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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 January 2020]

* Issued as received, in the language(s) of submission only.

Interactive dialogue, based on the report of the High Commissioner, violations of international law in the Occupied Palestinian Territory, including East Jerusalem

From the outset of Creation, Mankind has had a strong and vital link with water and climate change, affecting water shortage, is one of the biggest threats to Mankind. In Palestine, which is under these very difficult climate conditions, occupation has been an obstacle to effective management of land and natural resources, particularly water resources for years.

The human right to access clean water has been recognised among human rights and access to clean water is viewed as a vital element for achieving development and enjoyment of social and economic rights. Having access to clean water is linked with other human rights such as the right to health, the right to food, the right to self-determination, the right to education, the right to employment, the right to the environment and the right to peace. Wherever, the right to clean water is undermined, all other aforementioned rights will also be threatened.

In Palestine, water scarcity and water quality are key environmental and economic challenges. According to latest reports, the annual water share of Palestinians is less than 200m³ per capita, which is significantly below the water scarcity limit of 500m³ set by the World Health Organization. The water situation is particularly acute in Gaza. Although Gazans have, on paper, plentiful water resources, it's either not within their control or they have a great challenge in trying to access safe and drinkable water.¹ Furthermore, it is estimated that 26% of all diseases observed in the area are water-related. Constrained access to water for agriculture reduces crop yields and prospects for agricultural growth.² Furthermore, recent and projected climate trends indicate that temperatures in the area will rise, precipitation will decrease, and high precipitation events (HPE) will occur. This will result in increased water shortages, flooding and subsequent challenges in food security.³

Under such circumstances it is necessary for Palestinians to effectively manage their resources and think of measures to resolve the crisis. Following the Israel's belligerent occupation in 1967, all Palestinian water usage and development was placed under Israel's military control. Military Order No. 92 (August 1967) transferred authority over all water resources in the occupied territory to Israeli military, while Military Order No. 157 (November 1967) prohibited Palestinians from constructing new water installations or maintenance of existing installations without a military permit. These orders remain in force today, and apply only to Palestinians, not to Israeli settlers.⁴ In 1982, ownership of all West Bank water supply systems was assumed by Mekorot, the Israeli national water company, which is 50 percent owned by Israel.⁵

Israel's position shows that the climate change in occupied Palestinian territories is deteriorated by Israel's exploitation policies and pre-planned occupation, and the destructive effects of policies is much stronger than the effect of natural and environmental factors. Also, violation of human rights

1 <http://www.odvv.org/blog-2848-ODVV-interview-Israel-maintains-a-cost-free-occupation-over-the-Palestinian-territories>

2 Climate Change Profile Palestinian Territories, Ministry of Foreign Affairs of the Netherlands, April 2018, p.7.

3 Ibid, p.3.

4 Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 15 March 2019, No.45.

5 Amnesty International, Troubled Waters: Palestinians Denied Fair Access to Water (2010)

and humanitarian law by Israel, including the UN General Assembly resolutions 97/95 and 292/64,⁶ Articles 52 and 55 of The Hague Convention of 1907, Article 49 of the Fourth Geneva Convention and Article 8(2) of the Rome Statute intensify the existing injustice and inequality across the occupied territories. Israel's occupation of Palestinian territories and denial of Palestinians' right to control their own land and resources, results in intentional escalation of threats of climate change, and make the Palestinians more vulnerable towards them.

In today's world the daily rise in population growth, industrial development and spread of pollution of natural clean water resources, has turned access to enough water into a serious crisis in many countries, and this is while the Palestinians have to deal with challenges of the occupation and fulfilment of their basic needs, instead of concentrating on the management of the situation and battling the climate change challenges. As a result, they do not have the ability and necessary tools to conform to climate change.

Recommendations

1 – Since the occupation of a territory and ruling over by force is illegal according to international law, and the occupation power is not the owner of the occupied territory, Organization for Defending Victims of Violence (ODVV) deems necessary for Israel to end its full control and domination of existing Palestinian natural resources stated as duties of occupation force according to UN General Assembly resolutions 97/95 and 292/64, Articles 52 and 55 of The Hague Convention of 1907, Article 49 of the Fourth Geneva Convention and Article 8(2) of the Rome Statute, so that the people under occupation can enjoy their political, cultural and economic rights.

2 – Since the occupied territories are situated in one of the driest regions of the world, ODVV deems necessary for Israel to put an end to its exploitative policies which result in the destruction of Palestinian resources and not to use the natural resources for the expansion of its illegal occupation of lands.

3 –ODVV calls upon the international community and international human rights and humanitarian law bodies and institutions to pay attention towards the occupation and redrawing of borders in the occupied territories and make efforts towards the removal of these restrictions so that the Palestinian people are able to manage the challenges created by climate change by relying on the available resources.

4 – Since climate change and clean environment is a common concern of Mankind, and combatting them requires universal cooperation, ODVV warns the international community and international human rights and humanitarian law bodies and institutions not to overlook the challenges in the occupied territories, otherwise, they will face with uncontrollable repercussions of the destruction of the environment in other parts of the world, the consequences of which will spread to other regions sooner or later.

6. Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 15 March 2019, No.45