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**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context and the Special Rapporteur on the human right to safe drinking water and sanitation

REFERENCE: AL Housing (2000-9) Water (2008-1)
ISR 8/2011

8 August 2011

Excellency,

We have the honour to address you in our respective capacities as Special Rapporteur on the human right to safe drinking water and sanitation and Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in that context, pursuant to Human Rights Council resolution 16/2 and 15/8.

We are writing to express our deep concern about **the destruction of water and sanitation infrastructure and housing structures in the West Bank**. We would very much appreciate if your Excellency's Government could contact us urgently about the allegations detailed below. We would prefer to be able to reflect any comment or clarification received from your Excellency's Government in making public our concerns.

Reportedly on 12 July 2011 Israeli soldiers destroyed three wells in an-Nassariyam east of Nablus (Area B); on 5 July 2011 the Israeli civil administration demolished one cistern in Al Khadr; on the same date, Israeli soldiers confiscated ten water storage tanks in Susya, in the third successive demolition or confiscation of tanks or cisterns in Susya since March 2011; on 22 June 2011, Israeli soldiers demolished one rain water harvesting cistern, two animal shelters and two empty residential barracks in isolated desert locations in south east of the village of Arab a-Rashayda; on 14 June 2011, they demolished a water pool and a water well in Al Harayek; on 15 June 2011, they destroyed 5 water wells in Fasayil al-Wusta; on 29 May 2011, they destroyed 8 water wells in Kafr Dan; on 26 May 2011, they demolished two cisterns in Idhna; on 5 May 2011, they destroyed 2 cisterns in Susiya; on 7 April 2011, they destroyed 2 cisterns in Khallet al Fahma; on 29 March 2011, they destroyed 3 sanitation facilities in Khirbet Susya; on 23 March 2011, they destroyed 2 cisterns in Arab ar Rashayida; on 7 March 2011, they confiscated 9 water tankers in Khirbit Tana; on 2 March 2011, they destroyed a rainwater collection pool and a small pool in Al

Garaous, Al Baqa; on 22 February 2011, they demolished seven residential tents and two water cisterns in Susiya; on 17 February 2011, they destroyed 4 cisterns and an agricultural room in Khallet al Furn, Bani Na'im and on 19 January 2011, they destroyed a water well, three agricultural shacks and a fence in Al Issawiye.

These demolitions were reportedly accompanied by destruction of residential tents, irrigation equipment and other materials essential for the livelihood of residents. Since January 2010, a total of 42 cisterns and 20 sanitation units have allegedly been destroyed by Israeli defence forces. In 2010, the Office of the Coordination of Humanitarian Affairs recorded the demolition of 27 cisterns and other rain water collection systems in the West Bank. Reportedly, 342 Palestinian owned structures were demolished by Israeli defence forces in the first half of 2011 and 656 people, including 351 children, lost their homes in the first half of 2011: this is higher than the total number of demolitions in 2010, and five times higher than the figure for the same period in 2010. These operations have taken place mostly in Area C of the West Bank, which is under full control of the Israeli military. In this area, tens of thousands of Palestinians are living without connections to the water network, and they rely heavily on cisterns for their water needs.

The justification offered for these demolitions has been lack of proper permits, which Israeli military authorities reportedly demand for all water and sanitation infrastructure in Area C. However, Palestinians are reportedly rarely able to obtain the permits required. Furthermore, the Palestinian Water Authority disputes the permit requirement with regard to the rehabilitation of water cisterns, which it contends does not fall under the remit of the Joint Water Committee as this does not pertain to the allocation and distribution of groundwater sources. Given the humanitarian urgency, the United Nations has engaged in activities to rehabilitate cisterns which have been destroyed. We note that in 2001, the Israeli and Palestinian heads of the Joint Water Committee signed a joint declaration committing to keeping water structures out of the cycle of violence.

Demolition orders are reportedly delivered to households prior to the destruction of water and sanitation infrastructure. While there are possibilities to appeal these orders, in practice, demolition orders have rarely been annulled. We have received information that in some of the reported cases demolitions orders were not served to the affected resident prior to the demolition.

Without implying any definitive conclusions as to the facts mentioned above, we would appreciate information on measures taken to ensure that the concerned population in the West Bank has access to safe drinking water and sanitation and to adequate housing. The International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child, all of which Israel has ratified, entail human rights obligations attached to access to safe drinking water and sanitation. The General Assembly in its resolution 64/292 recognized "the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all

human rights.” The Human Rights Council, in its resolutions 15/9 and 16/2 also recognized by consensus the right to safe drinking water and sanitation. Further, under the First Additional Protocol to the Geneva Conventions and customary international law, cisterns and other water installations are classified as objects essential for the survival of the population, and should never be destroyed, regardless of their location.

The Committee on Economic, Social and Cultural Rights (CESCR) has asserted in its General Comment 15 that everyone is entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses, which includes sanitation. States' obligations with regard to access to safe and potable water and adequate sanitation include the obligation to ensure that everyone has sufficient, safe, acceptable, physically accessible and affordable for personal and domestic use and Governments must take all necessary measures to guarantee this right to all persons under its jurisdiction without discrimination. The CESCR has further specified that States are obliged to refrain from interfering in the enjoyment of the right to water, including by engaging in any practice which has the effect of limiting access to, or destroying, water services and infrastructure as a punitive measure.

We would also like to remind your Excellency's Government of Article 11.1 of the International Covenant on Economic, Social and Cultural Rights, which states that “the States Parties to present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including housing, and to the continuous improvement of living conditions”. The Committee on Economic, Social and Cultural Rights commented on the right to adequate housing in its General Comment No. 4, stressing that the right to housing should not be interpreted in a narrow or restrictive sense such as merely having a roof over one's head; rather, it should be seen as the right to live somewhere in security, peace and dignity. With “due priority to those social groups living in unfavorable conditions,” the right to housing includes guaranteeing: (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy. The Committee also added that “the right to housing should be ensured to all persons irrespective of income or access to economic resources”.

It is our responsibility under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful if you could provide additional information to clarify all the circumstances of these cases and in particular the following details:

1. Are the facts alleged in the above summary accurate?
2. What measures are being taken to ensure that the population in West Bank has access to drinking water and sanitation that is sufficient, safe, acceptable, physically accessible and affordable?

3. What process is in place to ensure that the Palestinian population is permitted to maintain their wells and cisterns, without threat of destruction?
4. What is the procedure in place for obtaining permits to build wells or cisterns? How long does the process of authorization take and how much does it cost? How many requests have been received in the past years, and what was the number of permits given?
5. In cases where the lack of a permit is the basis for demolition, what are the legal, judicial or administrative means which are at the disposal of affected households to challenge the decision?
6. Have any appeals been filed on behalf of the affected population against demolition orders? If yes, please provide the details and the outcome of these proceedings.
7. In cases of destruction, what are the measures taken by the Government to ensure alternative solutions for access to water and sanitation?
8. What measures are being taken to protect the health of the population as a result of poor quality drinking water and inadequate sanitation systems?
9. Did appropriate consultations take place with the affected persons? If yes, please give the details, date and outcome of these consultations.
10. Was adequate notice given to the affected persons prior to the scheduled date of demolitions? Please provide details of notices given in all cases listed above.

We undertake to ensure that your Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Raquel Rolnik

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Catarina de Albuquerque

Special Rapporteur on the human right to safe drinking water and sanitation