

*PLD- REVIEW OF ISRAELI POLICIES
AND WATER USE IN THE
OCCUPIED TERRITORIES, 1990*

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CHAPTER I

Introduction

After referring to the importance of water in general, mention is made of the daily consumption in the Occupied Territories per person of 95 liters, which will increase to 120 liters in 2015. Thus, various measures need to be taken to develop the water resources. To carry out this, a hydrological and information bank should be created to help provide necessary information to develop the water resources using modern methods.

Reference is made to the Zionist attempts to control and exploit the water resources in the Occupied Territories. Measures such as expropriation of land were carried out by the Israelis. Fifty-two (52) percent of the West Bank land and 13 percent of Gaza Strip land were expropriated. According to U.N. reports, 67 percent of Israeli water consumption comes out of areas that were out of Israel control during 1948.

Thirty-two (32) percent of Israeli consumption during 1989 came out of the Jordanian River and the Golan Heights, and 35 percent came from ground water in the West Bank and Gaza Strip and the Yarmuk River. Reference then is made to various laws that were applied to the West Bank before the 1967 occupation. After the occupation and until 1987, Israel had issued more than 2,000 decrees and military laws dealing with land and water in the Occupied Territories, thus eliminating all previous Jordanian laws applied before the occupation.

To irrigate one **dunum** * yearly, Israel, the West Bank, and the Gaza Strip consume, respectively, 713, 864, and 667 cubic meters.

Consumption per person varies between the cities and villages. In the cities of the West Bank, it is approximately 38 cubic meters, and in the villages 15 cubic meters. In Israel, however, the consumption per person reaches 150 cubic meters. Both cities and settlements consume the same amount.

In the Arab villages, consumption is around 25 cubic meters per person.

The consumption for 1988 was around 40 million cubic meters in the settlements, and in the Gaza Strip around 30 million cubic meters.

As to the Golan Heights, Israel consumes 40 million cubic meters, and there are plans to increase consumption to 45 million cubic meters in order to settle 50,000 settlers.

Israel has dug about 30 water wells in the Occupied Territories for the benefit of the settlers with a depth of 300 to 600 meters.

The Palestinians, however, were allowed to dig only 7 wells since 1967, and for drinking purposes only.

CHAPTER II

The Israeli Military Procedures and Decrees in the Occupied Territories

Amending the Jordanian laws, the Israeli authorities introduced the following orders and procedures:

* **Dunum** = A square measure (Ir.=about 2500 m²; Pal.=roughly, 900m²)

A. Decrees and procedures related to the exploitation and ownership of land

B. Decrees limiting the quantity of water to be extracted

C. Decrees Related to Limiting Agricultural Expansion

D. Decrees related to transportation and marketing of agricultural products

E. Decrees related to grazing and livestock

F. Decrees and procedures related to agriculture in light of the Palestinian intidada

G. The procedures of the occupational authorities related to rural development in light of international public law

A. Decreees and Procedures Related to the Exploitation and Ownership of the Land

Reference here is specifically made to the various methods used to expropriate agricultural land and its impact on both land and productivity reduction.

Emphasis is on

1. Expropriation of land through "objection" committees
2. Closure of grazing and agricultural land
3. Expropriation through structural planning and organization
4. Agricultural land with the plan of highways projects

B. Decrees Limiting the Quantity of Water to be Extracted

C. Decrees Related to Limiting Agricultural Expansion

Emphasis here is on agricultural transport and marketing and the limiting of productive trees and vegetables and decrees dealing with forestation.

D. Decrees Related to Transport and Marketing of Agricultural Products

Emphasis here is on the prohibition of export or import from or to the West Bank of any agricultural product. The law imposes certain obligations on the transport of goods.

The goal of the law is to prevent West Bank agricultural products from entering Israel. There are also laws dealing with the marketing of agricultural products. The law empowered the Israeli authorities to impose tariffs.

Reference here is also made to the decrees Limiting the Quantity of Water and Its Drilling

The decrees dealt with the following:

1. Control of ground water
2. Control over wells

E. Decrees Related to Grazing and Livestock

Defining grazing land in the West Bank as what is left of the total surface of land after subtracting land used for crops and unproductive land, housing, and public projects and highways.

As to livestock, a decree was issued on January 6, 1969 regarding the branding of cows and forbidding transport, sale, or purchase of any cow that is not branded. numbered.

Again, the purpose of the Israeli authorities was to have enough statistics on livestock to protect Israeli production against competition as well as to impose taxes and levies on West Bank production.

These procedures had a negative impact on livestock such as the closure of grazing land which was relied upon in grazing.

F. Decrees and Procedures Related to Agriculture in Light of Al-Intifada

Decrees were issued dealing with the organization and upkeep and bookkeeping for the agricultural associations. All sales and purchases should be registered for the purpose of imposing taxes and fees.

It also required a license to export to or import from the West Bank, Jerusalem, and the Gaza Strip. Violators will be subject to punishment.

The Israeli authorities empowered themselves with the power to grant licenses.

The text continues to deal in detail with the issue.

In terms of the Israeli practices relating to agriculture, the text refers to the Israeli activities of arresting farmers, destruction of trees and crops, cutting of electricity and water as well as the expropriation of livestock or its killing through the use of gas bombs.

The text continues to explain the impact of these procedures on agriculture and the people of the Occupied Territories.

F. Procedures of the Occupational Authorities Relating to Rural Development in Light of International Law

Reference is made here to the Israeli violations of international agreements and treaties that were in effect in pre-occupation. The Israeli authorities empowered themselves to legislate new laws. The article refers also to the impact of occupation on public and private properties as well as the impact of occupation on water in the Occupied Territories. The Israeli authorities have expropriated land, real estate, forests, and natural resources and destroyed houses in violation of international law. The authorities, also through settlements, have exploited a large percentage of water resources, which has led to a water shortage. This was in violation of Article 25 of the Hague regulation.

Furthermore, in violation of international law the Israeli authorities imposed new taxes and fees with the practice of collective punishments.

Decree No. 92 Dealing with the Authority Regarding Water Regulation Issued on August 15, 1967

Defines water regulation as being laws, regulations, decrees, ordinances, directives, etc. dealing with transport of water, regulation of water, establishment of water projects, protection of water from pollution, etc.

Reference then is made to the competence of the authority of the responsible in charge of enforcing the decree.

Decree No. 157 Related to the Amendment of the Law Governing Water
Issued on October 30, 1967

Amending Article 5 to read:

a. The establishment and possession of water institution including water drilling and its import should be done according to the regulation.

b. No one should be allowed to establish or manage the water institution without license from the responsible in charge.

c. and d. Deal with obligations of applicants for licenses.

Other provisions refer to the power of the responsible in charge of issuing licenses.

Reference also is made to Amending Article 35, which deals with publicity and diffusion of regulations and laws.

Decree No. 498 Regarding Water in the Gaza Strip--Issued on the 4th of November 1974

It outlines the authority of the responsible of the region with emphasis on the protection of water sources for the benefit of the public. It defines the water sources as well as the users and their obligations in the protection of the use of water.

Water should be used in a thrifty way and should not be polluted.

The appropriate authority should be in charge of measuring the quantities of water to be used.

Importing Water

Licensing: Reference here is made to the power of the appropriate authority to grant licenses as well as the obligations of the water users and owners to comply with the regulations dealing with import of waters.

The appropriate authority is also empowered to determine the price of water, as well as licensing the digging of wells and the imposition of specific amounts on the exploiter, exporter, and the user.

CHAPTER 3

The Ownership of Water and the Management of the Water System in Israel and the Arab Occupied Territories

According to the Israeli legislation, the ownership of all water sources belong to the Jewish people, therefore its management should be entrusted to the Israeli state. Thus, water sources are managed through

- A. Israeli microratt Inc. (Israeli company)
- B. Israeli Tahall Inc.
- C. Ministry of Agriculture
- D. The U.N. Water Program
- E. Non-profit organizations

Reference is made here to the lack of correct hydrological information, as it is considered to be a military secret. Research is discouraged by the Israeli authorities.

The Israeli policies have negatively impacted agricultural development as a result of lack of water. The article continues to describe in detail the impact on agriculture and the labor force and, at the same time, describes the benefits Israeli settlers have received from these policies.

CHAPTER 4

Israeli Obstacles to the Exploitation and Development of Agricultural and Water Sources in the Palestinian and Arab Occupied Territories

Reference is made here to the natural obstacles as well as the human ones: Lack of studies and needed investments in long-term projects within a comprehensive plan.

The establishment of dams and other water projects was subject to military aggression, which in turn impacted various projects between Israel and Jordan.

Reference also is made to the fact that 67 percent of the current Israeli water comes from outside its borders, thus making water a source of conflict.

The Israeli Practices Regarding Water Sources

The adoption of various military laws by the Israeli authorities have prevented the exploitation of water by the original people and prevented the development of the water system.

Restrictions have been imposed on water use as well as on the digging of wells.

For the Arabs to carry out any activity dealing with water, they need the approval of the Israeli military authorities, the Protector of Absentee Landlords, the Health Ministry, the Environmental Agency, the Antiquity Agency, the Water Authority, the Ministry of Agriculture, and the Agency of Public Statistics.

The article continues to explain the various obstacles raised by the Israeli authorities regarding the use of water, such as limiting the quantity to be used and the prevention of Palestinian researchers from participating

in the making of plans or even coordinating their efforts to implement current scientific techniques to develop the water sources.

Other obstacles and Israeli practices are mentioned. Although water use within the Occupied Arab Territories amounts to 1,100 million cubic meters yearly, the Arabs are allowed to consume only 250 million cubic meters yearly. However, Israel consumes around 850 million cubic meters of the waters yearly.

The article continues to discuss the Israeli policies in digging wells and the problems facing the ground water in the Gaza Strip, such as the increase in salt.

Prices of agricultural products have increased as a result of cost increases.

This chapter ends with the problems of marketing that have resulted from the stringent Israeli policies, making it very difficult for the Occupied Territories' products to compete against the Israeli products.

The Israeli authorities have also closed the agricultural loan institutions and cooperative organizations that were active in the Occupied Territories before 1967.

CHAPTER 5

The Legal Aspects of Dividing Common Waters

This chapter outlines the evolution of international rules regulating common waters.

The Israeli practices have raised many legal questions, among which are the Israeli obligations regarding the French-British treaties of 1922, 1923, and 1926 dealing with territorial waters. In contradiction to the French and the British, Israel rejects the inheritance of these treaties. The controversy between the Arabs and the Israelis surrounded the principle of "prior apportionment" supported by the Arabs versus the "equitable apportionment" advanced by the Israelis.

The article continues to describe international law as it relates to the use of common waters.

APPENDIX A

Zionist Ideology and Israeli Water Strategy

Reference here is made to the Zionist ideology upon which the Israeli control of Arab water is based.

- A. Reliance on historical rights
- B. Water for irrigation would help migration to Israel
- C. Organization and distribution of settlements
- D. Reduction of development in the Arab territories and therefore reduction of water consumption

To accomplish these goals, Israel has implemented a special military strategy.

The appendix ends with the prediction that 1995 will mark the beginning of a water shortage affecting the water used by Israel, Jordan, the West Bank, and the Gaza Strip if consumption of water continues at the current level. So far, Israeli expansion continues, with the need for more Arab water.

Table 2

Search Distribution of Water Consumption in Israel & The Occupied Territories & Gaza Strip for 1988

	<u>West Bank</u>	<u>Gaza Strip</u>	<u>Israel</u>
1. Surface	5572000 dunum	360000 dunum	20000000 ^{dunum}
2. Population (1988)	900,000	600,000	3600,000
3. Surface of Exploited land	2100000 dunum	214000 dunum	4250000 ^{dunum}
4. Surface Irrigated	110000 dunum	120000 dunum	1850000 ^{dunum}
5. Surface Exploited % Total Surface	35%	59%	21%
6. Irrigated Surface % Total Surface	5%	56%	44%
7. Consumption of Water for Irrigation by Cubic Meters	95 millions	80 millions	1320 millions
8. Consumption of Water for Drinking & House Use in Cubic meters	27 millions	21 millions	325 millions
9. Consumption of Water for Industrial Purposes in Cubic Meters	3 millions	2 millions	125 million
10. The Total of Consumption of Water in Cubic Meters	125 millions	103 millions	1770 million

Dunum = A square measure (Iv. = about 2500 m²; Pal. = roughly, 900m²)

Cont'd Table I

Yearly Distribution of Water Consumption in Israel & The Occupied Territories & Gaza Strip for 1988.

	<u>West Bank</u>	<u>Gaza Strip</u>	<u>Israel.</u>
11. Individual Consumption for all purposes in Cubic meters	139	172	492
12. Individual Consumption for house purposes in Cubic meters	30	35	90
13. Individual Consumption for Industrial purposes in Cubic meters	3,3	3,3	35
14. Individual Consumption for Irrigation Purposes in Cubic meters	106	133	367