

RESPONSE FROM PALESTINIAN INDEPENDENT COMMISSION ON HUMAN RIGHTS

Questionnaire for the Background Paper on Human Rights and the Environment

Part 3: Activities of our Commission

Environment is a very important issue. Every individual has the right to clean, safe and quality life, free from any harm or damaging consequences that might undermine his/ her health. The Israeli and Palestinian violations to the Palestinian environment cause more suffering and life difficulties to the Palestinian citizen's human life. It create a life with poor quality, that might bring fatal diseases; as in cases of chemical waste and water pollution, and force people to live in under civilized conditions; both in its mental and physical components.

- **Summery of complains about environment violations addressed to our commission, and those who committed those violations**

Between January 1 of 2005 and May 16 of 2007, the Independent Commission for Human Rights had received 42 environment related complains; 20 of them in Gaza and 22 in the West Bank. All of those complains were filed against state actors; 30of them against municipalities, 2 against Ministry of Communications, 6 against Ministry of Local Governance, 1 against Ministry of environment, 1 against police forces, 1 against Petroleum Commission and 1 against Ministry of Education. 29 of those complains were initiated by large groups of citizens and received by our field researchers.

- **Types of environment violation complains addressed to our commission**

Environmental violations addressed to our commission included the following:
Widespread of sewage exposure inside the neighborhoods and lack of sewage networks in many areas.

Manufactures that are close to neighborhoods.

Setting up mobile services cables and power stations on top of the buildings.

Failure to solve sewage problems near houses.

Failure to deal with solid waste dumping locations close to neighborhoods.

Widespread of animal farming in neighborhoods.

Lack of rain water networks.

The environmental violations in the Palestinian residences caused great damage to the natural resources and increased pollution level in the air, drinking water and agricultural land. For example, certain complains were asking Ministry of Local Governance and municipalities to move a cement or plastic factory, to clean a beach across from citizens' houses, to control petroleum transportation from Israel, to solve exposed sewage, to move animal farming from living areas or prevent construction of

gas stations or stone workshops close to neighborhoods. However, the most important of those complains were the ones asking municipalities to take care of sewage and rainwater networks, solid waste dumping and regular picking up the housing trash. It caused diseases and created insects incubators.

- **Measures taken by the commission to stop violations to the environment**

Not only does the commission receive environmental complains from individuals and groups of citizens, but it also visits the concerned locations, and conducts open meetings awareness campaign to the law of the right to life and health. In order to help stop such violations, and make sure that state and non- state actors respect and comply with the law, the commission, usually, takes the following steps:

- I. After receiving a complain, all supporting data and documentation are being reviewed to insure its accuracy; photos, medical reports, communications with state or official offices.
- II. Communicating the actor complained against, explaining type of violation and demands of the complaining party, and asking for a response in three weeks. If no response was given by the end of three weeks, another reminder to be sent and given two weeks for a response.
- III. Meetings with concerned officials and explaining the issue.
- IV. Follow up all responses and results, documenting all details and then monitoring those results on regular basis. All that documentation, regardless of the case results and satisfaction, are included in the commission yearly report.

- **Effectiveness of the commission follow-ups to environment violations**

The commission work in addressing complains of environment violations in the last 29 months and a half had accomplished results on various levels, and they can be summarized as follows:

- A. So many of those environment violations ended; they stopped completely. For example, Mr. R. M. KH, with a group of citizens in Dora (Hebron) had reported, on July 31st of 2005, using solid waste dump at residential area, which caused serious environmental and health damages (; diseases, insects and bad smell). The commission staff in Hebron contacted the city mayor and communicated him so many times. They were able to convince him to remove that dump and locate it in a remote area.
- B. Revealing measures being taken by officials to stop violation to the environment. For example, Zaytun neighborhood residents in Gaza issued a complain against Gaza municipality regarding sewage pools, near Almaslakh residence. The pools were constructed during the Israeli occupation to Gaza and in coordination with Gaza municipality at that time. They are close to the school and the health center, and it is supposed to be treated and redirected to schools for human use. Nobody ever checked if it was completely treated before returning it to the school. Besides, it is uncovered and without gates. It became a source for insects, rats and strong smell, in addition to providing a dangerous trap for children. Agricultural land and drinking water were not safe, either. Those pools were leaking all the time; down inside the ground and over the surface. Dinking water and planted areas were destroyed and polluted, nothing to say about the smelly and nasty roads.

On June 6 of 2005, the commission contacted the mayor, but with no response. We reminded him, again, on July 18 of the same year, but no response, either. We contacted the municipality legal advisor, on August 7. After discussing the matter with him, he informed us that a committee from legislative council members, cabinet members and Gaza municipality representatives was formed to take care of the problem. The committee put forward a comprehensive plan to solve that issue. The plan included securing donors' fund of Euro 70 millions to rehabilitate the entire sewage system in that area. We delivered that information to the concerned citizens.

- C. Mediating between citizens and officials. For example, a group of Jafa street residents in Gaza has complained to the municipality about a random waste dump located right at the street. It caused several health problems, in addition to producing bad smell and damaging the neighborhood view. Citizens also complained that municipality would not pick up trash, but once a week, despite residents' repeated requests for more.

In order to solve the problem, our field researcher met with the cleaning department officer in the municipality and explained damages caused by that dump and residents' requests. The officer agreed to set a daily trash pick up, only if residents agree to gather it in one spot. Citizens agreed to do that. We visited that location later on to find that the dump disappeared.

- D. Directing citizens to officials and courts in order to solve their problems. For example, members of Jurba village council have complained against Ministry of Environment about constructing a plastic factory on a nearby agricultural land. They claim it harmed their plants, produced strong smell and smoke and caused fire breakouts and drinking water pollution.

We visited the head of ministry office and explained the complaint to him. He responded that the ministry is aware of the factory construction. He added that conditions have been imposed on the owner in order to eliminate any possible pollution and his staff was supposed to conduct frequent visits to the premises, but political conditions prevented that from happening. He advised residents to pursue their case legally and ask authorities to monitor judgment compliance. The commission told the residents to do that.

- E. There were cases in which state officials did not cooperate, or do anything to solve the problem. For example, on May 20th of 2005, a group of representatives to several cities and villages in Bethlehem governance (Bethlehem, Beit Sahur, alkhader and Duheisha refugee camp) had complained against Ministry of Communications power stations constructions within residential areas. They contacted Ministry of Communications, the governance office, local municipalities and Ministry of Environment. They conducted scientific studies to prove how dangerous those stations were to their lives, but they received no response. On July 3 of 2005, the commission communicated the ministers' council, and asked minister of communication to form a committee of experts in order to study the basis on which such stations are given the permission to function and not violating peoples' right to life and health. Nobody ever responded to our request.

Conclusions

Based on the commission work in the previous cases, we may conclude the following:

1. Most complains had to do with sewage pools and sewage networks (which intensifies in Gaza). Official departments were, and still are unable to respond to all of it because they do not have enough funds to do so, although everybody knows the damages on drinking water, agricultural land human quality of life that those pools cause.
2. Complains that have received positive responses from officials or municipalities did not require large funds to solve their violations.
3. The strike by municipalities' employees in the Palestinian areas created more environmental violations and made it harder to stop it. It created more piles of solid waste and trash in random residential locations.
4. Officials who did not respond to our communications did not show their reasons of not doing that.

- **Studies and awareness campaigns**

The commission has conducted a research study about negative consequences of environmental pollution on human life in Palestine. The study showed that Palestinian citizens suffer a great deal in the last ten years, due to the Israeli measures since 1967. The following are some of the main environmental violations and damages Israeli actions had lead to:

- a. Israeli authorities issued licenses to stone factories allover residential areas in the West Bank, without supervision or monitoring. After a short period, those factories filled neighborhoods with dust and harmful substances that created many breathing difficulties to those who were exposed to. For example, in Beit Fajjar (near Bethlehem), dozens of such factories spread across the area. Medical records showed that 455 citizens in that town suffer from nasal problems, and 115 citizens have breathing difficulties.
- b. Laboratory studies showed that drinking water wells in the ground have a high level of pollution caused by Israeli settlements continuous dumping to their sewage waste into the Palestinian neighboring lands.

The commission has conducted several activities to increase public awareness to the right for life and health. Examples of those activities are:

1. Two meetings have been conducted to discuss the effects of satellite and power stations of mobile services on citizens' health. Interested citizens, experts, related organizations and mayors have attended it. The first meeting was conducted on September 18 of 2006 in Bethlehem. Several speakers were invited to take part; mr. Issa Qaraq' (legislative council member), dr. Adnan Ellaham (director of radiology technology and science dep. at Jerusalem University and member of the consulting committee to the electromagnetic spaces project at the World Bank), dr. Adnan Joudeh (representing Quality Environment Authority) and the general director of radiology dep. at Quality environment Authority.
2. The commission participated in discussion workshops to finalize environment laws, and provided its own suggestions.
3. The commission wrote to the prime minister; Ismael Haniyya regarding medical waste regulations and its comments on that.

Recommendations

After several researches and field visits, the commission came up with the following recommendations:

- 1) All laws and regulations related to environment safety have to be reviewed, in order to go ahead in issuing the standards and regulations according to international law and regulations.
- 2) Environment related organizations, in all districts, need to be supported in conducting:
 - a. researches about dealing with environmental damages, pollution levels measurement, solid waste management and reducing effects of harmful actions.
 - b. Environmental education activities.
 - c. Monitoring and recording data about environment violations.
- 3) There is a need for a national fund to support activities that aim at protecting and maintaining healthy environment and increasing awareness in that regard.
- 4) Preventive measures need to be taken; like paving dirty roads or finding alternative driving paths, away from dusty areas.
- 5) Licensing stone factories need to be stopped and existing factories need to improve their environmental measures.
- 6) Alternative places need to be found for waste dumping in Bethlehem area, according to quality environment standards.
- 7) The Palestine Center for Cancer Studies in Bethlehem need to be supported to enable it from studying this phenomenon in that area.
- 8) International community needs to demand Israel to stop its violations to Palestinian environment.