Deprivation of Water as a Tool for Forcible Transfer: Cutting Off Water Lines from Masafer Yatta as a Model

Date: 17/9/2019

Case study: Masafer Yatta

Key Issue

The suburb of Msafer Yatta and Al Tawani village are located in the south of Yatta and belong to it. Masafer Yatta is located south east the city of Hebron around 24 km away. It is a low area located at the end of Hebron Mountain and the beginning of Al Naqab Plateau, and is divided into two parts: Shafa and Msafer Yatta. Those areas are most likely to have a valley’s weather in winter, and a hot dry weather in summer, which is why people used to come from all over the country to live in Yatta back then. For hundreds of years and up until today, the main income of its people depends on and comes from ranching sheep and goats, and relatively taking care of the agricultural crops that grow in the area.

Msafer Yatta is made up of 19 residential areas: Janba, the centre, Maghayer El Abeed, Kherbet El Majaz, Sha’ab El Batem, Kherbet Asfi, Seddet El Tha’leh, Bir El Ghawanme, Al Baqle, Al Halawe, Al Touba, Kherbet El Taban, Kherbet El Fakheet, Bir El A’ad, Khillet El Theeb, Saroura, Kherbet El Maqoura, Al Rakeez, and Qawawees. Whereas Al Tawani has two residential areas: Al Faqeer and Touba. Altogether, the area of Masafer Yatta and Al Tawani is around 37,500 Dunums (made up of mainly agricultural lands). According to the Oslo Agreement, signed between the Palestinian Liberation Organization and Israel, Masafer Yatta and Al Tawani are classified as areas (C), in which the Israeli occupation has full civilian and military control. Nowadays, more than 3000 Palestinians live there. Those Palestinians, similar to their predecessors, depend on ranching cattle and harvesting agricultural crops (such as wheat and barley) as a main source of income. The estimated number of cattle in that area is around 40,000. The cattle in those areas makes up the majority of Hebron’s livestock.
Msafer Yatta, Al Tawani village and so many other cities and villages that are classified as area (C) according to the Oslo Agreement, are besieged as a result of the occupation’s settlement policy and violence of the settlers and occupation army. According to the occupation, the area is also known to be a Fire Zone; meaning that it suffers from house demolition policies and obstacles to the freedom of movement. Such policies are adopted as an attempt to create an environment of force and fear; in order to force Palestinians to leave their homes and area, and live in other areas.

Historical glimpse

“On Tuesday 24/5/1950, the first attack by the Israeli army in Msafer Yatta took place. According to the elderly who fought the attack, it was known back then as “Hareeqet al Jroun” (Fire of mountains). People there basically counted on crops as source of living. They would first gather all the crops, and following the harvest stage begins the combining process. That’s when the Israeli occupation’s attack took place (when all the crops were being combined in the fields) burning all the crops up. The attack was a turning point to all people living there and was engraved in their memories. My mom was alive when it happened and still remembers the incident like it happened yesterday. She says that the fields in Janba and the Center burned at night. It looked like the sun as if it was day time, (that meant the fire lit the whole area up).”

Nidal Abu Arram
Head of Msafer Yatta Village Council

Nidal adds that the occupation’s treatment began changing in the early eighties. They became extremely violent and it was exceptionally evident that occupation strives to forcefully displace the Palestinians living there. To achieve their goal, the occupation even sprayed the crops with poisonous chemical materials, confiscated the herds of sheep and black goats, and fined people with too expensive fines using the ”black goat law”: which is a racist law legislated in 1950 only to prevent Palestinians from

---

1 Nidal Abu Arram, Head of Msafer Yatta Village Council, recorded interview, 20/05/2019
ranching, herding and training black goats in order to control them and takeover their lands and crops.
The Black Goat Law: prevents the upbringing and herding of black goats except in a private land belonging to its owner. Only one goat is allowed in each 40 acres of land. The law also prohibits black goats from being in forests. Transporting them without special permission is also prohibited.
In 3/6/1985 the village of Janba was totally demolished. In the same year 20/6/1985 the Center and Al Fkhaid were also demolished, all livestock was confiscated, so many people were arrested and fined, and all of what was left of tents (used for housing) was completely confiscated. That’s why so many people had to live in hidden caves from 1985-1999.

- Fire Zone 918:

Another transformation that has happened to Msafer Yatta and Al Tawani village was the declaration of the area as a shooting area 918. In October 1999 the Israeli occupation’s army expelled people of 12 different villages in Msafer Yatta (around 700 people). Following the illegal exile, it was written in the demolition orders that such demolitions occur because people are living in “illegal residential places and a shooting area”. The Fire zone 918 (around 30,000 dunums) was defined as a military area closed since the 70s.
At the beginnings of year 2000, the Israeli occupation’s army had sealed off the entire area and its surroundings, and brought big trucks to forcefully displace Palestinians. Those Palestinians were abandoned somewhere between the two villages off Al Tawani and Al Karmel.

- House Demolitions

Ever since 2016, the Israeli occupation’s army delivered 310 demolition orders in Msafer Yatta, and actually demolished 48 houses and 6 tents. The occupation even confiscated and demolished the school of Khalt al Dab’ , not to mention destroying more than 13 animal sheds (clarified in the table below)
As for water wells, demolition orders for 45 wells between 2001-2013 were issued. (12 wells in 2013 and 4 wells in 2016).

In 2017, the occupation’s army had closed 4 main roads in Msafer Yatta and two other public roads were closed in 2018. Since the beginnings of 2019, the road of Sha’b El Batem – Al Fakheet was closed 4 times including the road of Sha’b El Batem – Al Karmel.

❖ It is worth mentioning that the way from the main road until the last village is 32km. It is a dirty, bumpy and extremely dangerous road, deliberately ignored by the occupation. The Palestinian Authority and the residents of the area are forbidden to pave it. Continuous sabotaging of the streets that happen to be already paved is not uncommon for the occupation.

- **Cutting off the water lines:**

The occupation’s latest attempts to forcefully displace Palestinians was evident in 12/2/2019, when a water pipeline (26km line) connecting 14 villages with water was cut off. 6km of it was cut off and confiscated in a barbarian way including the arrest of some people.

That water pipeline was executed with the support of the United Nations Office for the Coordination of the Human Affairs in the occupied Palestinian territories (OCHA) together with the help of the European Union (EU) and the Action Against Hunger at a cost of around 100,000 Euro. The water pipeline was dug up at night, manually, over the period of 4 months straight because the occupation’s army generally bans Msafer Yatta from having water and electricity, refuses to pave the roads and confiscates the machines used there under the pretext of its civilian and military dominance in area (C).
A truck belonging to the occupation’s army confiscating the water pipes destroyed by their bulldozers.
“In 12/2/2019 we were surprised that the Civil Administration came and had the pipes cut off without prior notice. They are plastic pipes, I mean any farm in the world can have pipes. Even if they want to say that pipes are illegal, there are certain settlements for example:”mtzbehy’a’er”; a settlement standing on private Palestinian lands (meaning it’s an illegal settlement) uses an 8 inch water line, has paved roads, has an electricity network and grows grape leaves.

We can also see in (Avi Gai) settlement the water lines, not to mention the chicken farms on our private lands near (Karme’ail) settlement, cows and chicken farms in (Ma’oun) settlement with 8 and 4 inch pipes, just because the farmers in those areas are Israeli settlers; not the real owners of the land. Meanwhile we on the other hand, the real owners of this land, are only demanding a 2 inch plastic pipe, in order to have access to drinkable water since we have polluted rain water”.

Nidal Abu Arram
Head of Msafer Yatta village council

---

1 Nidal Abu Arram, Head of Msafer Yatta Village Council, recorded interview, 20/05/2019
By integrating the “settlement expansion” policy, the occupation’s army pursues policies of house demolitions and water line destructions to accelerate the forceful displacement of Palestinians out of areas (C). This has transformed the lives of Palestinians living in areas (C) into a very primitive one, where people have to live in caves and drink polluted rain water to survive. The occupation prevents the residents of those villages from even trying to pave the roads, making movement within the village extra hard. Not to mention that there are no schools or enough medical clinics for the residents of the area. Moreover, the danger of accessing the area should be noted, due to the fact that it is considered to be an isolated area, a military base and a fire zone area, leaving a very negative effect on all aspects of life people residing there.

The settlement Ma’oun, established in 1983 is connected to water and electricity, whereas Al Tawani village that has existed for hundreds of years is deprived from having access to electricity and drinkable water.
Residents of Msafer Yatta and Al Tawani village suffer from the violation of their basic and fundamental human rights, which are supposed to be guaranteed by so many international law covenants, treaties and charters, and accepted by the international community as jus cogens rules, even if they’re not ratified by the country in an international treaty.

Through the settlers’ violence, house demolitions and the settlement expansion policies, the rights of Palestinians in those areas are continuously violated since the occupation does not abide by the international humanitarian laws or its international commitments and obligations as an occupying country; the most important obligations being not making any changes to the place they occupy (whether it’s a legal or demographic change), and providing a decent infrastructure for the residents living under occupation.

Palestinians are also denied their right to exercise their basic rights such as the right to self-determination, right to life (nutrition and drinkable water), right to education, right to freedom of movement and security, right to family, right to own property and many other rights.

The residents of Msafer Yatta tried to gain access to water through water wells, despite the fact that the occupation always tried to destroy them. The occupation knew that the area had wells since the Ottoman Era, but that still didn’t stop them from trying to destroy them. Palestinians tried to restore those wells so many times in order to be able to count on them for getting drinkable water, but according to some water tests, it turned out that the water was extremely polluted, therefore, undrinkable and not good for any human use as a matter of fact, even after refining.

According to the information we have, the residents of the area tried to gain access to water through plastic pipes not exceeding 2 inches. This cannot be called a water pipeline, as it is not sufficient for the basic human needs (it is enough for only one third of the population, and is not to be used all the time). Despite this, the occupation
didn’t hesitate to cut all those mini-pipes off to prevent the residents of Masafer Yatta from their right to gain access to drinkable water in order to force them to go back to drinking polluted water. This policy has been adopted by the occupation in all areas (C) of the West Bank. The main aim being the forceful displacement of Palestinians; subjecting them to a series of continuous displacement over the period of 71 years. In the future, this will cause the creation of new facts in relation to all aspects of life of the Palestinians living in those areas; hopefully resulting in the intervention of the international community to limit the occupation’s vengeful policies.

- **Right to water:**

  **International human rights law:**

  The international human right to water has been restored as part of the rights that imply an adequate standard of living: Article 11 (1) of the International Covenant on Economic, Social and Cultural rights.
The minimum adequate standard of living requires that humans have access to usable water. In this context, the occupation authorities are bound to respect human rights of Palestinians. The International Justice Court’s advisory opinion on Israel’s construction of the Annexation Wall in the occupied Palestinian territory confirmed that the occupation is obliged not to violate the rights of Palestinians to have access to drinkable water. According to the Committee’s (Committee on Economic Social and Cultural rights) general comment No. (15) on the right to water, 3 basic elements must be present in order for human beings to enjoy that right. Those 3 elements are: Water availability, quality, and accessibility (physically and financially without discrimination). Based on this, the country or authority that controls the land and the people living on it, as in the case of the oPt, has three commitments when it comes to the right to water: to respect the right, to protect it, and implement it.

In this regard, the obligation to respect this right requires that the country does not take any action that disrupts the right to water directly or indirectly or prevents people from getting drinkable water.

In order to protect this right, the country must take action and follow certain procedures to prevent any other parties from infringing the people’s right to water. Implementing this requires the country to take measures that guarantee the enjoyment of this right according to all the conditions and criteria mentioned above.

**International Humanitarian Law:**

International Humanitarian law requires the occupying country to administer the occupied land with good intentions and to have its peoples’ best interests at heart. According to the Private Rapporteur specialized in human rights in the oPt occupied since 1967, in his 2017 report on “the extent of the legality of occupying oPt”, and consequently, the occupation’s ban on Palestinians from having access to drinkable water through confiscating the necessary equipment and infrastructure specifically made for this purpose in certain Palestinian villages, thus making it totally incompatible with its obligation to secure the people’s interests.

---

3 International Covenant on Economic, Social and Cultural Rights, United Nations General Assembly, 16/12/1966
4 Reference mentioned above
- **Settlements:**

  The General Assembly’s Resolution 70/89 confirmed the illegality of Israeli settlements in the occupied Palestinian lands. Later on, the Security Council and the High Commissioner for human rights reaffirmed that resolution. These settlements are the result of the occupation’s transfer of people from a certain country to the land they occupy. This is prohibited by international human rights law. It should also be noted that transferring people is considered a war crime that could lead to individual criminal responsibility of the officials concerned.

  Article 49 of the fourth Geneva Convention prohibits the forced individual or collective transfer of protected people, or exiling them from the occupied land to the occupying country’s land or to any other country (occupied or not), no matter what the reasons were, and is considered to be a blatant violation under international humanitarian law - found in Article 147 of the same agreement: [ … exile or illegal moving, and illegal seizure…]

  The aim of this prohibition is to ensure that occupation is temporary and to prevent the creation of long term interests in the occupied country through civilian and military control, in order to protect the protected civilians and their properties. These laws prevent the creation of an unavoidable fait accompli and any demographic change to the region.

  Forced Collective Transfer is a crime against humanity punishable under international law. Individual responsibility is required according to Article 7 of the Rome Statute (Charter of the International Criminal Court). Israel, being the occupying power in the West Bank, East Jerusalem and the Gaza Strip, must abide by the rules of international humanitarian law compiled in the Hague Convention of 1907 and the Fourth Geneva Convention of 1949, which largely codify customary international law. The United Nations Security Council and the General Assembly have on several occasions stressed the applicability of the Fourth Geneva Convention to the occupied Palestinian territories as a whole.

  A number of international resolutions have been issued confirming the absence of any legal status for settlements or annexation, demanding for the dismantling and demolition of settlements.

- **House demolitions:**
Israel has been using the policy of house demolitions as one of the most prominent practices against Palestinians since its occupation of the West Bank in 1967. This policy was based on several arguments and justifications circumventing international law and leading to the forceful displacement of Palestinians. Some of the justifications used include the lack of construction permits, especially in Jerusalem, and military necessity requirements.\(^5\)

Military necessity can’t be found in any of the demolitions taking place in Area C. Houses are being demolished on a continuous, extensive and routinely basis as part of the state's policy, in order to push people out of their land. This policy is also used as a collective punishment. Therefore, the forceful displacement policy is inseparable from the demolition policy.

The statistics of house demolitions in the oPt according to the latest estimates is 48,488 homes and other buildings demolished since 1967 - under various pretexts\(^6\). 12,000 of these demolitions (3-5%) were punitive demolitions\(^7\).

Since 1967, the number of demolitions in the oPt has exceeded 30,000 house, 3,380 houses and other buildings in Jerusalem according to the PLO's Negotiations Affairs Department\(^8\). The most worrying issue is the occurrence of these house demolitions in the first and second Intifada and after the events of summer of 2014 - on the basis of punitive and administrative measures and under the pretext of military necessity.

**Conclusions and Recommendations:**

- The Israeli occupation announced a public decision seeking to annex the West Bank. This means starting to legitimize settlement outposts followed by the recommendation of the center of the ruling “Likud Party” to annex the West Bank. This means starting to legitimize settlement outposts followed by the recommendation of the center of the ruling “Likud Party” to annex the West Bank.
Bank and then extend its sovereignty over the settlements. The Knesset (Israeli parliament) passed the bill and approved the law of “Ari-el” which recognizes institutions of higher education in the settlements as part of Israeli higher education; a step forward towards effective annexation of the West Bank. The success of Israeli Justice Minister Elit Shaked in passing a law stipulating the implementation of any legislation new to the settlements is considered to be part of the legal annexation plan. Finally, the transfer of the powers of the Supreme Court to the Court of Administrative Affairs in Jerusalem was a rendered a legal annexation. Perhaps the most serious matter reflected in this amendment is the removal of the internationally recognized classification of the occupied territories and dealing with them as part of Israel.

- In a systematic and deliberate manner, Israel is working to annex the West Bank through forcefully displacing as many Palestinians as possible from Area C to Areas A and B. The occupation has a strong interest in Areas (C) and considers them an extension of the Israeli settlements scattered throughout the West Bank. The Israeli occupation controls more than 35 nature reserves including all natural resources, and prevents Palestinians from building wells or exploiting underground water. On the contrary, the so-called Civil Administration agrees, without delay, to dig water wells for the illegal Israeli settlements. Some of these wells are located over Palestinian areas that highly produce water. These waters are regularly used by settlers, drying the nearby Palestinian water wells.

- The occupation has doubled the number of Israeli settlements in the West Bank - including East Jerusalem - and the Gaza Strip from 144 settlements before Oslo to 515 settlements and a settlement outposts in 2018.  

The Israeli occupation’s policies in Areas C are considered to be a mass violation of international law, international human rights law and humanitarian law, since the State of Israel doesn’t comply with any of those laws and doesn’t take them into account. Contrarily, Israel insists on pursuing a policy of forced displacement of Palestinians in clear contempt of international law and international appeals. An example of this is Military Order 1797, issued on 17 April 2018 (temporarily

---

9 Statement issued by the Land Research Center on the 25th anniversary of the signing of the Oslo Agreement
http://www.lrcj.org/publication-8-1018.html
suspended), which extends the powers of the Civil Administration to demolish or remove new buildings constructed in Area C under the pretext of unauthorized construction or security necessity.
[2] See Hague Regulations art. 46; Fourth Geneva Convention art. 53. In the Regulation 119 case, it was held by one judge that deterrence would constitute military necessity. See also, B’Tselem, Background on demolition for alleged military purposes (Jan. 1, 2011), http://www.btselem.org/ razing.
[4] Id.
[7] Id.