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The Right of Nature to Water in Israel

A milestone event in Israel's water development policies took place in 2004 when an important amendment to the 1959 Water Law was passed, integrating nature's right to water and legitimizing this right statutorily.

The passing of the amendment followed the publication, in 2003, of an extremely important document on the *Right of Nature to Water - Water Demands for Water Bodies and Wetlands* that was prepared by the Nature and Parks Authority in cooperation with the Ministry of the Environment. The report, which presented the water requirements of rivers and wetlands in Israel, represented one part of a comprehensive policy paper being prepared on the general water requirements of nature and landscape in Israel.

The policy document calls for a change in Israel's approach to water management and development, emphasizing the right of natural habitats to receive a fair quota of Israel's water resources. This would provide maximum protection for nature, including rehabilitation and restoration of resources that have diminished or disappeared.

In order to assure an adequate distribution of water to nature in Israel, a preliminary database was prepared on the quantities required to preserve, rehabilitate, and restore the country's natural habitats – whether nature reserves, national parks, wetlands or rivers. The requested allocations were based on assessments carried out in order to guarantee the survival of water bodies.

This new concept of nature's right to water should be considered by the water industry and the public as legitimate, alongside other allocations for domestic, industrial and agricultural needs. It is a new outlook for Israel's water managers, replacing quantitative "production" considerations with sustainable development criteria.

The Water Commission took a decision to allocate 50 MCM of freshwater to nature rehabilitation in the future, however, until this commitment is realized there is no choice but to discharge surplus high quality effluents to rivers and wetlands. It should be noted that lack of fresh water makes dilution impossible.

Israel's water potential has been fully utilized and future years will see the addition of new water sources. This will be provided from desalination facilities, and effluent reuse, already highly practiced. The existing surplus of effluents cannot take the place of freshwater, however, they provide the most readily available and cheapest source of additional water. High quality effluents can be used for aquatic ecosystems, which need a constant supply of water in order to survive and to support biodiversity.

Today, the rate of effluent reuse in Israel is among the highest in the world, however, it does not encompass the total quantity of wastewater produced (450 MCM per year). National policy calls for the gradual replacement of freshwater allocations to agriculture by reclaimed effluents. Presently 3% (300 MCM per year) of treated municipal sewage is reused for irrigation, which is about 30% of the total water supplied to agriculture (about 1000 MCM per year). It is estimated that by 2020 effluent use will constitute 50% for agriculture. The objective is to treat most of the country's wastewater to a level enabling unrestricted irrigation in accordance with soil sensitivity and without risk to soil and water sources.

Desalination of sea and brackish water is an additional and essential solution for the water scarcity problem. A government decision to desalinate on a large scale was taken in 2000. All tenders issued for desalination facilities stipulate stringent threshold levels for water quality and provide incentives for even higher water qualities, especially in terms of chloride levels, in order to allow for irrigation without the attendant problem of soil salinity.

National masterplans are a tool that can be used for promoting nature's right to water. The Integrated National Masterplan for Planning, Building and Conservation is Israel's newest planning masterplan and endeavors to institutionalize sustainable development principles, making them an integral part of the statutory system. Although not yet approved as a statutory document, its principles now guide the policies of the planning agencies. It distinguishes between regions which will remain rural and areas with a potential for high quality urban development. The plan proposes, among others, open spaces along watercourses, buffer zones between urban areas, and protection of the urban shoreline as public open space.

The Water Law is a framework law that deals with all aspects of the management of Israel's water resources. Prior to 2004, paragraph 6 of the law linked the right

to water to one of five purposes only 1) domestic needs; (2) agriculture; (3) industry; (4) industry, trade and services; (5) public services. The amendment adds water for the conservation and rehabilitation of natural assets and landscapes including rivers, springs and wetlands.

Among others, the amendment to the law will require the Water Commissioner to regard nature as a legitimate consumer entitled to water, when allocating water resources. In addition, it requires the Water Commissioner to report to the Economic Committee of the Knesset (Parliament) each year regarding the quantity of water that will be allocated for this purpose during the said year. If water allocations change during the course of the year, the Water Commissioner must notify the Knesset about this change as well. Furthermore, the reporting requirement is intended to increase transparency and public commitment to the allocation of water for nature.

The amendment is expected to actually pave the way to the new approach to water management through appropriate national policy to rehabilitate polluted streams and recognize the need for allocations of high quality water. It will establish a firm legal framework for the protection and restoration of nature and landscape assets so that decisions on water allocation will take account of the legitimate right of nature to water.