“DOWN THE DRAIN”

Israeli restrictions on the WASH sector in the Occupied Palestinian Territory and their impact on vulnerable communities

A report by the Emergency Water Sanitation and Hygiene group (EWASH) in the Occupied Palestinian Territory

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* Figures in this report updated in December 2011

Wadi Gaza, a natural swamp, now an open air sewage dump site in the middle Gaza district.
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Down the Drain

Israeli restrictions on the WASH sector in the Occupied Palestinian Territory and their impact on vulnerable communities

Drawing water from a cistern in the south Hebron Hills (West Bank)
**EXECUTIVE SUMMARY**

Palestinians throughout the Occupied Palestinian Territory face severe restrictions in accessing adequate water and sanitation. While the Palestinian authorities, with support from donors and EWASH agencies, have been working to improve Palestinian access to safe and adequate water and sanitation services, Israeli policies and practices have hindered both the development of the WASH sector, geared towards long-term sustainability, and the delivery of humanitarian aid. EWASH agencies are therefore operating "under the bottom line", unable to either support long-term sustainability in the WASH sector through developmental approaches or to effectively deliver basic services to the most vulnerable. Restrictions that have hindered the ability of EWASH agencies to respond to the identified WASH needs of Palestinian communities are summarized as follows:

1. Protracted administrative and bureaucratic requirements as precondition to project implementation in some of the most vulnerable and marginalized areas
2. Damage or destruction of WASH infrastructure vital for civilian life
3. The blockade and associated policies applied to the Gaza Strip
4. Movement and access restrictions on aid personnel

Donors have supported Palestinian efforts to develop the water and sanitation sector. However restrictions put in place by the government of Israel have reduced the effectiveness of these efforts. EWASH agencies therefore call for reflection on the current approach and policy change. In particular EWASH recommends that donor governments:

- Provide vigorous diplomatic support to ensure unhindered implementation of interventions in communities located in Area C of the West Bank and take active measures to prevent destruction of donor-funded infrastructure after the project has ended.
- Accept financial and political risk associated with property/project destruction. Donor best practice should include systematically recording all damage and requesting compensation from the government of Israel on projects that are delayed or destroyed.

- Support transition from humanitarian to development aid in appropriate areas in Area C as well as other areas of the West Bank (including East Jerusalem) and the Gaza Strip. Aid should be delivered in a manner that is appropriate to needs irrespective of separate geographical and administrative boundaries defined in the Oslo Accords.

- Review donor engagement with Israeli permit and planning regime, including those instituted as part of the blockade, based on the humanitarian imperative and international humanitarian law. The diplomatic community should avoid legitimizing illegal policies or practices.

- Support should be provided for the WASH sector national plan, which includes Area C, East Jerusalem and the Gaza Strip and to promote Palestinian national ownership and accountability in planning and delivery of WASH services.

- Support legal proceedings for water and sanitation infrastructure threatened by demolitions and stop work orders.

- Emphasize the Government of Israel's obligations as an Occupying Power in interaction and correspondence with Israeli officials and in public statements where applicable and advance measures of accountability for Israeli violations of international law through existing mechanisms of international diplomacy and legal avenues.

- Protect aid workers from undue restrictions on movement and access to allow for effective delivery of aid to vulnerable populations.
"DOWN THE DRAIN"

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Israeli settlers confiscated the village spring in Nabi Saleh (West Bank)
INTRODUCTION

The Emergency Water Sanitation and Hygiene Group (EWASH), a coalition of 30 leading humanitarian agencies, has worked with local authorities to identify and respond to water, sanitation and hygiene (WASH) needs of vulnerable Palestinians.

The government of Israel has placed severe limitations on the ability of the Palestinian Authority to develop the WASH sector in line with national priorities. Palestinians have been unable to build large-scale infrastructure that would secure supply of adequate services to the population and insufficient water allocations have obstructed economic development at an estimated cost of almost $2Bn. Lack of long-term sustainable solutions have increased Palestinian dependence on aid and the costs to donors, contributing to the perpetuation of the existing crisis.

This briefing will focus on restrictions on the development of the WASH sector and delivery of aid and the resulting impact on marginalized and vulnerable Palestinian communities with aim of encouraging reflection and change in policy. EWASH agencies implement donor-funded projects in the West Bank and Gaza Strip. As most EWASH members do not work in East Jerusalem it is excluded from focus in the current report. The report’s assessment is based on the wealth of experience from EWASH members.
Palestinians throughout the OPT face severe restrictions in accessing adequate water and sanitation, which means that many communities remain dependent on humanitarian assistance to meet basic needs.

- Palestinians have access to an average of only 70 liters of water per person per day for domestic use and personal hygiene, much less than the World Health Organization (WHO) recommended minimum of 100 liters.3

- In some areas of the West Bank, such as in the south Hebron hills and the Jordan Valley, located in Area C where Israel has full military control,4 some Palestinian communities survive with as little as 20 liters per person per day. About 44% of children in herding communities of Area C have diarrhea - the biggest killer of children under-5 in the world – commonly associated with poor water quality and hygiene standards.5

- About 200,000 people in rural areas of the West Bank have no connection to the water network and rely on tankered water to meet their basic needs. Communities depending on tankered water pay up to 400% more for every liter than those connected to the water network, adding considerable financial strain to already vulnerable populations.6

- Israeli settlers are the largest per capita producers of wastewater in the West Bank, discharging large quantities of sewage directly to the environment, contaminating adjacent land and water streams.7

- Up to 95% of the water extracted from the Coastal Aquifer - Gaza's sole source of fresh water - is unsuitable for human consumption due to over exploitation and wastewater contamination. Most Palestinian families have been forced to purchase desalinated water from the municipality or private suppliers because water from the tap tastes foul.8 Surveys have found prevalence of bacteriological contamination in tankered water in Gaza.9

- According to the Department of Health of the UN Relief and Works Agency (UNRWA) watery diarrhea and acute bloody diarrhea and viral hepatitis remain the major causes of morbidity in the refugee population of the Gaza Strip.10

- The existing electricity shortages in the
Gaza Strip impact on operation of WASH facilities and lead to irregular water supply, as booster pumps that distribute water to Gaza’s neighborhoods are powered by electricity, with the majority of residential neighborhoods receiving water only a few days a week.

Treatment and disposal of wastewater in the West Bank and the Gaza Strip is chronically deficient increasing risks to public health and damaging the environment. In the West Bank, Palestinians only operate one wastewater treatment facility in al-Bireh. Less than a third of the communities in the West Bank are connected to the sewerage network, with the remainder dependent on self-installed cesspits and septic tanks.

In Gaza, 89 million liters of sewage flow daily into the Mediterranean Sea.11 Sewage infiltration into the aquifer has contributed to high level of nitrates in water, up to six times above the World Health Organization limit of 50 mg/l. Gaza’s wastewater treatment facilities are operating at reduced capacity after years of neglect and restrictions on their maintenance and upgrade due to the blockade. Plans are currently in place to improve capacity of existing facilities to cope with load but significant obstacles associated with the blockade and conflict at large remains.

Restrictions on the WASH sector in the OPT have contributed to consolidating the presence and expansion of illegal settlements in the West Bank and have increased risk of displacement and insecurity of vulnerable Palestinian communities. While the Palestinian authorities, with support from donors and EWASH agencies, have been working to improve Palestinian access to safe and adequate water and sanitation services, Israeli policies and practices have hindered both the development of the WASH sector, geared towards long-term sustainability, and the delivery of humanitarian aid. EWASH agencies are therefore operating "under the bottom line", unable to either support long-term sustainability through developmental approaches or to effectively deliver basic services to the most vulnerable.

Restrictions that have hindered the ability of EWASH agencies to respond to the identified WASH needs of Palestinian communities are

EWASH agencies work to rehabilitate cisterns in Area C of the West Bank. Isolated communities depend on cisterns to store water for domestic consumption and livelihoods.
summarized as follows:

1. **Protracted administrative and bureaucratic requirements as precondition to project implementation in some of the most vulnerable and marginalized areas**

2. **Damage or destruction of WASH infrastructure vital for civilian life**

3. **The blockade and associated policies applied to the Gaza Strip**

4. **Movement and access restrictions on aid personnel**

The restrictions Israel imposes on the development of the Palestinian WASH sector have directly contributed to the exacerbation of the humanitarian situation Palestinians face. Sustainable developmental approaches are too often replaced by short-term humanitarian interventions generating greater dependency on aid and perpetuating the precarious status of marginalized communities. This report thus calls for reflection on how developmental and humanitarian approaches interact and what donors can do to support a shift towards long-term solutions.

The following sections describe in detail these restrictions.
OBSTRUCTING DEVELOPMENT IN THE WEST BANK: THE JOINT WATER COMMITTEE AND THE ISRAELI CIVIL ADMINISTRATION
Aid agencies must respond to WASH needs within the framework that governs water and sanitation development and provision in the OPT. The 1995 Interim agreement on the West Bank and Gaza Strip (Oslo II) signed between Israel and the Palestine Liberation Organization (PLO) established the Joint Water Committee (JWC) to deal with all water and sewage related issues in the West Bank, to coordinate management of water resources, monitor the resource, oversee the joint supervision and enforcement mechanism, license wells and approve water resource systems. This framework was expected to last until the end of the interim period of five years but it remains in place to this day due to the failure of the government of Israel and the Palestinian authorities to agree on final status issues, of which water is one.

Under the current system, the government of Israel retains veto power within JWC meaning that it has the power to reject proposals submitted by Palestinians to the Committee. Some Israeli settlement projects, those deemed by the government of Israel to fall outside settlement boundaries, are presented to the JWC but Palestinians have little say on implementation. Israel often conditions permits for Palestinians on reciprocal approval of settlement projects, an arrangement the Palestinian side has rejected so as not to legitimize illegal settlements. The result has been severe restrictions for Palestinians on developing infrastructure, in particular construction of wastewater facilities and water extraction from the aquifers, increasing the reliance on short-term solutions and on humanitarian relief.

JWC approval is the first hurdle towards project implementation. Projects in Area C have to be submitted to the Israeli Civil Administration (ICA) for further approvals. Projects can stall in any of the 13 departments of the ICA.

The majority of humanitarian needs are present in Area C, where permits are almost impossible to get due to the government of Israel’s stringent planning regulations, which favor expansion of illegal settlements over Palestinian communities. Only one per cent of Area C is zoned for Palestinian construction, most of it already built-up. The majority of communities in Area C do not have plans for development and so construction is prohibited.

The average timeframe that it takes for a permit to be considered by the ICA is several months making it challenging for agencies to respond to pressing humanitarian needs. The government of Israel does not support these communities in meeting their basic needs with EWASH agencies attempting to fill the gap in service provision.

Between 1995 and 2011 the Palestinians submitted 30 wastewater treatment plant projects for approval of the JWC. Only four of these projects have been accepted. In 2011 the PWA submitted a total of 38 projects to the JWC. Of these 3 were approved in 2011. These were fast track projects, which should have been approved in 2010 as part of a list of agricultural wells in need of rehabilitation. That's an approval rate of 7.8%.

Aid agencies in Area C face significant difficulties in implementing relief work. Projects implemented by EWASH agencies include:

- Tankering of water to communities unserved by the water network
- Emergency drought response to isolated communities, often in the arid areas of the Jordan Valley and South Hebron Hills
- Rehabilitation of cisterns communities use to store water for domestic consumption and livelihoods
- Connection of communities to the water and sanitation network
- Provision of mobile latrines
- Hygiene education

"During the last drought, we had to bring water in trucks, because we were not allowed by Israeli authorities to build a water network. And yet the water from trucks is less clean, and more expensive."

Action Contre la Faim (ACF) field staff

The Civil Administration is seen by donors as a major constraint. One donor commented: "First thing we request is a letter from PWA approving the project. Then we go to the JWC. But then we have to go to the Civil Administration – and there delays of 2-3 years are normal. In fact, we have no positive outcomes for Area C. For example, the Jiflik project was approved by PWA and then by the JWC, then we pushed it - only to fall foul of the archaeology Catch 22....." World Bank (2009)
In 1996, an application to construct a wastewater treatment plant in Salfit district was submitted to the Joint Water Committee (JWC). Initial approval was awarded and implementation commenced in 2002.

After work began, Israeli military authorities ordered work to stop. The German government funding the project received NIS 1 million (around US$300,000) in compensation from Israel and a new location was chosen. Gaining compensation from Israel is unusual but this case has set an important precedent.

In 2007, during JWC discussions, the Israeli delegate stated that the wastewater plant required 100% effluent reuse or a 10/10 standard for the discharge. This is higher than the standards for treatment in many developed countries. Later, the Israeli side approved feasible effluent standards. Subsequently a request was received for the treatment plant to treat wastewater from Ariel settlement. This request was rejected by the Palestinian side.

In 2008 Israel said that yet another location would need to be found for the treatment plant. In the same year, the funding for the project was re-allocated elsewhere following 12 years of delay.

Ultimately, Israeli officials submitted an application to the JWC to construct a transfer pipeline from Ariel to the Sha'fdan wastewater treatment plant in Israel. This application was approved by Palestinian water officials. However, still, no wastewater treatment solution for Salfit and the surrounding area has been implemented. The local community continues to experience sewage floods across their farmlands and to suffer from stomach and respiratory illnesses that they believe are related to the pollution of their land.

The PWA observed that Israeli bureaucratic constraints have caused some donors to withdraw and as a result current investment in the West Bank water sector is one tenth of planned levels. The impact of these delays and bureaucratic obstructions have made it difficult for EWASH agencies to adequately respond to needs of the population.

Aid agencies have also to go through the same permitting process as providers for large-scale development projects to operate in Area C even if the intervention is humanitarian in nature. Some agencies opt to only implement WASH projects after permits are in place, meaning that Area C is neglected because permits are generally not forthcoming. Other agencies choose to proceed with their projects without the permits under the humanitarian imperative. This practice however puts at risk donor funded projects due to increased chance for demolitions and jeopardizes the agency’s standing with the government of Israel or the community depending on whether the agency decides to take the risk or not. Agencies often feel they do not have adequate political backing to enable them to risk proceeding without permits and are pressured to make use of donor funding which tends to focus on “emergency needs” i.e. to be implemented with utmost urgency and speed. Some donors also make the issuing of permits a requirement before funds can be applied for. This poses a dilemma for humanitarian agencies, striking a balance between responding to the humanitarian needs of the population and the legal obstacles that prevent this response. Other criteria agencies consider before intervening in Area C are the potential risk for the community, potential for collateral damage if the project is implemented without permits, legal risks and political risks. Harassment from settlers, threat of demolitions or location near military installations are also considerations.

Given the difficulties in gaining permits for

In a survey by the Association of International Development Agencies (AIDA), which includes most EWASH members, 87.5% of the respondents said they had modified their strategies in Area C as a result of Israeli restrictions. Members also reported decrease in funding for activities because of the inability of staff and goods to access these areas due to combination of permits needed from Israel and other access issues, although the great majority of respondents (92.5%) said they are still implementing projects there despite restrictions. (see page 24 for more details)
urgent and essential humanitarian projects, the humanitarian community submitted a joint request for approval of emergency water, sanitation and hygiene projects in 2009. Fifteen priority WASH projects were identified for fast track approval due to the urgent needs of the affected population. Two years on, only nine of these projects were partially approved. The process of approval is not transparent making it difficult to understand why some projects have been approved while others haven’t.

Some of the projects that were implemented faced delays or the permit issued did not meet the required specifications. One of the projects was for the installation of a filling point in the village of Twani, to serve the village and the surrounding area (Hebron District). The need identified was for 200 cubic meters of water a day to serve surrounding communities, which have limited water access and are forced to travel miles to collect water or get it delivered at high cost. In the summer of 2010 Israel granted an approval for the at-Twani filling point, however it only has a daily yield of 50 cubic meters, a trickle compared to what is needed to respond to the needs of the local population.
Damage or Destruction of Wash Infrastructure in the OPT
Under international humanitarian law[^17], WASH infrastructure is considered a civilian object essential to the survival of the population and therefore protected from destruction under any circumstances[^18]. Ongoing damage or destruction of WASH infrastructure in the OPT can take two forms:

- For administrative reasons such as through implementation of demolition orders, commonly applied to Area C of the West Bank (for example when infrastructure is built without a permit).
- As a result of military operations, most frequently in the Gaza Strip.

**Demolitions in the West Bank**

In 2011, Israel demolished 89 WASH structures in the West Bank, affecting 977 people. These include 21 wells, which farmers depend on for their livelihoods, and 34 cisterns located in communities of Area C unconnected to the network. These demolitions weaken the resilience of already vulnerable populations and increase the risk of displacement. Israeli authorities say that only those structures that have no permits are subject to demolitions. Some structures however are old, having been built before the 1967-occupation of the OPT. The government of Israel requires EWASH agencies to apply for permits even for rehabilitation or maintenance of these old structures and failure to do so can lead to demolitions.[^19]

Given that permits are extremely difficult to get, communities and agencies are at times left with little alternative but to proceed with construction due to humanitarian necessity. The cost of demolished infrastructure alone was around $100,000 in the West Bank during the first ten months of 2011.[^20]

[^17]: "Down the Drain"
[16]: Israeli restrictions on the WASH sector in the Occupied Palestinian Territory and their impact on vulnerable communities

[^17]: Under international humanitarian law, WASH infrastructure is considered a civilian object essential to the survival of the population.

[^18]: Ongoing damage or destruction of WASH infrastructure in the OPT can take two forms:

[^19]: We often have to pick the areas that are at lower risk of demolitions, so the places with higher risks, who need help more than other places, don’t get much help.

[^20]: Palestinian farmer standing next to his demolished well in Nassariyah, Jordan Valley (Sept 2011)
Destruction of donor funded projects in Al Farasiya

Al Farisiya is located in the Area C of the Jordan Valley in the West Bank. The community of 47 households has suffered multiple demolitions of property and water and sanitation related infrastructure by the Israeli authorities. Much of this infrastructure was constructed with humanitarian aid. In 2010, Al Farisiye experienced three demolitions over the course of two months.

On 19th July 2010, the community suffered its first demolition of 2010 when the Israeli army destroyed homes and infrastructure including 3 water tanks, 12 sanitary units, 4 trees and 1.8 tones of fodder as well as irrigation lines vital to the survival of crops and the livelihood of the community. 113 people were affected. Oxfam estimated the cost of damage to be around 111,270 NIS or USD 30,00021.

On 5th August 2010 the Israeli military demolished 23 residential tents (20 donated by the international community) along with 1 animal shelter; 3 kitchens and 3 toilet units. The demolition resulted in the displacement of 22 people.

On 16th August, 3 families from the Al Farisiye community demolished 4 residential tents provided as relief for the previous demolitions, 2 kitchen units and 1 toilet unit. The demolitions were carried out following the receipt of “eviction” orders from the Israeli military, on the grounds that the community is located in a designated closed military area. This classification was announced only after the community was on the land.

In each instance the European Union paid for the emergency response and reconstruction.

The reasons for the demolitions are clear to the community as Aref, the head of the village council says “I have lived here for 50 years surrounded by settlements. There are so many problems, mainly around water. The Israeli military and settlers confiscate our water sources to force us to leave but we own this land and can prove it.”

Destruction of infrastructure in the Gaza Strip

In the Gaza Strip, destruction of WASH infrastructure has occurred during air strikes and ground incursions conducted by the Israeli military. On August 19 2011, an Israeli airstrike resulted in the destruction of a sewage pumping station. The pumping station had only just been completed to connect 130,000 residents of the Al Nusseirat and Al Bureij refugee camps to a mains sewage system. In April of the same year, 30,000 residents in the Gaza Strip were without water for three days as a result of an airstrike that damaged the Al Mintar reservoir. In addition, a 60-year-old water well serving 39 dunums of land and nine domestic water tanks supplying 59 people with water were destroyed in an airstrike in July 2011.

In the Gaza Strip, the cost of damage to water and sanitation infrastructure in 2011 as a result of airstrikes is approximately $1,300,000. In reality the costs are much higher since calculations exclude livelihood losses, costs over the course of the infrastructure life cycle, water losses and emergency response.

Since 2005, Israel destroyed at least 305 wells
located in the buffer zone — the Israeli-declared closed border area with Gaza, which contains the vast majority of land for agricultural production in Gaza - with a total cost of replacement of $9 million.22

It is often the international community that foots the bill for costs of reconstruction or aid delivery following destruction of WASH infrastructure. At times, implementing agencies have to shoulder the costs because some donors will not do so.

In Susya, south of the West Bank, Israel conducted four separate demolitions in 2011, including confiscation of 10 water tanks supplied by EWASH agencies as relief after a demolition of cisterns. Residents of Susya live next to an Israeli settlement of the same name, are subject to harassment from settlers who wish to expand to their land.
ISRAELI BLOCKADE OF THE GAZA STRIP
The Israeli blockade of the Gaza Strip in place since June 2007, and military operation in the winter of 2008 known as ‘Cast Lead’, has led to the near collapse of the water and sanitation sector and prevented humanitarian agencies from adequately providing for the needs of Gaza’s population. A humanitarian crisis and a crisis in human dignity ensued. Israel’s blockade, alongside the international boycott of Hamas, severely impacted on the ability of EWASH agencies to implement humanitarian projects. Infrastructure projects, in particular the development of wastewater treatment facilities, were the most affected in the WASH sector, leading to a near breakdown of the sewage network.

The Israeli blockade has restricted the entry of WASH materials into the Gaza Strip and hindered access for aid personnel with a devastating impact on the WASH sector. On June 20 2010, Israel announced that it would ease the blockade of the Gaza Strip by making the process of transfer of goods more transparent. It was thought that this new policy would accelerate the implementation of urgently needed WASH projects, as materials would be allowed in a timely manner. Until now though, the vast majority of WASH items currently waiting in warehouses inside Israel should be allowed in through the Israeli-controlled crossings because they are, according to Israeli defined criteria, “non-controlled items” or “dual-use items” that can enter Gaza under international supervision and implementation. Over a year since the government of Israel declared its ease less than a fifth of needed WASH materials have been allowed in, with the remainder remaining in warehouses inside Israel.

Impact of delay of materials entry on WASH humanitarian programmes

Donors are bearing the extra cost for the taxes and charges for materials being held in stock at warehouses inside Israel. Agencies have to compensate contractors for delays.

Gaza water authorities have observed that donors may be reluctant to fund certain projects in the WASH sector due to restrictions on availability of materials.

Delay of projects is causing public health and environmental damage to the 1.6 million residents of the Gaza Strip, in particular the near collapse of the aquifer and lack of adequate wastewater treatment

Even non-controlled items – about a third of the materials currently held in warehouses inside Israel as part of urgent WASH humanitarian projects submitted to Israel by the humanitarian community - have to go through cumbersome monitoring schemes, storage and security measures and photographic documentation, increasing the costs to EWASH agencies. Humanitarian agencies have submitted to Israel details of all “dual use” items, which were part of the humanitarian caseload since 20 June 2010, however no response has been received from Israel. These account for almost half of the total...
items currently in warehouses. On January 27, 2011, Israel announced a simplification of coordination procedures for “dual use” items aimed at shortening the period of approval to a maximum of 1.5 months. Since then, there has been limited to no response to the various (re) submissions of WASH material requests. Today, the total value of 16 WASH projects for which materials have been requested and await facilitation for access into the Gaza Strip is over 75 million USD (including the NGEST project and KFW’s Central Gaza Sewerage Project). Half of these have received approval and have partially been able to enter materials into the Gaza Strip, while the other half have received no approval at all. (The latter caseload is valued at approximately at $3.5 million, with projects pending for more than a year).

The government of Israel has allowed for steady entry of materials for individual large-scale infrastructure projects, namely for the North Gaza Emergency Sewage Treatment (NGEST) and Gaza Central Sewerage Project. However these have been negotiated separately, with support from donors. Despite minor delays, these projects have exceptionally been allowed to continue after years of delay and can be seen as examples of best practice of donor intervention to ensure implementation of priority humanitarian WASH projects.

**Health impact of delays of NGEST project**

In 2003, a public health assessment was conducted at Um An Nasir, a community located close to the Beit Lahiya Waste Water Treatment Plant. The plant is coping with increased flows of sewage and insufficient capacity, which NGEST is designed to replace. The village clinic identified three principal health problems: (i) over 50% of children have problems with their digestive system; (ii) the population is also suffering from skin infections and allergies caused by the high prevalence of mosquitoes leading to ulcers, itching and rashes; and (iii) respiratory diseases are widespread caused by gases from the sewage basins and the high levels of humidity in the summer.

Health professionals expressed concern about the long-term environmental effects, in particular nitrate pollution in the water. These could lead to stunted growth, mental disorders and cancer. The continuous fear of flooding into the local communities may also cause stress and psychological damage, the last of which took place in 2007, killing five.

(Source: World Bank)

In 2008, the Palestinian Water Authority (PWA) received a grant (USD 1.4 million) from the Swedish International Development Cooperation Agency (SIDA) to construct an infiltration basin in the Khalaf Area in North Gaza Governorate. The project aims at preventing the mixing of sewage with rain water to mitigate the pollution of the aquifer, prevent flooding and reduce health risks and environmental hazards in the densely populated low-lying areas in north Gaza. Approximately 150,000 people are expected to benefit from the project.

The first application for the project materials was submitted to the Israeli Authorities in mid-2009, and several follow-up letters were sent by the PWA, UN agencies, the Swedish Consulate, with no response from the Israeli side. Several meetings were later held with Israeli officials to discuss the reasons behind the delay, the last of which was in January 2011 with the presence of UN representatives. Israel finally approved the list of materials needed for this project in November 2011 and agencies are now monitoring the transfer of materials. Ahmed Hassan, the Construction Supervision Manager at the PWA warns that the ongoing delay will expose the affected population to floods and waterborne diseases.

Iyad Younis Alfairy, 34, lives in Mashrou’ Al-Alami area in the town of Jabalia, in a house which lies approximately 70cm below the street level. In winter, sewage manholes overflow, causing floods to enter Iyad’s house. Iyad’s family can’t sleep during rain for fear of flooding, and his children are often ill due to sewage entering their house.
Furthermore, WASH projects are also dependent on basic construction materials, common to all other projects such as steel, cement and aggregate. Gaza is currently receiving about 60% of the pre-blockade levels through the crossings with the remainder sourced through the tunnels with Egypt and internal production. There are 50 to 85 tunnels dedicated to smuggle construction materials.25

In March 2011, Israel announced it would close Karni, the crossing to Gaza specialized in import of construction materials. These are now transferred through Kerem Shalom, which lacks the required infrastructure to transfer materials at the required rate of demand and increases costs for agencies. Humanitarian agencies are concerned and had to rethink their plans, costs and timelines.

The Israeli blockade has posed challenges on agencies and donors in respect to their adherence to the “do no harm” principle. EWASH agencies and donors have complied with Israel’s restrictions under the blockade and that has had an adverse impact on the aid objectives they have set to achieve. This calls for reflection on whether the current approach is appropriate and whether agencies and donors can agree on collective approaches to ensure aid is delivered to the most vulnerable.

Since 2005, the PWA has been forced to compensate all the contractors of its projects due to the either delay of material entry into Gaza or site inaccessibility. For example, PWA compensated NGEST part A contractors by more than 3 MUSD. Compensations are always covered by donors.

Rebhi Al-Sheikh, Deputy Chairman of the Palestinian Water Authority

In Gaza, the problem is access. For example, a Spanish company wanted to donate solar-powered mini water treatment plants for the Gaza Strip... but it won’t be possible to bring them into Gaza.

Action Contre la Faim (ACF) field staff

Israel restrictions on the import of construction materials to Gaza have forced Palestinians to seek alternative, low quality supplies through unsafe tunnels from across the border with Egypt.
ACCESS DENIED: RESTRICTIONS ON AID WORKERS
EWASH agencies have reported significant difficulties in the implementation of WASH projects for the benefit of the most vulnerable. Israeli-imposed movement and access restrictions such as checkpoints, roadblocks, permit systems, the wall and its seam zone (area between the Wall and the Green Line) impact on the ability of agencies to deliver aid in a timely and efficient manner. A report published by the Association of International Development Agencies (AIDA), which includes most EWASH members, says that restrictions increase the costs of delivering aid by an estimated $4.5 million a year and “these restrictions decrease the effectiveness and sustainability of AIDA aid operations and deny most vulnerable populations from vital services”.26

These costs derive from:

- Increased transport and storage costs due to unpredictable delays in reaching communities
- Need to duplicate organizational structures (East Jerusalem, West Bank, Gaza Strip)
- Unnecessary travel and accommodation costs, wasted consultancy fees and salaries resulting from extended waits at checkpoints and crossings, and failure to receive permits.
- Additional staff positions like security officers and other administrative personnel
- Employment of more international staff members due to greater access for this category of staff with increased costs.

Many EWASH agencies employ international staff members who rely on Israeli-issued visas and permits for internal movement. Some international agencies have limited the number of national staff they employ due to difficulty in getting local expertise from the West Bank to travel to Gaza and vice versa hindering national policies and capacity building and further compounding dependency on international expertise. As AIDA reported, 21% of agencies have had staff members refused entry in the last three years. Entry into Gaza has also been a challenge, coordination with Israel is inconsistent and with delays or denials. National staff face tougher restrictions, with different permits necessary in accessing Israel, the Gaza Strip, East Jerusalem and some areas of the West Bank.

As a result of this, some EWASH members were forced to shift programming from needs-responsive to access-responsive in Gaza and Area C of the West Bank. As AIDA reports, 85% of members have modified their optimal response due to access restriction to the Gaza Strip. A figure of 87% applies to Area C. This led to 40% of international agencies reporting that their programming was severely delayed or abandoned and 42% have opted not to work in Gaza due to severity of the blockade restrictions.
UPHOLDING HUMANITARIAN PRINCIPLES

Israeli restrictions have impacted on the ability of EWASH agencies to provide relief to vulnerable populations. Humanitarian principles have been compromised as a result. The right to give and to receive humanitarian assistance, to respond in accordance with the humanitarian imperative, has been particularly weakened reducing EWASH agencies’ response capacity and at times its credibility with communities. It is essential for interventions to take place with regards to the wider context and in accordance with international standards both donors and agencies subscribe to. According to the Principles of Good Humanitarian Donorship, donors should, among other things:

- Respect and promote the implementation of international humanitarian law, refugee law and human rights.
- Provide humanitarian assistance in ways that are supportive of recovery and long-term development, striving to ensure support, where appropriate, to the maintenance and return of sustainable livelihoods and transitions from humanitarian relief to recovery and development activities.
- Maintain readiness to offer support to the implementation of humanitarian action, including the facilitation of safe humanitarian access.
- Support learning and accountability initiatives for the effective and efficient implementation of humanitarian action.

Within the context of assistance to Palestinians, this translates into the following principles:

- Israel’s obligations under international law should be emphasized in humanitarian interventions and take precedence whenever possible.
- All those responsible for violations of international law should be held accountable and the international community should place increased pressure to ensure that this happens.
- Interventions should support Palestinian self-reliance and eschew measures that jeopardize this long-term goal.
- Donors and humanitarian agencies should conduct regular assessments of impact of interventions in relation to the existing context of prolonged occupation to ensure humanitarian conduct is adhered to without long-term harm to beneficiaries and the Palestinian collective.

Already observable is a continuous risk of displacement of communities in Area C, extreme reliance on emergency aid in Gaza to the detriment of developmental policies and decreased presence in areas, which are difficult to access such as the Jordan Valley, Seam Zones and Buffer Zone. Adherence to Humanitarian Principles and Principles of Good Humanitarian Donorship is essential to ensure aid is not held hostage to politics.
CONCLUSIONS AND RECOMMENDATIONS

Water is essential to life, a basic human right and access to water is an essential precondition for the viability of a future Palestinian state. Adequate sanitation according to universally accepted standards is essential for public health, protection of the environment and water conservation. A sustainable approach that guarantees rights are respected will therefore ultimately benefit Palestinians and Israelis.

Donors have supported Palestinian efforts to develop the water and sanitation sector through capacity building, strengthening of institutions and humanitarian aid. However, the detailed policies and practices of the government of Israel have hindered progress. This has created a dilemma for EWASH agencies. The government Israel does not fulfill its obligations and makes it more difficult for others that have taken on this role. EWASH agencies have therefore been operating “under the bottom line”, unable to either support long-term sustainability in the WASH sector through developmental approaches or to effectively deliver basic services to the most vulnerable.

The following recommendations to donors are presented as a basis for reflection and intended to improve donor intervention with the aim of more effectively reaching out to the most vulnerable and contributing to durable solutions. EWASH is mindful of its obligations under the humanitarian charter and aware that its interventions should not prejudice Palestinian rights and self-determination.

EWASH recommendations to donor governments:

- Provide vigorous diplomatic support to ensure unhindered implementation of interventions in communities located in Area C of the West Bank and take active measures to prevent destruction of donor-funded infrastructure after the project has ended. Measures could include for example retaining ownership of infrastructure for the benefit of the community for a defined period of time following project completion in cases where property is at high risk of demolition.

- The donor community should accept some of the financial and political risk associated with property/project destruction. Donor best practice should include systematically recording all damage and requesting compensation from the government of Israel on projects that are delayed or destroyed.

- Support transition from humanitarian to development aid in appropriate areas in Area C as well as other areas of the West Bank (including East Jerusalem) and the Gaza Strip. Aid should be delivered in a manner that is appropriate to needs irrespective of separate geographical and administrative boundaries defined in the Oslo Accords, i.e. Area’s A, B, C, East Jerusalem and the Gaza Strip.

- Review donor engagement with Israeli permit and planning regime, including those instituted as part of the blockade, based on commitments to International Humanitarian Law. The diplomatic community should avoid legitimizing illegal policies or practices.

- Support should be provided for the WASH sector national plan, which includes Area C, East Jerusalem and the Gaza Strip and to promote Palestinian national ownership and accountability in planning and delivery of WASH services

- Review legal proceedings for water and sanitation infrastructure threatened by demolitions and stop work orders.

- Emphasize the Government of Israel’s obligations as an Occupying Power in interaction and correspondence with Israeli officials and in public statements where applicable.

- Protect aid workers from undue restrictions on movement and access to allow for effective delivery of aid to vulnerable populations.

- Advance measures of accountability for Israeli violations of international law through existing mechanisms of international diplomacy and legal avenues.
EWASH recommendations to the Government of Israel:

- The government of Israel should ensure unimpeded delivery of aid
- The government of Israel should end all administrative demolitions of WASH infrastructure and protect civilian property from damage during military operations.
- The government of Israel should end obstacles on Palestinians to develop large-scale infrastructure in the West Bank to allow for sustainable, long-term solutions to existing needs.
- The government of Israel should allow WASH materials into Gaza without delay and should heed the calls of the international community to end the blockade
- The government of Israel should end policies and practices that are illegal under international law and harm the livelihoods of Palestinian civilians

A Palestinian man in Rashaydeh (West Bank) draws water from a cistern for his herd of sheep
“DOWN THE DRAIN”

Israeli restrictions on the WASH sector in the Occupied Palestinian Territory and their impact on vulnerable communities

END NOTES


[3] The Oslo Accords divided the West Bank into Areas A, B and C. The Palestinian Authority (PA) manages civilian affairs in Areas A and B, including service provision such as supply of water and sanitation. Area C, where many illegal Israeli settlements are located, consists of 61% of the West Bank and is under full Israeli military control including the building and planning spheres. About 150,000 Palestinians reside in Area C, including 27,500 Bedouin and other herders who depend on the availability of water for livelihoods and food security.


[6] B’Tselem (2009), Foul Play: Israel’s Neglect of Wastewater Treatment in the West Bank


[11] Use of cesspits is widespread in the West Bank. Some communities have costly water trucked to them even though there are available water sources nearby that Israel prevents them from accessing.

[12] ICA is the military governing body that controls the OPT under the authority of the Israeli Ministry of Defense

[13] UN Rapporteur on Adequate Housing re-affirmed during a fact-finding mission to Israel and the OPT in 2012 the illegal and discriminatory nature of Israel’s planning regulations over Palestinians http://unispal.un.org/UNISPAL.NSF/0/2BD14720F15307EAA85257BA30697BB3


[15] Figures provided to EWASH by PWA JWC unit


[17] Diakonia (2011), Israel’s Administrative Destruction of Cisterns in Area C of the West Bank (legal brief)


[19] Amounts calculated by the EWASH Advocacy Task Force based on figures supplied by UN OCHA and with advice on costing from humanitarian actors involved in demolitions response


[22] Figures supplied by WASH cluster, updated June 2011

[23] Making 91% of the total WASH materials entering Gaza through Israeli crossings


