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BOOK REVIEW

Amnesty International. 2009. *Troubled waters – Palestinians denied access to water*. London, UK: Amnesty International Publications. 109 pages.

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Amnesty International's 2009 report, *Troubled Waters – Palestinians Denied Access to Water*, is a catalogue of mismanagement, political retribution, and human suffering. The report's conclusion is that, although water resources are scarce for both parties, Palestinian water shortages are the result of Israel's political and military choices. Actions by Israel, *Troubled Waters* argues, have "resulted in widespread violations of the right to an adequate standard of living, which includes the human rights to water, to adequate food and housing, and the right to work and to health of the Palestinian population". In short, Palestinian water access is not simply a hydrological problem.

The first section of *Troubled Waters* presents empirical data on unequal usage rates and access to resources. Water in the Palestinian territories comes from two primary sources – the Mountain Aquifer for those living in the West Bank, and the Coastal Aquifer for those in the Gaza Strip. Access to both resources is limited, although usage rates in Gaza are substantially lower than those in the West Bank. According to Amnesty International's research, some Palestinians have access to as little as 10-20 litres of water per person per day, which is the minimum threshold recommended by the World Health Organization in humanitarian emergencies. Following the hydrological data, the bulk of the report is devoted to outlining the Israeli-Palestinian water dispute in four dimensions – the political legacy of the Oslo accords, the effect of direct Israeli military attacks on Palestinian water distribution infrastructure, the consequences of Israel's security fence on Palestinian access to water resources, and the collateral damage caused by Operation Cast Lead (Israel's military action against Gaza in December 2008). The report concludes with an overview of international legal institutions and a set of recommendations for Israel, Palestine, and the international community.

Troubled Waters has a number of strengths. Amnesty International should be commended for highlighting the desperate severity of the overall water shortage in the Palestinian territories, and particularly for exploring the political roots of the issue. This disparity is put in stark relief by personal interviews and photographs, which are presented throughout the report. Rainwater storage devices such as cisterns, for example, are an important conservation technique when access to other water resources is scarce. In January 2008, the Israeli military used bulldozers to destroy nine rainwater cisterns, which had been built eighteen months earlier with funding from the European Union. According to Israeli military's demolition order, the cisterns had been constructed without obtaining permits (which, according to the report, is a lengthy and difficult application process with very little chance of approval). Asked about the demolition, a spokesperson for the Israeli army responded, "It's a routine action. It's nothing special... If you let one person do it unauthorized all the others will come after him". The report presents numerous powerful personal accounts, many of which are accompanied by photographs of the destruction.

A second strength of the report is its persistence at portraying Israeli-Palestinian water allocation as a multidimensional problem. The political disputes are deep and long-standing, and *Troubled Waters* is a comprehensive overview of the sources of conflict that thwart negotiations. The report is also careful to note that, although shortages are severe in both the West Bank and Gaza, the problems are not identical. In the West Bank, for example, many of the allocation problems stem from military demolition orders, the difficulty of obtaining permits to drill new wells from the Israeli military, and conflicts between Palestinians and Israeli settlements. The shortages in Gaza are much more severe. The causes are also different, and include pollution of the Coastal Aquifer (only 90% of which is usable), military checkpoints that make transporting water by truck prohibitively expensive, and collateral damage to infrastructure from Operation Cast Lead. The water shortage in the Palestinian Territories is complex and Amnesty International is correct to frame the issue this way.

Troubled Waters pairs this complexity, however, with an overly simple goal – the equitable utilization of shared water resources. There is discordance between Amnesty International's acknowledgement of the deep, sustained political and military conflict and their demand for a simple solution. To its credit, however, the report does offer numerous policy recommendations, most of which are specific and detailed. Israel, for example, should begin allowing the transfer of water from the West Bank to Gaza, a water-sharing policy that is currently prohibited. The report also calls on the Palestinian Water Authority to take a number of steps to improve efficiency, and on the international community to demand transparency and monitoring for projects in the Palestinian territories.

Given the criticisms in the report, it is no surprise that the majority of these policy recommendations are targeted at Israel. Unfortunately, the changes *Troubled Waters* demands from Israel have widely varying degrees of feasibility and reasonableness. These recommendations would have been far more effective if the report had included some sense of priority. Given that all sixteen recommendations cannot be followed simultaneously or immediately, what are Amnesty International's highest priorities? What changes would do the most to resolve the inequity in water allocation? There are a number of ways this section could have been categorized – according to calculations of expected costs and benefits, by short- or long-term goals, and according to whether the intended audience is the Israeli government or the Israeli military, to name a few – but unfortunately, the authors give no structure to their recommendations.

More troublesome, however, is the report's analysis of international law which is misleading. The authors are correct to make a distinction between international law's existence and its relevance to the Palestinian territories, but *Troubled Waters* fails to acknowledge how uncertain international law is with respect to (1) Israel's responsibilities in the West Bank and Gaza, (2) the relevance of human rights law, and (3) the force of the water management law. In short, international law governing Israeli-Palestinian water sharing is far more indeterminate than the report suggests. Additionally, in some cases, the report presents outright misrepresentations of Israel's legal obligations. Amnesty International accuses Israel of violating the Rome Statute, for example, yet Israel has not ratified this treaty and is not bound by the legal restrictions therein. Likewise, much of the discussion regarding human rights law focuses on the Committee on Economic, Social, and Cultural Rights' *General Comment 15*, which is merely an interpretation of the International Convention on Economic, Social, and Cultural Rights (ICESCR). *General Comment 15* is not international law itself, and therefore imposes no legal requirements or restrictions on ICESCR signatories. These faults are particularly troublesome because violations of international law are the crux of the report's condemnation of Israeli policies.

Despite these shortcomings, the report is valuable for its accessible first-hand accounts of water shortages in the Palestinian territories, and for its candid assessment of the multifaceted political roots of those shortages. *Troubled Waters* is particularly important for international aid donors. The report contains multiple accounts of projects funded by international organizations and humanitarian groups that have been delayed, disrupted, and destroyed by Israeli actions. One of the report's most powerful messages is that international funding does not provide a halo of protection. Amnesty International notes that the loss of industry and infrastructure in Gaza after Operation Cast Lead in December 2008

has created a near-total dependence on foreign humanitarian aid. International donors and potential donors should be aware of the political challenges that accompany water projects in the Palestinian territories.