

POLITICS AND WATER MANAGEMENT: A PALESTINIAN PERSPECTIVE

Marwan Haddad

Professor of Environmental Engineering, An-Najah National University, Faculty of Engineering, Nablus, Palestine, Tel. +972-9 2381115 ext. 4473, haddadm@email.com

ABSTRACT

This paper examines the notion that politics is a significant if not the prime factor that influences on-the-ground realities of water use, sanitation and water resource development in Palestine. Israeli water politics in the occupied Palestinian Territory were based on the goal of controlling Palestinian Land and resources and force Palestinians to leave the country and were characterized by four main steps: to use military overpower and unilateral actions to set and create new on ground realities that constitute the new negotiating basis, to enact laws and military orders that will help strengthening the control and oversee of what was taken by military force, set policy on the future directions and actions to be taken to fulfill the main objective of controlling Palestinian land and resources and Implement through the establishment of institutions that on ground control the forced new reality. Continuing the past and present Israeli approaches will result in a serious harm to both people with different proportions and scales. It is believed that long lasting just peace between the two sides based on unified national rights, human values, and mutual living is the solution. A joint Palestinian Israeli water utility operating and serving both people along these line is considered to be a highly feasible option for resolving the water conflict.

KEYWORDS: water politics, water management, water rights, Palestine, Israel

INTRODUCTION

Palestine has scarce rainfall and consequently renewable water resources. While it is with scarce water resources, Palestine is experiencing a fierce competition by Israel and its Jewish colonies over the control of its land and water resources. Water management policies in Palestine over the last century has been contentious and driven by the Israeli political competition.

While the current Palestinian water supply is restricted and limited by the Israeli authorities (not sufficient for immediate and near term needs), Israeli consumers were provided using Palestinian water with about four times that of average Palestinian per capita water. The enormous economic pressure imposed and forced by the Israeli military on Palestinians through seizures, closures and controls, and the separation-apartheid wall has affected all aspects of life and economic activities including agriculture. Therefore, water use patterns, land use, and urbanization are being changed in the Palestinian areas under military force. The foregoing conditions indicate that significant changes will have to occur to restore the area and to prevent acute water shortage and economic failure in the Palestinian areas in the near future.

As a result of the Israeli military occupation of the Palestinian land and its denial to specified by the Israeli army ground water sources. The major ground water source for municipalities has been the deep aquifer while for agriculture is the shallow aquifers and springs. The Palestinian water problem is exacerbated by a deterioration of water quality such as the case of the Gaza Strip and some areas in the Jordan Valley.

BACKGROUND

1. Historic Backdrop

Water is not a new Issue in the Palestine question. At the end of the nineteenth century, there were no Jewish immigrant in Palestine and all what was is thought on where to establish a homeland for the dispersed Jews of the world. At that time cooperation began between the World Zionist Organization and the British government on the Palestinian water issue. As a result of this cooperation, the Royal Scientific Society in 1873 sent a delegation to Palestine to investigate two issues; the first was the available water resources and the second was the possibility of settling Jews in the southern part of Palestine-Al-Naqab. The delegation after it returned reported in 1875 that water to Al- Naqab can be brought from the northern parts of Palestine and Jews can be settled in it (Labbady 1989).

During the period from 1875 to 1948 several attempts were made by the various Jewish organizations aiming toward physical control of the water resources in Palestine and surroundings or the transfer of water from outside Palestine (Schmida 1984, Dillman 1989, and Ali 1964) .

In the fall of 1941 British prime minister, Whinston Churchill, officially announced in the Common Council that the leaders of Jews requested from the British government to have free hands in all parts of Palestine and those parts of southern Lebanon which include the Litani river as a price for Jewish full support of Great Britain and their allies in the second World War (Ali 1964). Concessions were made with the British Authorities in Palestine to exploit for a limited time some of the water resources (Schmida 1984, Dillman 1989).

Many water plans and projects (Dillman 1989, and Ali 1964) evolved and presented, however, the riparian parties never sat around one table to discuss and settle the water problems faced. Also and always Palestinians, in these plans and projects, were treated as they do not exist or have no rights.

2. Palestine in this Paper

Palestine as presented in this paper consists of the West Bank including East Jerusalem and the Gaza Strip. The West Bank and the Gaza Strip are those parts of Historic Palestine which were occupied by the Israeli army during the 1967 war between Israel and Egypt, Syria, and Jordan. The land area of the West Bank is estimated at 5572 km² extending for about 155 km in length and about 60 km in width. The Gaza Strip, with an area of 367 km² extending for approximately 41 kilometers in length and approximately 7 to 9 kilometers in width (see Figure 1, Abdel Salam 1990, and Haddad 1998).



Figure 1. General location Map

2. Palestinian Population

Palestinian population projections reveal that mid year population in 2003 totaled 3,634,495 persons, of whom 2,304,825 in the West Bank and 1,329,670 in Gaza Strip (PCBS, 2003 and 2004). According to the official list of local authorities adopted by the Palestinian Central Bureau of Statistics (PCBS, 2003) and the ministry of local governments, there are 686 localities in Palestine. The localities are distributed by type as 54 urban, 603 rural, and 29 refugee camps. These localities distributed by type of authority as 107 municipalities, 11 local councils, 374 village council or project committee, and 29 director of refugee camp (additional 76 rural localities are either not inhabited or joined to larger locality).

3. Palestinian Water Resources

The estimated average annual ground water recharge in Palestine is 698 to 708 mcm/yr (648 mcm/yr in the West Bank and 50 – 60 mcm/yr in the Gaza Strip). The only surface water source in the West

Bank is the Jordan river and its tributaries (see Figure 2). In the Johnston plan, the Palestinian share in the Jordan River of 257 mcm/yr was considered as part of the Jordanian share of 774 mcm/yr as the West Bank was under the Jordanian rule. Since 1967 war and until present, Palestinians were prohibited by the Israeli army from using the Jordan river water and their lands and farms located along the western side of the river were confiscated and the area was declared as a restricted military security zone (Haddad 1993).

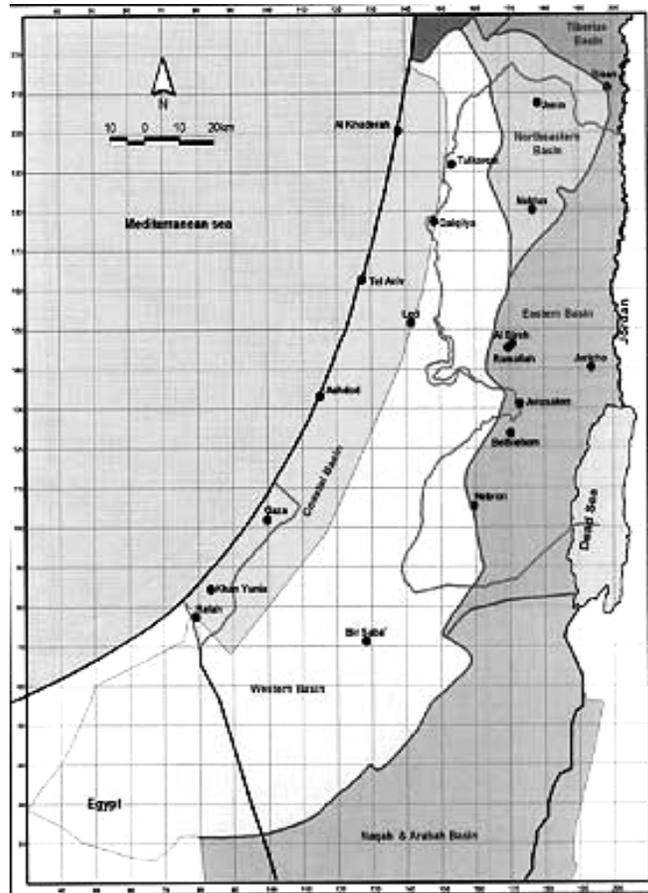


Figure 2 Palestinian Surface and Ground Water Resources

ISRAELI WATER POLITICS

In the Last Century either done by Jewish Military Groups first (before 1948) or by Israel (after 1948 until present) skillfully determined, directly and/or indirectly, the possible water for Palestinians and who get what water, for what purpose, from which

resource, and when. This Israeli water politics in the Palestinian Territory were characterized by the following main steps:

1. Use military overpower and unilateral actions to set on ground realities: Israel and since 1948 unilaterally implemented several major water projects using water under conflict without getting the agreement of other riparians for example Israel diverted water from the Jordan River Basin through the national water carrier, Drying lakes (Hula lake) and many other. Immediately after the end of the 1967 war, Israel destroyed 140 Palestinian water pumps in the Jordan Valley and made it difficult to obtain permits for new wells. Further more and following this destruction, the Israeli army declared the area in the West bank beside the Jordan river as a military-security zone preventing Palestinians from getting to their farm land.

2. Enact laws and military orders: Following the 1967 war, Israel secured its control over the headwaters of the Jordan River. Before 1967, the Palestinians had 720 groundwater wells for agricultural and domestic purposes. Soon after the occupation, Israel imposed a number of military orders to control Palestinian water resources. On August 15, 1967, the Israeli military commander issued Order No. 92, in which water was considered as a strategic resource. This order was followed by numerous other orders aimed at making basic changes in the water laws and regulations in force in the West Bank. Under Military Order No. 158 of 1967, it is not permissible for any person to set up or to assemble or to possess or to operate a water installation unless a license has been obtained from the area commander. This order applies to all wells and irrigation installations. The area commander can refuse to grant any license without the need for justification. These orders were followed by numerous military orders- No. 291, No. 457 of 1972, 484 of 1972, 494 of 1972, 715 of 1977 and 1376 of 1991- to achieve complete control over Palestinian water resources.

3. Set policy: the Israeli policy in the occupied Palestinian Territory consist of (1) limiting Palestinian economic development through limiting the water available to Palestinians and (2) closing all door to just peace and real – acceptable and implement able political solutions ending with Palestinians being out of hope and forced to leave their land and migrate to neighboring Arabic countries or work as a cheap - non skilled labor in Israel.

4. Implement, establish, and control: Palestinian water use was set to a fixed quota by the Israeli authority (civil administration and military) since the early days of the Israeli military occupation of the Palestinian Territory in the West Bank and the Gaza Strip. Despite the rapid increase in Palestinian population and demand on water, Israel, since 1967, has granted Palestinians of the West Bank only very limited permits for new water wells. All were to be used exclusively for domestic purposes. New water wells for agricultural purposes in the West Bank were also restricted to three permits.

Israel created what so called the Israeli Civil Administration (a military – civil organization) to implement and oversee the implantation of set policies and promulgated military orders and laws and to ensure their full control over Palestinian land and resources including water and humans.

Palestinians in the West Bank and Gaza Strip have an intermittent water supply system, namely they get water in the system twice a week only and for a duration of 2-3 hours only. Due to such water supply system, water quality is altered. A Palestinian can not by Israeli military orders build any type or size of water infrastructure without the written permission of the Israeli authorities. If a Palestinian municipality submit such a request to the Israeli authority, there request might be answered in years while all Israeli settlements have continuous – 24 hours per day/seven days a week water supply with the quantity they can consume and need and with the quality that comply with high standards.

KEY PALESTINIAN-ISRAELI WATER ISSUES

1. The Problem

- a. The initial and basic problem between Palestinian and Israelis on water is not water availability, use or supply efficiency, or any other economic or technical problems but the Israeli political competition over Palestinian land and its natural resources and who controls and owns what in historic Palestine.
- b. Israel used unilaterally military power to set water controls, use, access and mobility of Israelis and Palestinians to available water resources in historic Palestine including the

West Bank and Gaza Strip resulting in developing water demand for the Israelis and limiting and restricting water for the Palestinians reaching a difference in water use between Israelis and Palestinians of over four to one.

- c. The ongoing and increasing problem is that population and socio-economic growth of both people with time is resulting in water deficit which in size exceeds available and renewable water resources in the conflicting area or boundaries.

2. Palestinian/Israeli Water Negotiation (1993-95)

PLO was not prepared for detailed negotiation including that on water and PLO did not have pre negotiation a negotiating team, policy or strategy on water. All that was in hand is some archive files and reports prepared by various experts. Data in those reports and papers was not verified or validated.

Water negotiations on the transfer of authority on water in the Gaza Strip went smooth because of the no water interest of the Israeli side in it and the Palestinian side did not raise serious water issues such as (1) the wadi Gaza water blockage beyond the green line by the Israelis – 20-30 mcm/yr, (2) the supply of Gaza strip with water from the Palestinian share in the Jordan River Basin (from Lake Tiberius through the Israeli National water carrier), and others.

Negotiation between Palestinians and Israelis on interim transfer of authority (of water) in the West Bank started in Cairo Mid 1995 and continued for four months with difficulties in defining the terms of reference. These negotiations ended in Taba by an order from top Palestinian political leaders to the head of the negotiating team asking him to sign a preset Israeli drafted water agreement. This agreement is what appeared in Oslo-B article 40 – Annex 3 (Oslo – B 1995). It was not an agreement addressing Palestinian water needs and problems on the contrary some of the articles in it harm the Palestinian cause such as the one talking about the future Palestinian water needs estimated at 70-80 mcm. It was intended, as promised by the Israeli side, that this accord is only valid for the transient-interim stage that will end in the year 2000 and the water issue at the end of that stage will be settled among the other pending issues such as Jerusalem, border, refugees, etc.

3. Water Equity

I believe that the issue of Palestinian-Israeli water equity or equal rights to water is not and should not be a political one. It relates to morals and values as well as rights.

Supplying water effectively and efficiently to both people under the same human values and criteria is essential for mutual living between Palestinians and Israelis whatever the final political status between them is.

4. Water Rights and Water Needs

If things are normal and mutual trust between Palestinians and Israelis is existing, any evolving conflict can be encountered and resolved. However, the issue is far beyond trust and neighborhood relations and mutual interest and leaders of Israel have different views on the subject matters for example: Prime Minister Sharon was quoted saying: "My view of Judea and Samaria is well known, the absolute necessity of protecting our water in this region is central to our security. It is a non-negotiable item".(Boston Sunday Globe, 1998). In one of his meetings with the Palestinian negotiators, the former Israeli water commissioner Ben-Meir said: "I recognize needs, not rights." We are prepared to connect Arab villages to Israel as well, but I want to retain sovereignty on hand". Such statements confirm Palestinian fears of a dry peace and Israel's genuine aspirations for peace.

The Israeli position in the bilateral Palestinian -Israeli talks on water is summarized in that the existing uses of water need to be maintained and preserved with restricted exception for drinking water and new alternative water sources need to be jointly looked at. Accordingly, Palestinians fear that in discussing with the Israeli side water needs and quantities in separation of water rights will end making Palestinians as consumers with or visitors in Israel. In such a case Israel can at any time or instance being real or artificial cut, reduce, or monopolize those quantities either in price, in time and/or in place limiting Palestinian development and/or existence. Palestinians also fear that accepting such an approach will also end in separating them from their land and resources including renewable fresh water resources which is the intension of all Israeli activities in the occupied Palestinian Territory.

5. Conflict Resolution and Resolving Mechanisms:

Theoretically and subjectively the Palestinian/Israeli conflict and since the beginning of it could be encountered and resolved peacefully using international and UN schemes, orderliness, and methods. This did not materialize on the ground and instead (1) military force and military, economic and political overpower and manipulations, (2) putting the image of high expectations in one parties mind by most local and some international sides allowing the other party to growth and strengthen position, and (3) Verbal non-involvement non-decisive, non-implement-able UN resolutions were used and always in place to create a bigger and wider conflict. It is the intension in this paper to pinpoint the issue of human suffering and negative consequences associated with following such non-decisive military in nature resolution mechanisms will not last forever and there is a high need for real –objective approaches taking in considerations both peoples needs and aspirations either at present and/or on the long term..

6. Prior Use and Illegal Exploitation

Israel is granting itself legitimacy to previous violations of Palestinian water rights using military force by forcing Palestinians to accept the "prior use" approach.

In addition, Israel is neglecting to provide Palestinians compensation for the decades of illegal exploitation of their water resources, which is also a form of "affirmative action" to enable them to compensate for past deprivations.

Israel does not accept not only the legal responsibility but also the moral responsibility as an occupying power and act as if the Palestinians are the intruders.

7. Sovereignty and Water

Palestinians to be sovereign need to have supreme and independent political authority, power, and rule over a well defined piece of land and all its natural resources including water resources. Water resources are those (1) that lies over and/or under the land territory of the sovereign state, (2) that the state has and can use for its advantages, (3) for water supply to fulfill domestic, agricultural, industrial, and other purposes and (4) reserved for emergencies.

In the Palestinian case neither such definition of the sovereign state nor that of its natural resources is acceptable to the Israeli side. Therefore, Palestinians should seriously seek and put in place needed procedures, checks, and high care when reviewing and analyzing any political proposal or plan, or agreement presented to them such that Palestinian rights and state sovereignty is not jeopardized and Israeli fears and interests are considered.

8. Water Supply to Jewish Colonies and Army Camps:

The Palestinian side and in this regard consider the Jewish colonies in the West Bank and the Gaza Strip as illegal and therefore requires that Israeli side shall not made any developments in those areas including drilling of new water wells or developing the existing ones or changing the current water extraction.

9. Water Infrastructure and Contractual Agreements

The Palestinian side insist that all existing water infrastructures and works in the Palestinian Territory is the full ownership of the Palestinian Authority and should be handed over to the Palestinian side. All contractual agreements that the Israeli side signed with any side during the military occupation is considered as non-binding to the Palestinian side.

THE WAY FORWARD

Continuing the past and present approaches of dealing with the problem previously identified will result in a serious harm to both people with different proportions and scales. Long lasting just peace between the two sides based on unified national rights, human values, and mutual living is the solution. Mutual living between Palestinians and Israelis under the same values and criteria in peace and stability requires reaching (a) a political agreement between the two sides tackling and resolving all important and/or conflicting issues, (b) practical – long term solutions to issues preventing life and economic growth and development of both people including water availability for such development and (c) operational applicable approaches (short and long-term) leading to joint planning, central administration and cooperation in efficient and effective water supply and demand management.

Israelis and Palestinians have to think strategically having in mind that:

- Military overpower will not sustain forever and peace and stability will prevail between the two sides sooner or later,
- A viable Palestinian State is a prerequisite and Part of this future peace and stability
- Viable state means sovereignty over well defined and marked land and natural resources including water
- Bilateral and Regional Cooperation in water including sharing and developing new water resources and physical and virtual water markets and transfers is also a prerequisite and part of peace and stability in the region

It is proposed that one Joint Water Utility (JWU) serving both nations (Palestinians and Israelis) with clear objectives and goals and using unified human values is the answer to most of the issues raised before and would help in leading to peace and stability between the two conflicting sides. Issues such as what instruments and mechanisms to support and fund JWU, what organization behavior, endowments, and ownership, control form, how will be the JWU administration, employments, and codes, and the role of local, national, and international affiliates, parties, and companies.

Activities and operations of JWU would include among others exploitation, Development, and Preservation of Water Resources, Legal Framework, Characteristics of JWU, Current and Future Water Management Challenges, Impacts on and Interaction with Local Water Institutions, Creation, Administration, and Operation of JWU, Costs, Fees, and Taxation, Operational Measures: measures should constitute a comprehensive and concerted system of joint actions, Measures at National/Local Level, International Community, USA, Europe, and Neighboring Arab Countries, Capital and Technology Transfer, Maintaining, Consolidating, and Creating Partnership and Cooperation Links between the Two Governments, and Economic Development

Implementation, Monitoring and Follow-up of all JWU operations and activities is very essential to the success of the utility. This process should include Performance and Compliance, Consultation

and Complaint Procedures, Conflict Resolution Mechanisms, Mechanisms for Institutional Development with Time, Risks and Risk Management, Understanding the Risks Facing JWU, Risk areas and Strategies for dealing with them

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