



How dispossession happens

The humanitarian impact of the takeover of Palestinian water springs by Israeli settlers

In recent years, Israeli settler activity in the West Bank has significantly impaired Palestinian access to, and use of, a growing number of water springs. Springs are the single largest source of water for irrigation in the West Bank and an important coping mechanism for communities not connected to a water network, or poorly supplied, to meet domestic and livelihood needs. The main methods used by settlers to that end have been intimidation and threats, and the erection of fences around the targeted areas. This phenomenon comes in the context of Israel's longstanding policy of settling its civilian population in the occupied Palestinian territory, in violation of international humanitarian law.

Executive Summary

In recent years, a growing number of water springs in the vicinity of Israeli settlements throughout the West Bank have become the target of settler activities that eliminated, or put at risk, the access to these springs and their use by Palestinians. A survey carried out by OCHA in the course of 2011 identified a total of 56 such springs, the large majority of which are located in Area C (93 percent), on land parcels recorded by the Israeli Civil Administration (ICA) as privately owned by Palestinians (at least 84 percent).

Thirty (30) of these springs were found to be under full settler control, with no Palestinian access to the area. In almost three quarters of these (22), Palestinians have been deterred from accessing the spring by acts of intimidation, threats and violence perpetrated by Israeli settlers. In the remaining eight springs under full settler control, Palestinian access has been prevented by physical obstacles, including the fencing of the spring area, and its de facto annexation to the settlement (four cases), and the isolation of the area from the rest of the West Bank by the Barrier and its subsequent designation as a closed military zone (four cases).

The other 26 springs are at risk of a settler takeover. This category includes springs that became the target of regular "tours" by settlers, and/or patrolling by the security coordinators of settlements. While at the time of the survey, Palestinians could still access and use these springs, farmers and residents reported that the constant presence of groups of armed settlers in the area has an intimidating effect that discourages access and use.

Along with the elimination or reduction of Palestinian access, in 40 out of the 56 springs identified in the survey, Israeli settlers have begun to develop the surrounding area into a "tourist attraction". Works performed for this purpose include, among others, the construction or renovation of water pools; the deployment of picnic tables and shading structures; the paving of leading roads; and the installation of signs announcing the Hebrew name of the spring.

Such works were carried out without building permits, as required by the ICA. This practice is part of a larger trend entailing the development of the tourism infrastructure of Israeli settlements. This infrastructure contributes to the entrenchment of the settlement enterprise in at least three distinct ways: it expands the scope of territorial control of settlements; it adds a source of employment and revenue for the settler population; and it contributes to the "normalization" of settlements in the eyes of larger segments of Israeli society.

The takeover and development of springs by settlers has multiple ramifications on the daily lives of Palestinians living in affected areas, including the erosion of their agricultural livelihoods. Despite the decline in their yield, springs have remained the single largest water source for irrigation and a significant source for watering livestock. Albeit to a lesser extent, springs are also a source of water for domestic consumption. Households not connected to the water network, or those supplied on an irregular basis, rely on them as a coping mechanism to meet domestic needs, particularly during the summer. The loss of access to springs and adjacent land reduced the income of affected farmers, who either stop cultivating the land or face a reduction in the productivity of their crops. Others farmers, herders and households are confronted with increased expenditures, due to the need to purchase more expensive piped or tankered water.

The takeover of springs also undermines the scope of control over space for Palestinians in Area C of the West Bank, where Israel retains extensive control. This is because of the spatial interaction between the taken-over springs and other settlement infrastructure in the area, such as settlement outposts and industrial areas. The presence of armed settlers at multiple points in a given area intimidates residents and renders the space in-between those points practically off limits for Palestinian use.

Settlements are illegal under international humanitarian law. Settlement related practices have also resulted in the infringement of a range of provisions in international human rights law, including those enshrining the right to property, to adequate housing, to freedom of movement, and to be free from discrimination, among others.

Most of the practices discussed in this study - including trespass, intimidation and physical assault, stealing of private property, and construction without a building permit - are illegal not only under international law but also under Israeli legislation. Yet, the Israeli authorities have systematically failed to enforce the law on those responsible for these acts and to provide Palestinians with any effective remedy.

The impact of the above practices and policies is not limited to those directly affected by settler violence and property losses. The continuous encroachment on Palestinian land for the purpose of settlement expansion is a key cause of humanitarian vulnerability of the Palestinian population and the most significant reason behind the ongoing fragmentation of the West Bank, which undermines the right of the Palestinian people to self-determination.

To abide by its obligations under international law and begin addressing the humanitarian impact of the above practices, the Israeli authorities must:

- stop facilitating the transfer of Israeli civilians into the oPt, including by allowing the expansion of settlements;
- restore Palestinian access to the water springs taken over by settlers, and ensure their safety;
- conduct effective investigations into cases of settler violence and trespass and prosecute those responsible; and
- adopt measures to prevent ongoing settler “tours” to springs located on private Palestinian property.

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