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PALESTINE DELEGATION
POSITION PAPER PRESENTED TO
THE WORKING GROUP ON WATER

WASHINGTON

SEPTEMBER 1992



Ladies and Gentlemen,

I

We come to the second meeting of the Multilateral Working Group on water with open hearts and minds, in the hope that this meeting will mark real progress in the peace process.

While recognizing that there seems to be a discernible difference in the Israeli approach to the bilateral and multilateral talks between the last round of meetings and the present one, related to the formation of the new Israeli Government, we believe we are fully justified in saying that our optimism is tempered by caution, and will remain so until we see signs of positive change in the substance of the Israeli position, apart from the outward change in style and form.

Furthermore, there is reason for us to reaffirm the call made by this delegation last May in Vienna, as well as by the Palestinian delegations at the other Working Groups, for action by the co-sponsors of the peace process with respect to the following issues:

- a) Correction of the Palestinian representation through participation by Palestinians from the diaspora in the Working Groups on water and the environment, and by Palestinians from Jerusalem in all the Working Groups. We will continue to remind the world that the Palestinians are one people, and their representation should therefore reflect the unity of the people;
- b) Participation by a Palestinian delegation in the Working Group on security. It is illogical to deprive the people which is most in need of political and military protection in the region of taking part in the search for genuine and effective security arrangements for the future;
- c) Direct and active participation by the PLO in all aspects of the peace process, in its capacity as the sole and legitimate leadership and representative of the Palestinian people;
- d) Active participation by the United Nations in the peace process, since UN resolutions are a major source of international legitimacy, and the United Nations possesses the machinery for upholding that legitimacy. Furthermore, the worldwide and varied experience of the United Nations will be of great value in the unfolding of the peace process and in confirming its soundness and credibility;



- e) As already suggested in earlier meetings, the setting-up of two new Working Groups, one for Jerusalem and the other for human rights.

II

Ladies and Gentlemen,

The question of water, like that of land and other resources of the Occupied Palestinian Territories, is of critical significance for the Palestinian people. Our inability under occupation to exercise our right over the water in our land, and over our rightful share in the waters of the Jordan Basin, makes of any formula suggested to us for a political settlement a travesty. By the same logic, that inability empties our involvement in regional economic cooperation with respect to water of any significance and meaningfulness.

Consequently, the question of water in the context of regional cooperation, which is to be dealt with by this Working Group, cannot, as far as we are concerned, be dissociated from the question of water as a bilateral Palestinian-Israeli issue. The bilateral aspects of the question of water influence the shaping of the multilateral aspects insofar as they relate to the availability to the Palestinian people of water, out of its own natural resources as well as its rightful share in the waters of the Jordan Basin as a riparian party, and furthermore insofar as regional cooperation on water is a function of the water account of each of the regional parties.

It is the duality of the place of water in the scheme of the bilateral and multilateral talks which explains how the Israeli delegation at the Vienna meeting last May evaded the bilateral aspects totally by concentrating on the regional aspects, namely on the ways and means whereby the supply of water by various regional sources can be secured. While we do not deny the shortage of water in certain neighbouring countries or underestimate the seriousness of their concern for a greater supply, we cannot take part in the policy of silence on the usurpation of Palestinian water rights.

This usurpation is all the more grave and painful for us as the declared shortage of water in Israel, and the widely publicized critical shortage expected in the future, constitute to a large extent what one can rightly describe as an "induced crisis". By this we mean that the wasteful and uneconomic use of water by Israel, especially in agriculture, and the inducement of a massive inflow of immigrants



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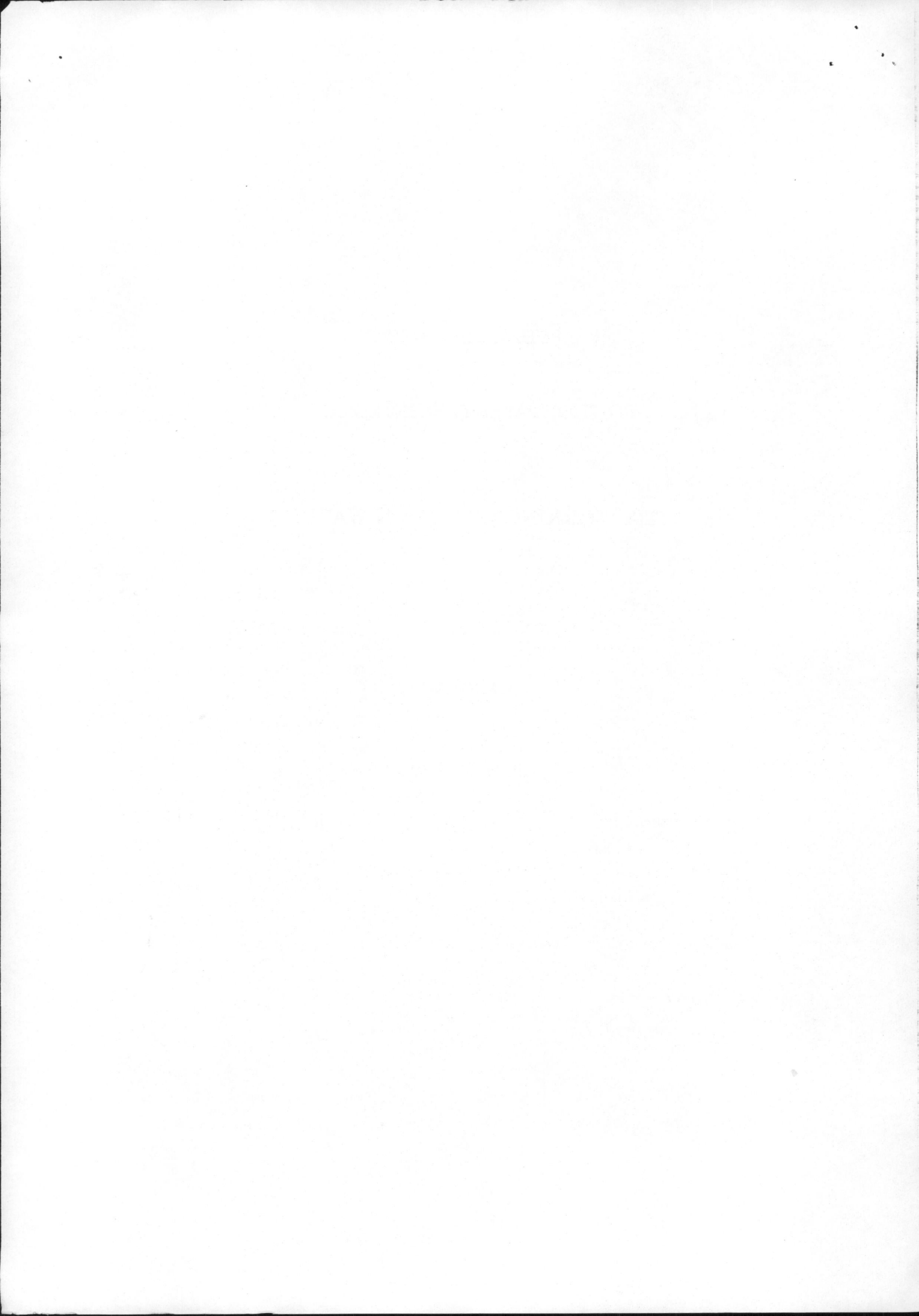
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from the former Soviet Union, together generate an intensified Israeli drive in the confiscation of Palestinian land and water resources. It is therefore fully warranted for us to insist that a regional solution to the problem of water shortage in historical Palestine should be preceded by a careful analytical examination of the causes of the problem on the Israeli, as well as the Palestinian side, before the Palestinian people are urged to be a party to any regional plan for water availability while it is denied most of its rightful resources. In other words, if we are to be a party in regional cooperation on water, our rights in our water ought to be recognized as we recognize the rights of the other parties.

III

What has just been said brings us to the question of Palestinian present and future needs on the one hand, and on the other hand the iron constraints which force the Palestinians to satisfy only a small part of their present legitimate needs. As this Working Group has already heard from our delegation in the Vienna meeting, the drilling of wells has been strictly forbidden to the Palestinians on their own land, since the beginning of the occupation in 1967. In contrast, Israeli settlers on confiscated Palestinian land, without any restrictions, enjoy green lawns and swimming pools. Currently, the Palestinians are dispossessed of 80 percent of the water of the aquifers underground in the OPTs, which are fed by rainfall received by the OPTs. Water is undervalued on the Israeli market, along with heavy subsidies encouraging unsustainable levels of agricultural use. The Palestinians pay more than four times for their own water than Israeli settlers. In brief, Palestinian water rights have been violated since 1967 through Israeli control, diversion, and depletion of resources. These violations are directed against the rightful share of the Palestinians in the waters of the Jordan Basin, and 80 percent of the waters of the aquifers in the OPTs themselves.

We will not dwell here on the adverse environmental impact of Israel's policies and practices with regard to water, particularly in the Gaza Strip. The Working Group on the environment will have occasion to hear about that from the Palestine delegation. Instead, we will concentrate presently on the economic and social impact.

A precise estimation of the economic and social damage sustained by the Palestinians as a result of the usurpation of most of the water which it is their right to control, manage, and utilize is not easy to undertake in a direct manner. But we can resort to some indicators which are suggestive of the enormity of the damage



sustained. Thus, overall, a Palestinian has access only to about one-fourth the amount of water annually to which an Israeli has access beyond the Green Line, that is, within Israel, but only to one sixth of what a Jewish settler has in the Palestinian land colonized by Israel. This overall restriction puts severe limits on the amount of water available to Palestinians for domestic use, and certainly has deleterious effects on hygienic condition and the aesthetics of Palestinian human settlement.

The restriction on agriculture is even more severe. Thus, owing to the imposed scarcity of water, only 25 percent of the irrigable land in the OPTs is actually irrigated. This is not because we do not like irrigation, or are incapable of undertaking irrigated agriculture, but because the water allowed us only permits such a small proportion. In contrast, Israel's irrigated agriculture covers 95 percent of the irrigable land beyond the Green Line.

The situation will certainly become much more grim and critical by the end of the century, and catastrophic by the end of the first decade in the 21st century. Thus, the population of the territories occupied in 1967, which numbers about 1.9 million today, is expected to reach 2.4 million by the year 2000, at the prevailing rate of natural increase of 3.2 per annum. If to this we add the return of the persons displaced as a result of the Israeli occupation in 1967, who numbered then at least 300,000 persons, but today number some 650,000 to 700,000 persons at the rate of natural increase just referred to, we will end with a total population of over 3 million -- even if we leave out of our estimates the much larger number of 1948 refugees, whose need for water, upon return, would create a critical shortage in that resource.

On the warranted assumption of an increase in the use of domestic water to bring the level per capita to the minimal acceptable international standard (from 25 m³ to 75m³ per annum) the Palestinians will need 225 mm³ of water annually for domestic use alone, as against the 45 mm³ which they are capable of having presently. If we ignore for present purposes the expanding needs of manufacturing industry, tourism and other sectors and concentrate only on agricultural future water requirements, we will come up with an enormous gap in the water account. Thus, assuming an expansion by the year 2000 in irrigated area (from today's 25 percent to 50 percent), and assuming 750 m³ of water needed per dunum, the water requirement would be 300 mm³ per annum for the irrigation of 400,000 dunums (40,000 hectares). Total domestic and agricultural needs by the end of the century would then be at least 525mm³. Though the volume of water just indicated is two and a half times the volume presently utilized in the OPTs, it would still be within



the availability of water resources from the aquifers in the OPTs and the share of the Palestinians in the Jordan Basin. Hence the criticality for the Palestinians to exercise their right to the control, management, and utilization of the water which is theirs according to international law, the Hague Regulations, the Fourth Geneva Convention, and a long series of United Nations resolutions -- if they are not to continue suffering a considerable water deficit.

This is as far as the present and the future are concerned, with respect to the restitutio in integrum (restitution in kind) of Palestinian water resources. In addition, the Palestinians are entitled to compensation for the damage sustained during the occupation, represented by the opportunity cost of water the use of which was denied them. This is not the time or the place to calculate the size of this opportunity cost, since there are other components of the damage sustained that have also to be taken into consideration, such as the income foregone as a result of the non-utilization of the land confiscated by Israel. We only want to indicate here that the Palestinians are entitled to substantial compensation if a fair and durable settlement is to be reached with Israel.

We have tried to put regional cooperation in the question of water in its relevant context, from the Palestinian standpoint. Firmly structured regional cooperation should be developed from its national base first, namely from the base of the water rights in the OPTs. If this base is challenged then the matter should be referred to an international commission on water rights for examination. For the time being, it will be sufficient, for preliminary purposes, if a sub-working group on water rights were established to consider the issue of water rights. It may also prove necessary to have another sub-working group established to undertake fact-finding functions of a technical nature.

IV

In conclusion, our delegation reiterates its previously declared position in Vienna which expresses its readiness for cooperation with all parties concerned in searching for alternative and additional water resources. But our delegation also expresses its reservations on the prioritization of items for potential regional solutions to the water issue. Thus, we consider it premature to discuss technical details of regional solutions while the Palestinian rights in their water resources are still subjected to usurpation. This issue has to be dealt with first, so that the true size of the problem of water shortage for each of the parties concerned may first be ascertained. When the right moment arrives for the consideration of the principles and modalities of regional cooperation on water, such consideration will then be



possible to base on a foundation of consensus among the region's countries. This consensus can only be brought about when the national rights of each party have been properly taken into consideration, guaranteed, and duly respected.

May we, in summing up, suggest to this distinguished gathering three conditions that it would be profitable to satisfy for a discussion of regional cooperation on water to be well-intentioned and well-directed. These are:

- a) That no one party or country in the regional framework is or continues to be denied its national and inalienable right to self-determination, one major component of which is economic self-determination and the control, management, and utilization of its own natural resources;
- b) That it is essential that the legitimate and well-justified water needs and uses of each party, and the reasonable needs for the foreseeable future, are both set against available rightful water resources, before efforts and designs are made to seek further supplies from neighbouring or other countries in the region; and
- c) That any water sought from sources beyond national frontiers be obtained on mutually-agreed terms between the supplier(s) and importer(s) -- terms that are determined voluntarily and fairly, not under duress, through military or political blackmail, or any form of coercion.

