the loss of a loved one, there are further repercussions such as mental illness, including depression, post-traumatic stress disorder

[6] WCLAC evidence-based data of women's voices.

and even eating disorders that may develop either immediately after the incident or years later. Continuous military training is only part of Israel's policy of mass expulsion and land theft to further settler colonialism.

12. Military waste has negative consequences on the environment as well as on the population of the Jordan Valley. Abandoned military materials can be hazardous and lethal, and also damage the environment by polluting and contaminating the soil and air. This poses a threat to the health of Palestinian residents. By polluting the soil, these toxic substances affect all crops growing in the area. A book by Joshua O Reno revealed that "if [military waste] is no longer useful, and rots near where you live, it can spread pollution even after it is sent elsewhere. There are thousands of former defense sites that leave toxic legacies behind when abandoned."[7]
13. Military training take a heavy toll on farmland and agriculture in the Jordan Valley which is the most fertile region in the OPT. Military training has "burned and destroyed swathes of farmland, crippling livelihoods and access to sustenance for hundreds of Palestinians."[8] A senior official who monitors Israeli violations in the region confirmed that "these exercises cause significant damage to the residents' crops as military vehicles make roads through farmland."[9]
14. Another significant issue related to military ordnance is the emission of radioactivity. The Environmental Quality Authority's field work team found military components in the OPT which were confirmed by the UNEP to be radioactive, and also parts from Israeli helicopters. Unexploded ordnance found by shepherds poses grave risks to lives and health. This is further evidence that the Israeli occupation uses the OPT as a dumping ground for polluting materials and chemicals.[10]
15. It is crucial to note that the military occupation has disrupted the natural ecosystem of Palestinian land since 1967. In fact, air and noise pollution are constantly on the rise, mainly due to the vehicles of settlers and military, and have a grave impact on the neighboring Palestinian communities and villages of the Jordan Valley. The military bases in the Jordan Valley damage water resources with fuel and oil leaks, in addition to the leaving behind of military ordnance.[11]
16. Although the UN Committee on CESCR emphasized in its general comment No.14 that an obligation to protect exists, Israel has failed to protect the Palestinian population from its industrial and chemical waste.[12]

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[7] Joshua O Reno, *Military Waste, The Unexpected Consequences of Permanent War Readiness*, University of California Press, February 2020

[8] "Israeli army exercises rock Palestinian herding villages in Jordan Valley", Middle East Eye, June 21st 2018

[9] "Israel expels Palestinian families in Jordan Valley", Anadolu Agency, November 24th 2020

[10] Z. Brophy and J. Isaac, *The environmental impact of Israeli military activities in the occupied Palestinian territory*, Applied Research Institute – Jerusalem (ARIJ)

[11] Z. Brophy and J. Isaac, *The environmental impact of Israeli military activities in the occupied Palestinian territory*, Applied Research Institute – Jerusalem (ARIJ)

[12] General comment 14, Paragraph 51

Recommendations:

- We demand that the State Party, as the occupying power, cease settlement expansion and exploitation of Palestinian natural resources for the benefit of Israeli settlements, and end military training and its immense impact on the lives of Palestinian women and children in particular.
- We urge the Committee to enforce measures to hold Israel, the occupying power, accountable for its perpetration of environmental violations in the OPT, and to address these policies that are based on practices of racial discrimination against the indigenous Palestinian population.
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Basic Law: Israel – the Nation State of the Jewish People

- **Family Reunification (Articles 3, 10)**

1. The Committee expressed its concerns regarding the Israeli parliament's reenactment of the Citizenship and Entry into Israel Law. Thousands of Palestinian families in Jerusalem live under sweeping restrictions due to Israel's systematic policy of denial of family rights. This is a clear infringement of Articles 3 and 10 of the Covenant.
2. Contrary to General Comment No.16 on the equal right of men and women to the enjoyment of all economic, social and cultural rights (points 9 and 10), the Citizenship and Entry into Israel Law does not respect the principle of equality and non-discrimination.
3. The Israeli Law of Return, passed in 1950, grants every Jew the right to immigrate to Israel and become a citizen. The Israeli Citizenship Law, amended in 1980, enables every Israeli to enjoy Israeli citizenship, whether inside or outside the country. In contrast, Palestinians are subjected to complex and continuously changing laws and regulations that focus on the "center of life" at the core of these policies. Palestinian Jerusalemites lose their "permanent residency status" if they fail to prove that the center of their life is within the municipal borders of Jerusalem for seven consecutive years.
4. In March 2022 the Israeli Knesset gave the final approval to the Citizenship and Entry into Israel Bill. The Citizenship Law means that a Palestinian living in the West Bank or Gaza cannot have Israeli citizenship or a residence permit to live in Israel. The purpose of this Law is to "establish restrictions on citizenship and residence in Israel by citizens or residents of hostile countries or from the region, alongside irregular arrangements for residence licenses or permits to stay in Israel, all while taking into consideration the fact that Israel is a Jewish and democratic state, and in a manner that will ensure safeguarding of vital interests for the state's national security."[13] This Law denies thousands of Palestinian residents of Jerusalem or Palestinians inside Israel from applying for family unification with their spouses who are Palestinian residents or citizens of the West Bank

[13] https://m.knesset.gov.il/en/news/pressreleases/pages/press10322w.aspx

or the Gaza Strip, unless the male spouse is over the age of 35 and the female spouse is over the age of 25.[14]

5. Palestinian women from the West Bank and other parts of the OPT are often denied temporary residency permits and family reunification despite being married for decades to holders of Jerusalem identity documents or Israeli citizens. These women explained to WCLAC in recent testimonies that after the Israeli authorities suspended their temporary residency permit, they stopped going out of the home except for urgent needs as their presence is "illegal" and they are terrified of being caught by the police.
6. In cases of divorce or disputes between spouses with different identity documents, family reunification is often denied to women with Palestinian identity documents. Hence, women face difficulties in accessing courts for custody cases due to the restrictions on movement. Other basic services accessible to Palestinians holding a residency permit such as healthcare services and health insurance, as guaranteed by the Covenant, are also denied. This specifically results in violation of Article 17 which prohibits arbitrary or unlawful interference with an individual's privacy, family, home or correspondence, and also violates the right to liberty of movement and freedom to choose residency as guaranteed in Article 12 of the Covenant. According to WCLAC, 70% of the legal and social services provided to women victims of GBV were to women from the West Bank married to Jerusalemites. Israeli policies of family reunification and permits leave Palestinian women vulnerable to both the patriarchal system and Israel colonial occupation policies, thereby exacerbating women's suffering.
7. As of March 7, 2021, the Ministry of Interior (MoI) indicated that Israel had revoked the permanent residency status of 18 Palestinians from East Jerusalem, including 10 women, in 2020. According to the MoI, Israel revoked the status of 14,701 Palestinians from East Jerusalem between 1967 and 2020 on the pretext that their status "expired by itself".[15]
8. On April 25, 2022, several Israeli NGOs, including HaMoked, petitioned the High Court of Justice on behalf of Palestinians from Jerusalem who are affected by the Citizenship and Entry into Israel Law, demanding the annulment of the Law.[16] The HaMoked petition highlighted the social and economic status of a woman with a permit or temporary status that effectively puts her at the bottom of the social ladder.[17] The Israeli MoI issues unfair and arbitrary decisions and policies against women who have lived in Jerusalem all their lives. These policies allow the husband to control the ongoing family reunification process for his wife and in the event of family problems and disputes that end in divorce, the wife must re-submit the family reunification through her parents because she is no longer considered as married.

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[14] https://m.knesset.gov.il/en/news/pressreleases/pages/press10322w.aspx

[15] https://hamoked.org/document.php?dID=Updates2224#:~:text=According%20to%20the%20Ministry%20of,status%20%E2%80%9Cexpired%20of%20itself%E2%80%9D.

[16] https://hamoked.org/document.php?dID=Updates2303

[17] https://hamoked.org/document.php?dID=Updates2303

9. Between 2021 and 2022, WCLAC documented the testimonies of over 30 women on family reunification procedures in occupied east Jerusalem. In a number of cases, women endure gender-based violence but choose to remain with their spouses out of fear of losing their residency status in Jerusalem.
10. The State Party imposes very strict conditions and standards in dealing with family reunification applications. Many of these applications are rejected and applicants are then prevented from entering Jerusalem or Israel to visit their family. This constitutes a flagrant violation of international human rights and international law. In particular, it is a violation of Article 12 of the Universal Declaration of Human Rights, plus Article 3 and Article 10 of the Covenant, which stipulate that the State Party must ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights, and guarantees special protection and assistance to children and young persons within the family without any discrimination for reasons of parentage or other conditions.

Recommendations:

- Immediately cease the MoI practice of residency revocations and review the Citizenship and Entry into Israel Law which endangers Palestinian women's rights to custody of their children, and makes women reluctant to press charges against domestic violence out of fear of being forcibly transferred.
- Immediately annul the reenacted Citizenship and Entry into Israel Law on family reunification. Grant Palestinian spouses of Jerusalem ID and residency holders access to full enjoyment of the rights guaranteed by the Covenant. In particular, demand that the occupation authorities grant Palestinian women the right to see their children without enforcing the center of life policy.

- **Planning and zoning in the West Bank, including East Jerusalem (Articles 2, 3, 11, 12, 13)**

1. Despite the expiry of the 1994 Oslo Interim Agreement, the State Party continues to practice "administrative and security" control over Area C, denies the occupation of East Jerusalem, and dispossesses Palestinians of their land and property to establish a Jewish demographic majority. This is a clear infringement of IHL and represents efforts to sustain an Israeli colonial apartheid regime.
2. In Area C, less than one percent of land is permitted for building by Palestinians and only 15% in East Jerusalem.[18] It is almost impossible to obtain a building permit yet the State Party continues to punish Palestinians by demolishing their houses and other private immovable property.

[18] OCHA, Peak in demolitions and confiscations amidst increasing denial of the right to justice, December 2020 retrieved from: https://www.ochaopt.org/content/peak-demolitions-and-confiscations-amidst-increasing-denial-rightjust

3. Israeli discriminatory planning and building policies vary from one geographical designation to another. In Area C, specifically the Northern Jordan Valley (NJV) and Masafer Yatta located in the south Hebron hills, the State Party creates and/or declares inhabited areas as "military firing zones". This is then used as "legal" grounds to confiscate land, demolish houses, and forcibly transfer the Palestinian population.
4. It was recently revealed in a document from a "top secret" 1979 meeting by the World Zionist Organization's Settlement Division, that the creation of military zones is specifically aimed at appropriating land for settlers and building more settlements.[19] Eviction orders and house demolitions are enforced under the pretext of carrying out military training. Forced evictions undermine the Palestinian right to adequate housing (Article 11 of the ICESCR), the right to the highest attainable standard of living (Article 12 of the ICESCR), and the right to privacy, family, etc.
5. In 1980, the former Israeli agriculture minister Ariel Sharon openly declared Masafer Yatta - a collective of eight villages in the southern hills of Hebron – to be a military firing zone as a solution to stop "the spread of Arab villagers on the mountainside towards the desert."[20]
6. On May 4, 2022, the Israeli High Court ruled the mass expulsion of some 1000 Palestinians from their villages. The decision, penned by Justice David Mintz who resides in the illegally constructed settlement of Dolev, was based on the 1980 designation of 30,000 dunums of the area as "firing zone 198". The ruling deems the Palestinian population of Masafer Yatta to be "non-permanent residents" and rejected any Jordanian papers or UN records proving their existence prior to 1980 living in stone houses rather than tents.[21]
7. Masafer Yatta is surrounded by a number of illegal Israeli settlements and lies to the north of the Negev desert where a large number of "Jewish suburbs" and "Bedouin cities" are already established. The success of the State Party in evicting Palestinians from the area will enable it to establish *de facto* annexation; a scheme proposed publicly in 2020 by former Israeli prime minister Benjamin Netanyahu.
8. The living conditions of Palestinians, particularly women and girls, in these villages have deteriorated continuously and residents live in constant fear. From May to July 2022, WCLAC documented nine demolitions in the following villages: Khirbet um-Al-Khair, Khirbet Al-Fkhiet, Mijaz, Khirbet Jnba, Wadi Al-Samen, Khirbet Qalqas, and Beit Al-Dahyeh. For some families, the demolitions conducted on June 1st represented the third time that they had lost their homes in less than a year.
9. "The presence of the occupation army on a daily basis and around the clock hinders our daily life as Bedouins," said Amena of Khirbet Al-Bkhit in her testimony. "In addition, the occupation army has built barracks for settlers to raise cows and poultry. They throw waste

[19] https://www.972mag.com/firing-zones-sharon-settlements/
[20] Ibid.
[21] https://www.arabnews.com/node/2092936

on the land of Palestinian citizens who own the land, which has resulted in the destruction and pollution of wells."

10. According to OCHA, the Palestinian population of Masafer Yatta is one of the most vulnerable in the OPT and relies on humanitarian aid due to the discriminatory building and zoning policies.[22] Restrictions on the development of adequate housing, infrastructure and overall living conditions is a violation of Article 11 and other rights granted by the Covenant. The main violations monitored and documented by WCLAC, and which have a disproportionate impact on women and girls, include: house and tent demolitions, night raids, arrests, water-poisoning, restricted access to health and education services due to the occupation power preventing the establishment of permanent health centers, not providing means of transportation, school demolition orders,[23] and unlawful control over water and its resources, including wells.
11. Israeli zoning and building policies contravene its state responsibility under Article 2. These policies purposely and unlawfully aim to create what Ariel Sharon referred to as "ethnic borders", and to annex Palestinian land at the expense of basic Palestinian economic, social and cultural rights, including the right to self-determination, sovereignty over land, adequate housing, access to water and sanitation, etc.
12. Due to restricted access to education, many Palestinian girls and women do not finish their studies, and those who do find themselves unable to take on a job that requires traveling long distances. Therefore, most women in Masafer Yatta villages rely on knitting sheep wool, grazing, and producing dairy products, despite their agricultural land being destroyed. The women of Masafer Yatta have to safeguard their children and property from attacks during night raids or sudden attacks by nearby settlers. These leave women and children in a constant state of fear and inflict high levels of distress.
13. In East Jerusalem, the Kaminitz Law - Amendment 116 to the Planning and Building Law - has significantly increased the rate of house demolitions. Although the law was enacted in 2017, it went into full effect in 2019. It enabled a partial shift in power over planning decisions to a national body, with limited judicial intervention in demolition cases and increased imposition of high financial penalties.[24]
14. In 2020 a total of 144 housing units were demolished, 75% higher than the annual average prior to the enactment of the law,[25] while 2021 marked the second-highest year of demolitions of Palestinian-owned structures since 2009. The State Party clearly contributes to house demolitions through repeatedly declining building proposals of outline plans for the development of Palestinian neighborhoods while validating building plans for settlers.

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[22] https://www.ochaopt.org/content/masafer-yatta-communities-risk-forcible-transfer-june-2022

[23] This year, two schools in Masafer Yatta received demolition orders. On Sunday August 21, 2022, the occupying power rejected the petition against demolition. https://english.wafa.ps/Pages/Details/130526#:~:text=HEBRON%2C%20Sunday%2C%20August%2021%2C,Bank%2C%20according%20to%20local%20sources.

[24] https://www.adalah.org/en/content/view/9074

[25] https://www.ir-amim.org.il/en/node/2672#:~:text=Also%20known%20as%20the%20Kaminitz,fully%20into%20effect%20in%202019.

15. WCLAC documented demolitions under the Kaminitz Law in three main neighborhoods: Silwan (Batn al-Hawa); Jabal al-Mukaber; and al-Essawyeh. In May 2022 alone, 29 structures were demolished on the orders of the Jerusalem Municipality, the Civil Administration, and the Ministry of Interior.[26] Twenty of these structures were houses, of which 12 were inhabited, resulting in the displacement of 59 people including 30 minors. The other nine were non-residential structures, including five businesses that supported at least 45 employees.[27] Thus, these demolitions affect the right to economic well-being of hundreds of Palestinians.
16. The number of demolitions carried out is very concerning and represents one of the most grievous and damaging IHL violations by the occupying power. For Palestinian women, home demolitions are particularly detrimental. Due to traditional patriarchal structures, the home is most often seen as the women's sphere and women are expected to continue caring for the family's practical and emotional needs with or without shelter. Mothers have to care for their children and heal the trauma incurred by having the family home destroyed. It is common for displaced families to move in with the husband's relatives, a factor that can reduce women's decision-making power and agency. Women supported by WCLAC have described how the little authority they enjoyed previously had been stripped away when they moved in with in-laws. Psychological distress is also a common consequence of house demolition for women and girls since they witness the violent intrusions carried out early in the morning or late at night, and/or the arrests of family members which can also occur.
17. As the Committee noted in General Comment No.4: "The right to housing should not be interpreted in a narrow or restrictive sense [...] of merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in **security, peace and dignity**."[28]

Recommendations:

- Call on the State Party to reform its discriminatory planning and building policies in Area C and East Jerusalem, including military training zones, the Kaminitz Law, and the 1970 Legal and Administrative Matters Law, and to end house demolitions as a punitive measure as they constitute a form of collective punishment.
- Put pressure on the Israeli High Court to annul its decision to expel just over 1000 Palestinians from Masafer Yatta, and to compensate those who have suffered property damage due to military training and settler violence.
- Demand that the State Party halt its practices that disrupt the security, peace and dignity of Palestinians as part of the unlawful demolition of houses/tents and other private immovable

[26] https://www.btselem.org/video/20220623_demolitions_in_jm_area_may_2022#full
[27] Ibid.
[28] https://www.refworld.org/pdfid/47a7079a1.pdf

property, and provide services that are intrinsic to the overall enjoyment of the right to adequate housing.

- Ensure that the needs of women and girls are met, especially as Israeli policies disproportionately affect women.

- **Water and Sanitation (Articles 2, 6, 11, 12)**

1. In line with the Committee's concern regarding water and sanitation, Palestinians of the Northern Jordan Valley (NJV), including Bedouin communities, suffer greatly from lack of water due to Israeli discriminatory water allocation practices and policies.
2. As stated in General Comment No.15: "The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use." Nevertheless, in an area undergoing gradual and steady annexation, the right to water is mainly disregarded and even violated.
3. Around 90 percent of the NJV is designated as Area C. It has the largest water basin, along with a number of springs and wells. However, Mekorot, the government company that has claimed ownership of the water supply in the OPT since 1982, abstracts water inside Palestinian territory through wells, pipelines and reservoirs, and provides services to the Israeli settlements in the West Bank.[29]
4. Palestinians have to buy their own naturally available water for high prices, have no control over infrastructure, are banned from digging wells, and are denied the use of natural resources, even for their livestock. The average settler consumes 487 liters per person per day, while most Palestinians in the Jordan Valley receive 15-30 liters per person per day, which is less than the WHO recommended minimum of 100 liters day.[30]
5. Since 2020 and amid a global pandemic, the State Party has applied a discriminatory policy of confiscating water tanks and trucks intended for Bedouin communities. Almost any attempt by the humanitarian community, people of the NJV or private vendors to provide water tanks ends in confiscation. This policy is a clear violation of IHL which prohibits the occupying power from confiscating or exploiting private property from the protected inhabitants.[31]
6. The acute water shortage is causing health issues, especially among women and children. Rania Abu al-Habbash of Hamsah village informed WCLAC that she cannot perform minimal hygiene requirements and her two-year-old daughter has developed multiple skin diseases. In other cases, water unavailability is prompting internal forced displacement.
7. Although WCLAC agrees with the Committee's opinion (General Comment No.15, point 6) on the need to prioritize the allocation of water for personal and domestic use, within a context of occupation, all aspects become a priority, especially for the realization of an

[29] The allocation of water resources in the Occupied Palestinian Territory, including East Jerusalem, Report of the United Nations High Commissioner for Human Rights, P5, Advance Unedited Version, 23 September 2021.

[30] http://www.miftah.org/Display.cfm?DocId=26418&CategoryId=4

[31] Rule 51 (Customary IHL)

occupied people - in this case Palestinians – to their right to self-determination.[32] One of the aspects severely hampered by the State Party's water allocation policies is economic development. In turn, this has an impact on the right of Palestinians to earn a living, to adequate food, and to take part in cultural life.

8. The Jordan Valley is fertile land and the only source of income for many is in agriculture and raising livestock. It is an area with great potential for economic development of the West Bank, potential that is curtailed by the Israeli occupation's control of water and electricity access, discriminatory building and zoning practices, and settler violence, including illegal settlement expansion.
9. It is an alarming fact that 45% of the Jordan Valley is controlled by the Israeli military and 50% is directly controlled by illegal settlers.[33] The latter make systematic, and often violent, attempts to take over and confiscate natural water resources such as the Ein Al-Hilwa water source. Settlers also destroy agricultural land and water pipelines used for irrigation by local Palestinian farmers[34] while enjoying impunity and protection from the Israeli occupation army.
10. In the Gaza Strip, 1.8 million people are confined in a territory with an alarming water shortage. Their only resource of water, a coastal aquifer, is overexploited and polluted. Israel imposes a "dual-list" policy on Gaza which does not allow materials that can be used for either civilian or military purpose to enter the Gaza Strip. Materials such as cement and iron are banned despite the fact that they are crucial for constructing and rehabilitating Gaza's water and sanitation infrastructure.
11. Since 1967, all water resources have been placed under the State Party's military control and Palestinians are prohibited from constructing or maintaining a water installation without a military permit. The expired Oslo II Interim Agreement gave some authority to the Palestinian Authority (PA) through the Israeli-Palestinian Joint Water Committee (JWC).[35] It also gave 80% of the Mountain Aquifer water for the use of the State Party with only 20% for Palestinians. Today, the allocations made in the expired agreement are still in force and the imbalance is much bigger.
12. According to EWASH, "only 56 percent of Palestinian projects for water and sanitation were granted permits by the JWC (against a near-100-percent approval rate for Israeli projects), and only one-third of those could actually be implemented."[36]

Recommendations:

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[32] The right to self-determination is explicitly affirmed in the United Nations Charter, and in human rights treaties such in Articles 1 of the ICCPR and ICESCR respectively. The right includes, as maintained by common article 1 (2) of the Covenant, the ability for people to "for their own ends, freely dispose of their natural wealth and resources", including water.

[33] MIFTAH http://www.miftah.org/Display.cfm?DocId=26418&CategoryId=4

[34] A recent attack on a water pipeline that serves Palestinians: https://english.wafa.ps/Pages/Details/130407

[35] Article 40, Oslo II Accords.

[36] https://www.aljazeera.com/news/2016/6/23/israel-water-as-a-tool-to-dominate-palestinians

- Ensure equitable and safe access to water and natural resources for Palestinian communities living in the Northern Jordan Valley, and halt the practice of confiscating water tanks and the vehicles transporting them.
- Urgently address the humanitarian water crisis in the Gaza Strip caused by severe water pollution, repeated aggression, and restrictions on the movement of goods, including the material needed for sanitation infrastructure.
- Call on member states to recognize these practices as part of Israel's apartheid regime.
- Call on the prosecutor of the International Criminal Court and the UN Commission of Inquiry to investigate Israel's exploitation of Palestinian natural resources for the benefit of illegal Israeli settlements.