

SHAMS center testifies before the United Nations Special Committee about the legal status of Israeli settlement and its influence on the environmental situation in the Palestinian territories

So as to monitor the Israeli violations against human rights in Palestinian territories

Amman: Dr. Omar Rahhal the representative of Human Rights and Democracy Media Center “**SHAMS**” testified before the United Nations Special Committee of Monitoring the Israeli violations regarding the legal status of Israeli settlements and their influence on the environmental situation in the Palestinian territories. It is conducted annually in Amman, Jordan and continues for three days, during which the committee listens to the testimonies of several human rights organizations as well as artificial personalities in the occupied Palestinian territories aiming at monitoring the Israeli violations against human rights in the occupied Palestinian territories. Dr. Rahhal initiated the testimony by presenting a documentary film prepared by the center for this purpose, and he reviewed the Israeli violations and its influence on the Palestinian situation.

Dr. Rahhal also provided a detailed explanation concerning the Israeli violations of Palestinians’ human rights, and discussed the findings of reports prepared by SHAMS which revealed Israeli violations against the national rights. At the conclusion of his testimony the committee’s members discussed many issues and subjects covered in the testimony.

Dr. Rahhal added that in the last few days, the world had celebrated International Environment Day, which was declared by the United Nations General Assembly in 1972, and for this purpose it established the (UNEP) program through which countries compete in environmental achievements as well as the quality of life of its citizens using the international environmental sustainability standards. This day reminds us of the Israeli occupation in the West Bank in addition to East Jerusalem and the Gaza Strip and other Arab areas in 1967. After 43 days of this occupation, our people are still living under practices and procedures that consume the Palestinian environmental resources, destruct them and establish the settlements which have had destructive effects on the Palestinian environment, confiscation of lands and preventing Palestinians from entering and carrying out different activities. Also, there are many aspects of destruction of the Palestinian environment, including establishing by-passes, constructing the apartheid wall, destroying the dynamic diversity, consuming the Palestinian water, waste water, solid waste, air pollution, noise, devastating the civilizational heritage and damaging the agricultural sector.

International Law

He stressed that Palestinian territories are included within the scope of the international definition of occupied territories, since it is under the domination and control of foreign opposing powers without any right, and it has been successfully dominated over by a military government that manages and governs these territories. Accordingly, the legal position of the Palestinian district will result in a set of legal effects and consequences represented in the prevalence of rules and regulations of the international law as well as rules and regulations of the international human law concerning the case of war occupation, particularly on these territories to become when applied the legal base which governs and regulates the sides of relationships rising from the occupation between the occupying, its management and its power from one hand, and the occupied district and its civil habitants from the other hand.

Consequently, Israel is forced to respect the regulations of related international conventions in addition to respecting international law like other members of the international community. It is also obliged to apply human rights' principles in the interest of the occupied peoples at least applying the principle of the International Declaration of Human Rights. The Geneva convention stipulated in article 6/49 forbids the establishment of settlements and transferring the civilians affiliated with this country to it, and in the additional annexes for the Geneva Convention in 1977, especially article 2/54, for the first protocol forbidding indirectly stipulated the banning of attacking, destroying and hindering indispensable articles for keeping the civilians regardless of the purpose in order to starve or displace civilians.

He mentioned that Israeli policy in the occupied Palestinian territories is extremely contradictory to international law since it included a clear infringement upon Geneva Conventions as well as the additional annexed protocols for Geneva Convention for 1949 especially article 2/54 of the first annex and article 24 of the second article which forbid possessing agricultural lands. At the same time it represents a breach for the rule of Human Rights International Declaration specially article 2/27 which stipulates that it is prohibited to deprive anyone of his/her property abusively, and for the decisions of Security Council headed by decision 466 issued by Security Council in 1979.

From the other side, establishing Israeli settlements on the Palestinian lands will create circumstances that make these settlements annexed to Israel since it makes the Palestinian self-determination a difficult issue because it will bring new settlers to stay in the settlements after displacing the original citizens. Through its settlement policy, Israel aims at making Israeli settlers the majority in those lands, and they will participate in future decisions concerning the status of the Palestinian territories.

Settlements' locations

He stated that Palestinian official data indicates that there are 440 settlement locations in the West Bank, including 144 settlements, 96 focuses within settlements' limits, 109 focused outside settlements, 43 locations classified as other locations and 48 military bases.

The distribution of settlements according to governorates is obvious, majorly in Jerusalem, including 26 settlements and 16 settlements annexed to Israel, then Ramallah including 24 settlements, the least number in Tulkarm governorates including 3 settlements. Data also points to the fact that the rate of space that Palestinians are prohibited to reach 38.3% of the total space in the West Bank in 2007, and that the space of lands constructed in different locations reached 235,209 thousands meters square.

Number of settlers

Estimations indicate that the number of settlers in the West bank is 500,670 including 302,212 males. The majority of settlers live in the Jerusalem governorate about 261,885 including 198,458 males, then the Ramallah and Al-bireh governorates in which 87,059 settlers live, then the Bethlehem governorate which includes 54,111 settlers, then the Salfit governorate which includes 30,824 settlers while Tubas governorate includes the least number, 1,328 settlers.

Table (1) clarifies the number of settlements in West Bank according to the governorate

Total	Classification		Governorate
	settlements annexed to Israel	Settlements affiliated with Yesha'a council	
144	21	123	West Bank
128	5	123	The rest of West Bank
5		5	Jenin
7		7	Tubas
3		3	Tulkarm
11		11	Nablus
7		7	Qalqilya
12		12	Salfit
24	4	20	Ramallah/Albireh
17		17	Jericho
26	16	10	Jerusalem
16	16		Area 1
10		10	Area 2
13		13	Bethlehem
19	1	18	Hebron

Water pollution in the Palestinian territories

He said that the water has been polluted, which makes it unusable for purposes such as drinking and/or irrigation, and each cubic meter of polluted water may pollute 40-60 cubic meters of pure water. Water pollution is caused by several factors including: waste water, animal and agricultural residues, cleaning materials, oxygen-consuming materials, petrol, chemical materials, raying materials and heavy metals. The most noticeable pollution in the Palestinian water is increasing rates of salts and nitrates.

He added that the rate of salt in the Jordan River's water is .0005 while it was .00006 in 1925, and the percentage of chloride is 1.365 ml/liter in Jericho and within the twenty previous years it was 24ml/liter. Also, the Israeli pumping to the ground water led to an extreme increase in the rate of salts in the ground, like the flow of salty water to the pure water. Studies indicated that increasing the rate of salts over the international standard (50 ml/liter) in 27.2% of West Bank water, Nitrates also pollute many water sources, for example in Tulkarm the percentage of water saved from Nitrates pollution is 27% while the percentage decrease in Qalqilya to 23%, and the rate of Nitrates is over 50ml/liter in about 14% of wells water in the West Bank.

Solid waste in the Palestinian territories

Palestine currently faces a problem with solid waste due to many issues including the increasing number of citizens, lack of fulfilled potentials, weakness of technical

experiences for handling solid waste and the long years of Israeli occupation in the Palestinian territories. The occupation uses Palestinian water as a dump for solid waste and waste water resulted from Israeli settlements constructed on the Palestinian lands, and the majority represents industrial waste in the first level which are highly harmful to the environment and both Palestinian surface and ground water. The block, apartheid wall and siege policy have also contributed to raising the number of random dumps and its number reached 133 in the West Bank, taking into account the fact that these random dumps are near the citizens' residences, as well as using the technique of burning the solid waste and it is considered as the only available technique for Palestinian local authorities, and due to the physical expansion many waste dumps are inappropriate for its function. Also the occupation blocked some of them because the land was owned by Israeli authorities, or because the dump is expired and not able to load more quantities. The estimated average of individual's production of waste in the Palestinian territories is about 0.6 GM daily, while the quantity of house wastes in the Palestinian territories reached 2.321 tons daily in 2009.

The effects of the Israeli occupation are not only found at this level but also in its widely spread settlements in the West Bank and Gaza Strip contributed to polluting the Palestinian environment through the solid waste resulted from Israeli settlers usage either from houses or from industries. The Israeli settlements dump the solid waste in the Palestinian territories exactly like cases in Abu Dees which includes a huge dump equal to 3000 donums for the services of the Israeli settlements, Jayyous area to the west of Qalqilya which covers 12 donums for the services of Karne Shomeron, Kadomeem, Tsoveem and Ma'ale Shomeron settlements while the second statement points to some Israeli settlements and places to get rid of its waste.

Dangers of solid waste

It is a source of nasty smells, flies and diseases. Also it pollutes large areas of agricultural lands, soil and ground water due to the liquids' percolation which results from these wastes in the ground, while getting rid of it through burning pollutes the air. Israeli non-compliance with conventions with Palestinian National Authority, remaining in Palestinian areas led the settlers to utilize all means to get rid of solid waste in the Palestinian territories by burning, burying or sending these dangerous toxic materials from the Israeli factories to the Palestinian territories. The increase in the number of Israeli factories in the Israel settlements after being removed from Israel due to its environmental damages and industries of Aluminum, leather, batteries, plastic, concrete, cans, glass wool, rubber, alcohol, ceramics, marble, chemical cleanings, Gas, pesticides and military confidential industries are all producing toxic materials like Aluminum, Chromium, lead, Zink, Nickel then throwing it in the settlements' waste water.

Climate and environment change

The Israeli assaults on the Palestinian environment have polluted even the air, and Israel has worked to increase the levels of this pollution via the widely-spread factories in the settlements and large quantities of toxic and dangerous gases inside Israel, which reach the Palestinian atmospheres because of wind and closeness of borders. Smoke, as well as other gases which result from stations of energy-generating by coal, also increase air pollution.

The Israeli industries in the West Bank and Gaza Strip, as well as other industries inside Israel, represent the highest danger for polluting the atmosphere in the Palestinian territories since the widely-spread industrial centers in the West Bank pollute the atmosphere with large quantities of gases, and climate experts expect that rising gases in the occupied areas will increase about 40% from 1948 to 2020.

Waste water

Israel contributed highly to the damages in the Palestinian environment by neglecting sewer systems according to the necessary health conditions. While the direct harm to the Palestinian environment directly takes place via Israeli settlements in the West Bank and Gaza Strip as settlements pump millions of cubic meters of waste water into Palestinian lands and valleys.

In the West Bank, only the quantity of waste water that Israeli settlements which included 350000 settlers pump around 40 millions of cubic meters annually while the Palestinian citizens produce about 33.72 millions of cubic meters in the West Bank, and it should be noted that there are 2 million West Bank citizens, so the quantity that settlers produce exceeds what Palestinians produce. In addition, 90% of settlement's housing is connected with sewer system networks but the percentage of what is treated doesn't exceed 10%. The settlements' waste water pours into Palestinian valleys, the Jordan River and in the Palestinian agricultural lands.

Places in which settlements' waste water is poured

Wadi Annar, in which the waste water of settlements and Israeli Alcohol factories surrounding Jerusalem is poured with the average of 30,000 cubic meters daily in the northeast of Hebron. Also, waste water from the Ariel settlements and other settlements in the region is poured into Wadi Qana between Nablus and Qalqilya. In addition, waste water is poured in Habala Valleys in Qalqilya and Wadi Alsamen in Hebron.

Dangers of waste water

It plays a key role in polluting the Palestinian environment, and it pollutes both ground and surface water. It works to increase the rate of salts as well as Nitrates which makes water useless for humans and useless for agricultural purposes, as is the case with Jordan Valley water. Waste water also pollutes agricultural lands since it increases the rate of salts in the soil, closes its pores and becomes worthless to agriculture. This leads to desertification of the Palestinian lands, diffusing nasty smells, producing flies and spreading diseases.

Table (2) shows some settlements and places for pouring its waste water

Pours the sewer system water from this settlement in Galboun agricultural lands – Jenin.	Galbou settlement
Sewer system is considered very dangerous since it consists of industrial waste water, solid waste and metallic covers and others.	Barkan settlement
A flow of water is moving toward Qana settlement gathering station then pumped to the mountain for agricultural purposes, disposal of sewer system water to the valley, even the pumped water turns to the valley.	Emanuel settlement
Water with high concentration of salt issued by desalting stations is mixed with sewer system water and then poured in the next valley.	Ariel settlement
The flow of sewer system water transfers from the settlement to the agricultural lands for Ameen’s home in Qalqilya the thing which will cause damages for agricultural lands, in addition to the flow of sewer system water via holes to the underground tank, and this was obvious during a field visit to the location.	Share Tekva settlement
The sewer system water pours from Alfeh Menshah settlement via a blocked tube to the station of pumping the sewer system water in Abal Keboots inside the borders of 1948 passing through Habala village in Qalqilya. While the inefficiency of the pump as well as constructions in the settlement lead to flowing from the line of sewer system water to Habala village which will hurt both environment and health.	Alfeh Menshah settlement
Water with high concentration of water from the desalting station formed a lake in the north of Qalqilya and this lies in the space between the housing areas and agricultural lands.	Tsorevetenel settlement
Due to the continuous defect for the station of pumping the sewer system water from this settlement, sewer system water flows to the agricultural lands for Jabba village in Bethlehem and damages the lands.	Rosh Zoreem settlement

Sewer system water flows o the agricultural lands in Bethlehem city causing harms for about 2 hectares of these lands. In addition to waste water settlers excavated a huge cesspool affiliated with the settlement, and this cesspool lies high above the Albayyar valley which is one of the most fertilized valleys in the region and near the spring. When this cesspool is filled, the waste water is then poured to the valley which pollutes the most important source of water in the region.	Evart settlement
Sewer system water from this settlement is poured, damaging about 0.5 hectares for the agricultural lands in Bethlehem and Alkhader village, in addition to the ham in the environment and public health due to the flow of sewer system water to the underground water.	Daneial settlement
This camp which is affiliated with the Israeli army in Hebron causes damages to the environment due to the flow of sewer system water and reaching Alghor Valley, and the water of this spring is usually used for agricultural purposes.	Almajnona troop camp
The industrial waste water from “Beir” factory flows from the settlement to farmers’ lands in the way from Hebron to Bani Ne’im and this problem exists for many years ago.	Keryat Arba’a settlement
Sewer system water flows from this settlement especially from cows’ farms to the agricultural lands of Qatannah in Ramallah causing many damages to the environment and public health.	Ma’ale Hakovshem settlement
Waste water flows from this settlement to pour in the Palestinians’ lands in Tulkarm, this waste water destroyed a large areas of lands famed with olives and almonds.	Sale’et settlement
Sewer system water is pumped to agricultural lands affiliated with Beit Ummar village and these lands are farmed with grapes and fruit trees.	Karme Tsoor settlement
Waste water from this settlement flows in the lands of Deir Alballout village to pour in the village’s agricultural lands.	Elon Moreh settlement
It was clear form an investigation conducted by the Nature Protection Authority as well as Israeli National Parks that the flowing waste water from Adam settlement in the eastern part of Nabi Jacob in Jerusalem led to dangerous pollution for Wadi Qilt Water and poisoning the sheep of this Wadi which is considered as a natural reserve. It was also clear that waste water flowed to hundreds of meters underground and passed through a space of 3Kms and mixed the water of Alqwar spring in Wadi Qilt which led to this poisoning.	Adam settlement
Waste water flows from these settlements to pour in ALSARAR valley to cause a huge pollution for water sources	Jilo and Harjilo

and health risks for villages benefitting from this Wadi in Beit Jala-Beit Safafa in Bethlehem.	settlements
--	-------------

Soil pollution

Palestinian soil is exposed to destruction by the Israeli forces which led to erosion, thus increasing the phenomenon of desertification, vast curettage, eliminating vast spaces of forests in order to establish settlements as constructing by-passes and these procedures may cause disassembling of the soil so it will be exposed to causes of erosion such as wind and rain. Also, confiscating the Palestinian lands including the fertilized agricultural lands and preventing original citizens from practicing their rights in using their lands led to decreasing the spaces of agricultural lands which make the Palestinian farmers plant their lands using the “intensive farming” by utilizing high agricultural fertilizers and pesticides which will decrease and affect the soil’s fertility and increasing the concentration of salt via raising the rate of Nartium Chloride that decreases soil’s pores accordingly, incapability of production.

Dynamic diversity

Environmental pollution in the world reached a dangerous level that became threatening to human and natural life, and this has led 162 countries to hold an international conference in 1992 regarding the environment in Rio de Janeiro, Brazil, in order to discuss how to overcome the factors that threaten the environment. We reviewed the Palestinian level, including the Israeli assaults on the Palestinian environment which consist of land confiscation and erosion, deforestation, attrition of Palestinian underground water and dominance over water sources in addition to other types of pollution caused by settlements and Israeli factories, even those that exist inside Israel in terms of waste water, solid waste, steeling sands and polluting sea environments.

All of these assaults reflected severely on the dynamic diversity in Palestine since the erosion of lands for establishing settlements and making by-passes has led to eliminating the green spaces by removing plants and trees, which signifies that large numbers of plants have permanently disappeared from the region. Curettage works as well have led to eliminating and devastating the places of wild animals and immigrating to other places besides creating a state of environmental separation in Palestine. The effects of other environmental polluters reflected negatively on plant growth, fly production and spread of disease will affect all wildlife.

The enormous dilemma is the attrition of Palestinian water which led to consequential decreasing amounts, the inability of trees and plants to grow as is the case in Jericho in which the concentration of salt in its water increased so the quantities of water decreased and lands there become threatened by desertification, in addition to dust which falls on

the agricultural lands due to stone quarry activities. Besides the destruction of vast areas of agricultural lands in many Palestinian governorates, the size of the problem can be realized if we know that the majority of lands' spaces are spaces depending on rain fed or rains that vary from one year to another.

Wild animals

Wild boars, which threaten plants as well as farmers and families, and poisonous snakes in areas like Wadi Qana in Salfit governorate and Qalqilya in the north of West Bank and Alumra reserve next to Ya'abad town in Jenin governorate in the north of West Bank.

Civilizational heritage

Israeli assaults affected also the civilizational heritage of the Palestinian people, since Palestine has been and is still considered to be the place where civilizations meet, and there are many historical and archeological sites that span across many eras. Cities such as Jerusalem, Gaza, Jericho and Hebron are among the oldest cities of the world and they include archaeological sites from many civilizations throughout history such as the Canaanites, Greeks, Romans and the Islamic civilization, among others. These civilizations have left many architectural artifacts like churches, auditoriums, temples, mosques, tombs, water wells, irrigation channels, homes and many others which have become tourist destinations that attract people from all over the world to visit historical holy places like Alaqsa Mosque, the Dome of the Rock and Church of Resurrection in Jerusalem and Nativity Church in Bethlehem as well as many tombs and shrines. Many archaeological sites have been exposed to Israeli assaults which have been represented in several forms including destruction's works, neglect as well as what's happening currently in terms of excavation under Alaqsa Mosque which reached the level of destruction.

The significance of obligating Israel to respect related agreements and conventions

Dr. Rahhal added that despite the fact that United Nations Charters or International Declaration of Human Rights did not mention the right of environment directly, but the General Assembly decided in 1966 to organize an international conference titled as "human and his environment: bases for better life" and conducted another conference in Stockholm in 1972 which resulted in an international declaration of 26 principles issued by 123 countries and stipulated the following: humans have a basic right to suitable living conditions in a qualitative environment which allows him to live in happiness and dignity, and has a responsibility to protect the environment for the next generations. The declaration is adopted for the first time in an official UN document the individual's right of appropriate environment in the first principle, and emphasizes the role of the country in preserving the environment and differentiating between renewable and non-renewable

resources which have to be dealt with carefully within the principle of balancing between countries, and this declaration adopts the principle of compensation for pollution's victims.

After ten years, the United Nations adopted decision no. 7/37 on 28/10/1982 the International Charter for Nature which declares that all creatures have the right of living as an ethical right. Also after ten years the United Nations conducted the second conference regarding "environment and development" in Rio De Janeiro/Brazil in 1992 and the General Assembly adopted the international charter which is known as Rio Declaration regarding environment and development.

He added that the movement for defending the environment isn't just a rights movement but in the rights' dimension it is still under discussion and debate. It is also important to remember that human rights in the environment do not stipulate literally any international convention for human rights. Consequently, it is not recognized in the international mechanisms of protection and monitoring.

Therefore, the environment's supporters perceive the relationship between environment and human as interrelated, certain and obligatory. In this regard, we can't look at humans without environment and following the existence problems with neglecting this side or not advancing to the level of thinking to grant what he deserves. There is also harmony between the social-economic sustainability and the basic balance of the environment and humans can't seriously handle the subject of human rights, luxury and happiness without taking into consideration the catastrophic environmental results such as desertification, polluting water resources and retreating air quality and others.

He said that being interested in the right to a clean environment doesn't signify accomplishing a perfect environment for human living, but the purpose is to preserve the natural construction of the surroundings in which humans live from any dangerous deterioration and developing it in a way to serve humans.

He stressed that it is important to remember that international judicial organizations tackled the right to environment since the International Justice Law emphasized in the fatwa issued in 1996 regarding the legitimacy of using nuclear weapons or threatening to use it on the right to a clean environment. It adopted the existence of environmental international customary law and mentioned the existence of general commitment of countries to respect the prevailing activities in the frame of its dominance over the environment of another country or areas outside the national dominance formed a part of the international law linked with environment. So, the right of environment is a basic collective and individual right, inquires forcing the occupation's country to respect related conventions and agreements.