



בצלם - מרכז המידע הישראלי לזכויות האדם בשטחים (ע.ר.)
B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories

16 July 2009

Mr. Uzi Landau, Member of Knesset
Minister of National Infrastructures
Ministry of National Infrastructures
216 Jaffa Street
Jerusalem 91360

By mail and fax (02- 5006715)

Dear Sir,

Re: Foul Play, B'Tselem's report on the neglect of wastewater treatment in the West Bank

I read with interest your response to the agenda item proposed by MK Dov Khenin, "Concern for the Mountain Aquifer – most wastewater in the West Bank is not treated," which was based on B'Tselem's report *Foul Play*. As the Mountain Aquifer and wastewater know no borders, I believe that political wrangling over the report's findings is inappropriate.

I would like to suggest that, given that your responsibility for national infrastructure includes wastewater treatment facilities, you use the report's findings as a basis for preparing a work plan to correct the current situation.

B'Tselem does not dispute that the Palestinian Authority is obligated to seek solutions for wastewater treatment of Palestinian villages in the West Bank, nor that Palestinian sewage pollutes West Bank streams, nor the difficulties encountered by Israel in achieving Palestinian cooperation. All these obstacles are described in the report. However, these facts do not detract from Israel's obligation to treat West Bank wastewater, a responsibility that results from Israel's status as the occupying power and that is enshrined in international humanitarian law and human rights law. Conditioning fulfillment of this obligation on Palestinian cooperation, or on the demand that Palestinians fulfill their obligation to treat the wastewater, is unacceptable.

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My comments regarding specific claims you made in your response follow.

The wastewater treatment facility for Hebron: To the best of B'Tselem's knowledge, the plan to establish a Palestinian facility for the city of Hebron was approved by the Joint Water Committee and by the Civil Administration, and its delay resulted from USAID's freezing of funding for the project.

Wastewater from settlements in the West Bank: As stated in our report, the figures presented are based on official data of the Ministry of Environmental Protection and of the Civil Administration. Regarding the quality of wastewater treatment, your frequent use of the vague expression "reasonable treatment" masks the regrettable fact that most settlement wastewater is not treated in accordance with the standards applying inside Israel. The report presents examples of settlements (Kiryat Arba, Ariel, Elqana, Qedumim, and Beit Ariyeh) whose raw sewage flows into West Bank streams. I am sure you will agree that using cesspits to dispose of settlement wastewater does not prevent pollution of the Mountain Aquifer.

Jerusalem wastewater: The figures presented in our report on the amount of raw wastewater flowing into the Kidron Basin are based on data presented to the Jerusalem District Planning Committee, and are correct as of 2005. According to our estimates, the pollution has even increased since then, and exceeds the figures you provided in your response. The lack of Palestinian Authority cooperation does not remove the Jerusalem Municipality's responsibility to treat Jerusalem's wastewater, as the Ministry of Environmental Protection demanded from the Municipality and from the municipal water corporation, Hagihon. The Municipality and Hagihon are responsible, according to the Ministry, for "the largest sewage nuisance in Israel."

Palestinian wastewater treatment facilities and other water projects: In your response, you ignored the obstacles that Israel has placed before approving Palestinian plans for wastewater treatment, as delineated in our report. These include, for example, prolonged and unreasonable delay in approving plans in the Joint Water Committee and in the Civil Administration; Israel's attempt to force the Palestinians to also treat settlement wastewater; and Israel's demand that the Palestinians adopt stringent treatment standards that are not even required by the World Health Organization. In addition, according to World Bank figures, about 106 water projects currently await JWC approval, some since 1999.

Supply of water to Palestinians: While our report did not deal with this issue, B'Tselem has stated repeatedly that the division of water resources shared by Israel and the Palestinians (the Mountain Aquifer and the Jordan Basin) is unequal and unfair. This inequality is reflected in average water consumption: whereas per-capita daily consumption among Palestinians in the West Bank is 66 liters (2/3 of the minimum amount recommended by the WHO), per-capita urban water consumption in Israel is more than three times higher (242 liters in towns and 211 in local councils). Your claim that the Water Authority imposes “harsh decrees” on farmers and dries up gardens is incongruous, to say the least, given the chronic water shortage in the West Bank.

I write to you with the hope that your attitude towards B'Tselem, as expressed in your comments, will not affect your faithful handling of the wastewater treatment problem, which is important to us all. In the interest of focusing on the urgent matter at hand, I will not respond to your vilification of B'Tselem.

I trust that B'Tselem's findings will be discussed in the relevant parliamentary and governmental frameworks, that the discussion will be substantive and based on updated and reliable figures, and that an operational plan will be adopted, within a reasonable time and with the requisite allocation of resources.

Sincerely,

Jessica Montell
Executive Director

cc: Mr. Dov Khenin, Member of Knesset
Mr. Gideon Ezra, Member of Knesset
Mr. Majalli Wahabe, Member of Knesset