



PLO Negotiations Affairs Department



Water Rights in the Palestinian- Israeli context

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NSU

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This Presentation

- **Part (1) : an overall picture**
 - ❑ **Intro to Regional Water Stress specifically Palestine**
 - ❑ **Historical Briefing**
 - ❑ **Israel's control of water resources**
 - ❑ **The Issue of water rights**
 - ❑ **International Law**
 - ❑ **Parties Positions**
- **Part (2): Water aspect in Status-que (current Situation)**
 - ❑ **Oslo Agreement**
 - ❑ **Article 40**
 - ❑ **Israel Facts on the Ground**
 - ❑ **Case Studies**
 - ❑ **Palestinian Vision**
 - ***GSWB Water Link**
 - * **WGC**

An Overview of the Shared Water Resources



Israel and Palestine share the Jordan River with three other riparian countries: Lebanon, Syria and Jordan.

Israel and Palestine also share four groundwater aquifer basins (three in the West Bank, and one in the Gaza Strip/coastal area).

Lebanon and Syria possess significant water volumes external to the Jordan River basin.

1967-1968: Military Orders on Water:
92; 158,291

MO 92 -15 AUGUST 1967

**ORDER CONCERNING JURISDICTION OVER WATER
REGULATIONS**

MO 158 -19 NOVEMBER 1967

**ORDER CONCERNING AMENDMENT TO SUPERVISION OF
WATER LAW**

MO 291 -19 DECEMBER 1968

**ORDER CONCERNING SETTLEMENT OF DISPUTES OVER
LAND AND WATER**

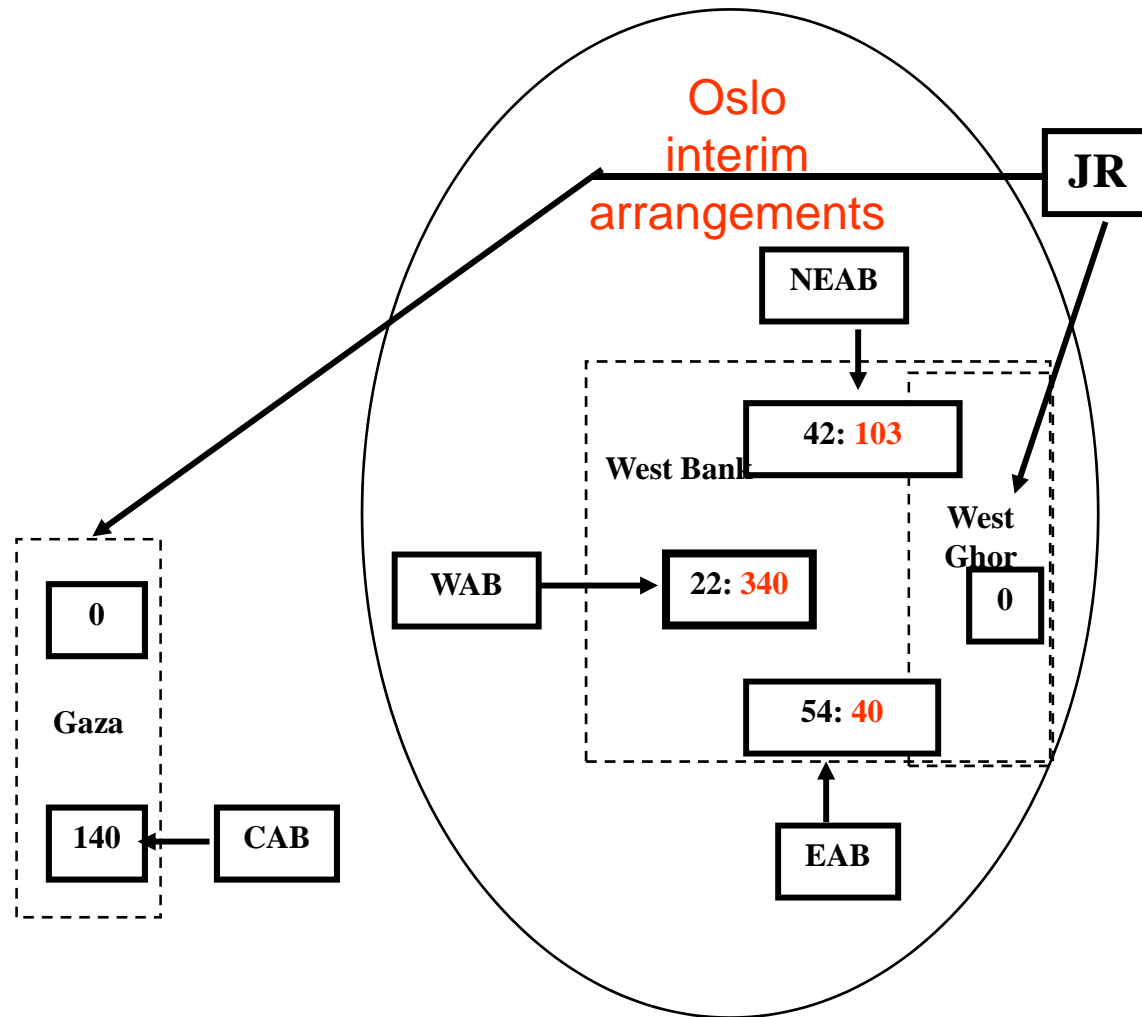


- On 28 September 1995, Oslo II Interim Agreement is signed, and Article XXXI.
- Annex III of the Interim Agreement (the *Protocol Concerning Civil Affairs*), and principally in Appendix 1, Article 40 (entitled *Water and Sewage*).

- the recognition by Israel of Palestinian **water rights** in the West Bank;
- laid down agreements on the coordination of the management of **water supplies** and of wastewater treatment and disposal for the interim period; **JWC**
- and specified **additional water** resources which should be made available to Palestine during the same period.
- General agreements were also included on mutual cooperation, and on the protection of water resources and infrastructure.

Negotiations between Palestine and Israel on permanent status have not been concluded, as yet.

Oslo- Water Supply



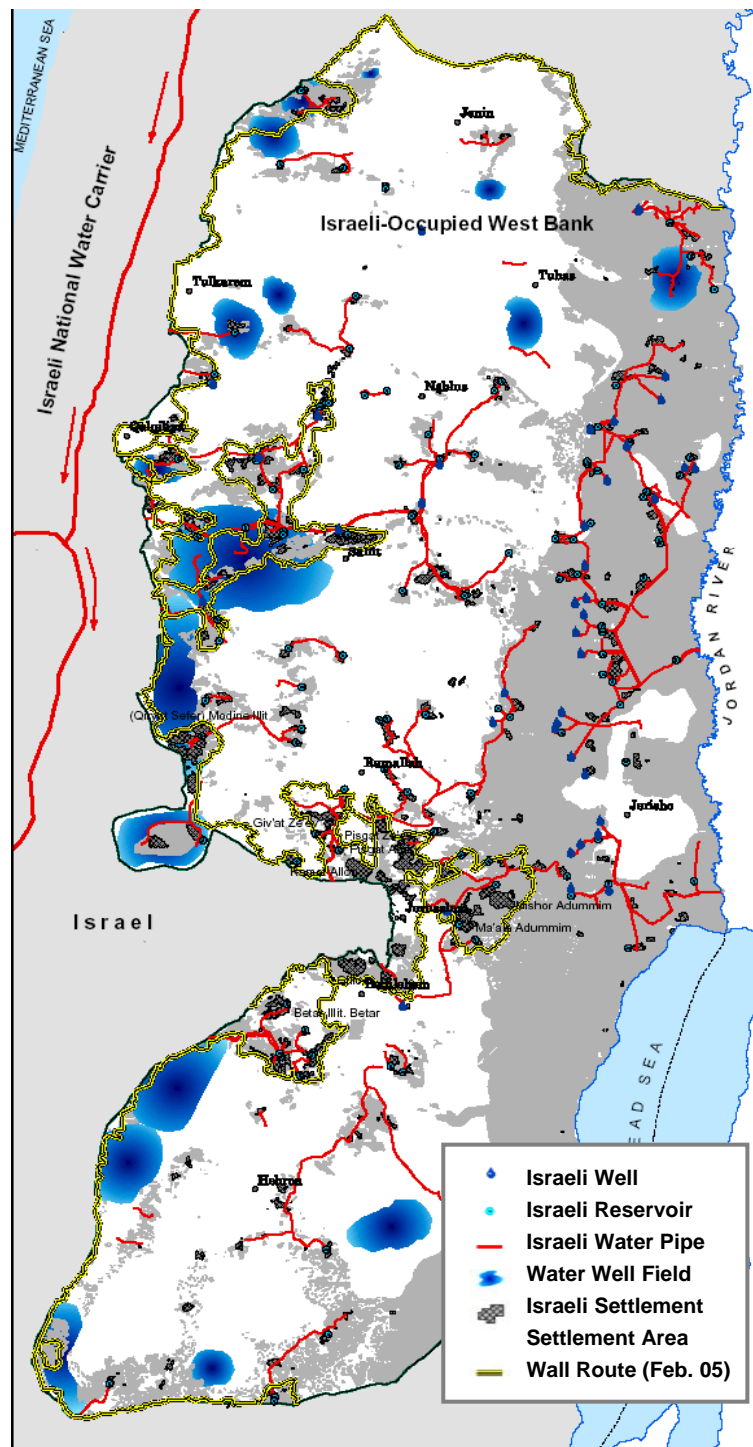
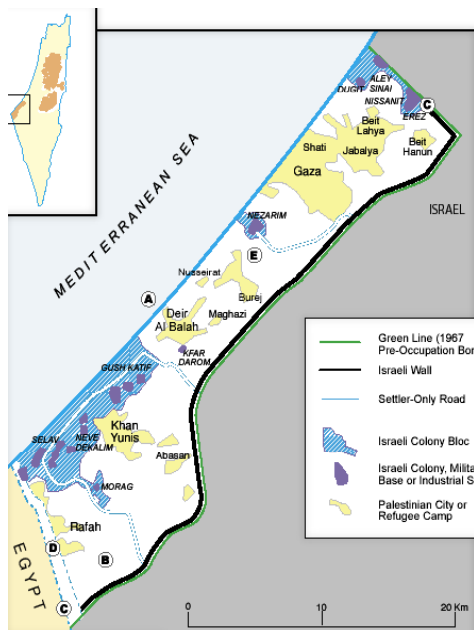
Future Demand:

PWA estimate based on Demand for 2010 = 723 MCM

Deficit to current =444 MCM

Israel's Control & Water Rights

- Israel's control over 85% of all available water resources leaves Palestinians with four times less water *per capita* than Israel.
- Palestinians are denied all access to the Jordan River to the east, and to most productive zones in the Western Aquifer Basin to the west.
- In Gaza, the quality of water is disastrously low and must be addressed.



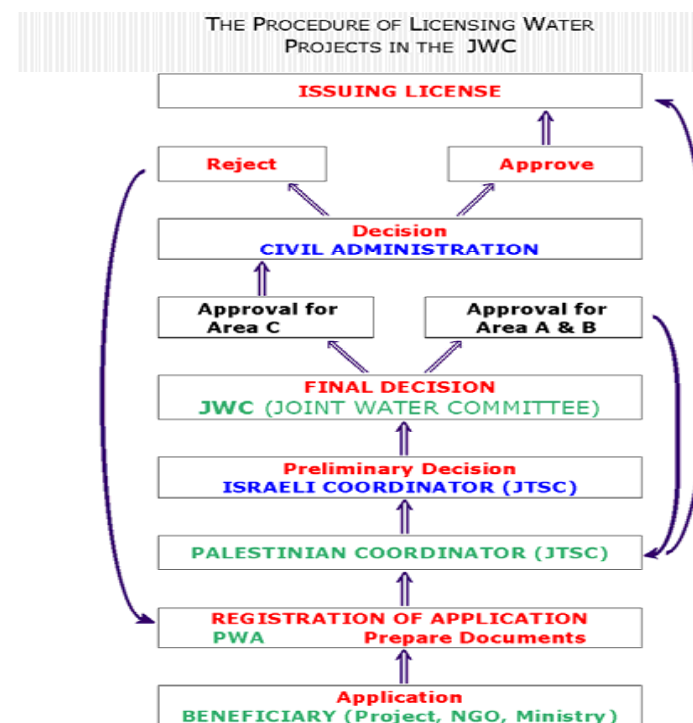
Article 40 , The Interim Allocation and the **Additional** Quantity- West Bank

Palestinian “Oslo II allocation” from the aquifers in the West Bank and actual Palestinian use.

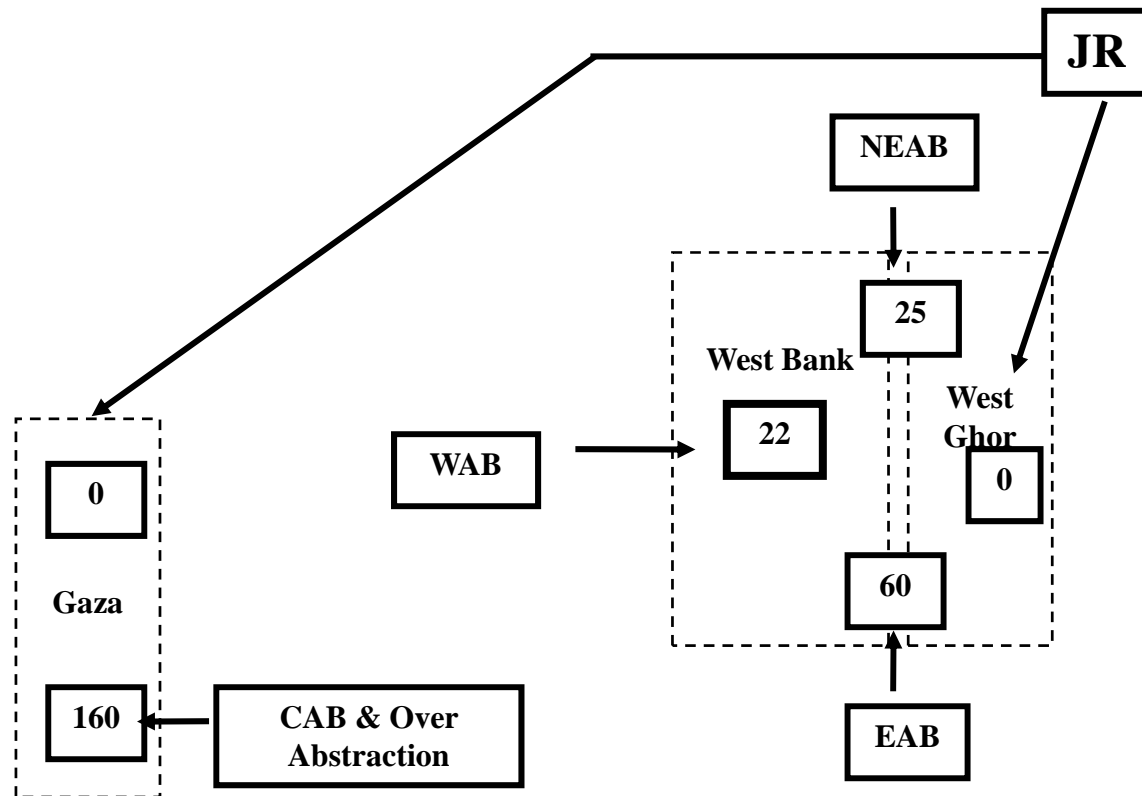
Oslo II Article 40 All data as MCM/yr.	Eastern Aquifer	North-eastern Aquifer	Western Aquifer	Total
	54 (+ 78)*	42	22	128 (+78)

* Eastern Aquifer or other agreed resources

- Only one third of the additional amount has been made available during the interim period by drilling new wells.
- Palestinians have not been allowed to drill in the Western Aquifer Basin.
- Most wastewater projects have been denied approval
- No comprehensive dispute mechanism exist in the JWC



Existing Water Supply after 13 years of Oslo arrangement



Future Demand:

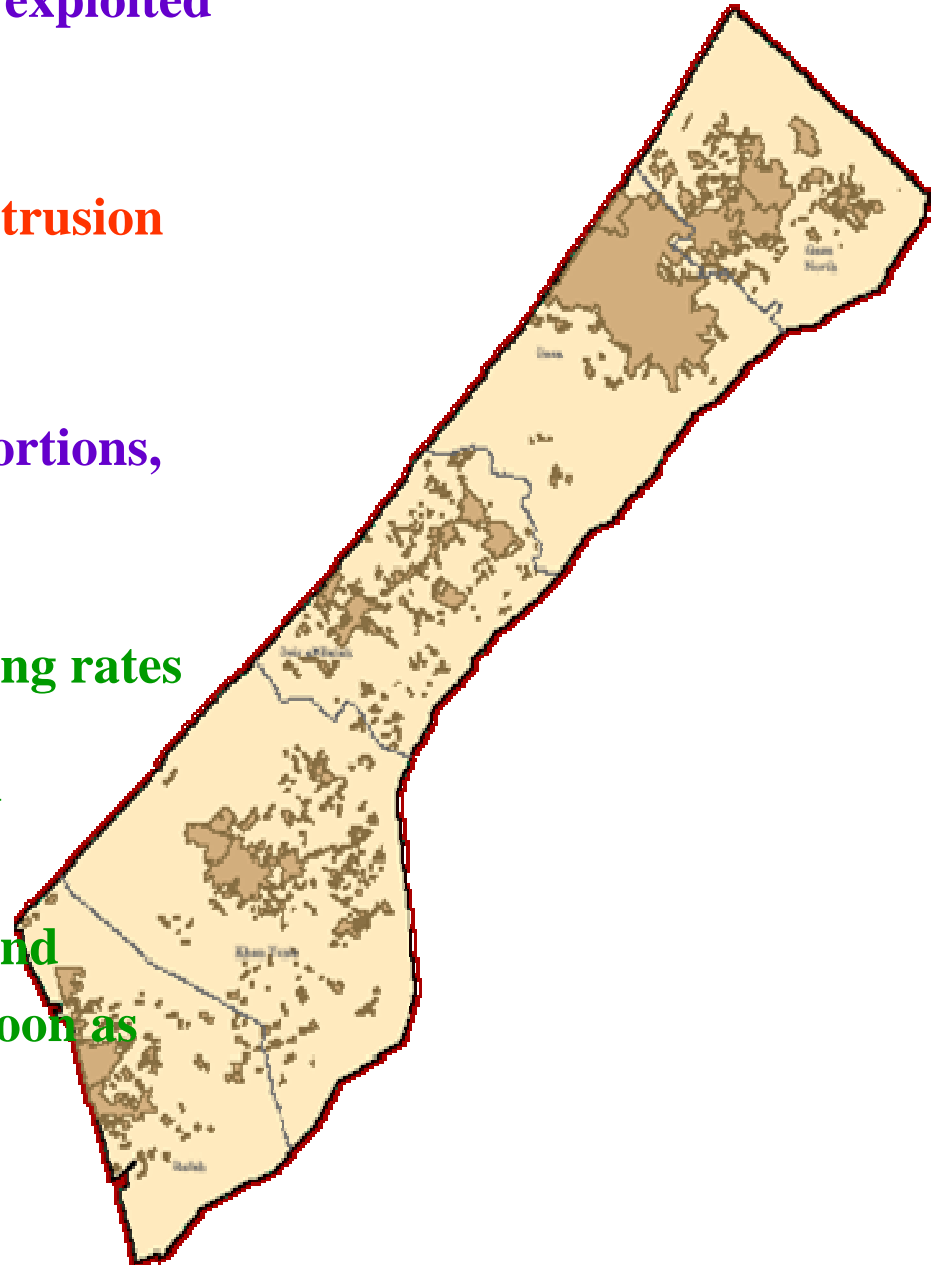
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- **The Gaza Aquifer has been overexploited for decades.**
- **Recharge and discharge**
- **Contamination and sea water intrusion**
- **Heavy demand**

This has now reached critical proportions, and must be stopped very soon.

- **There is a need to:**
 - **heavily reduce total pumping rates from the Gaza Aquifer;**
 - **reduce water utilization by agriculture, over time;**
 - **find other water sources; and**
 - **introduce desalination as soon as possible.**



Gaza: The Present Scenario: mismanagement

Demand/Use

Domestic/Municipal

65 MCM/year

Agricultural

90 MCM/year

(over-abstraction)

[Total: 155 MCM/year]

Supply

Gaza Aquifer

155 MCM/year (over-
abstraction)

[Total: 155 MCM/year]

Gaza: The Indicative Scenario for 2012

Demand/Use

Domestic/Municipal
85 MCM/year

Industrial Demand
5 MCM/year

Agricultural
65 MCM/year

[Total: 155 MCM/year]

Supply



Gaza Aquifer
60 MCM/year

Desalination
27 MCM/year

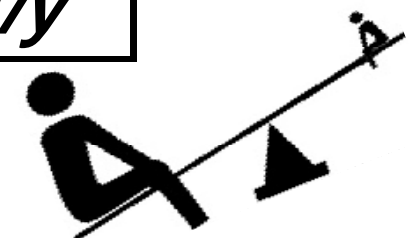
Other Sources
53 MCM/year

[Total: 140 MCM/year]

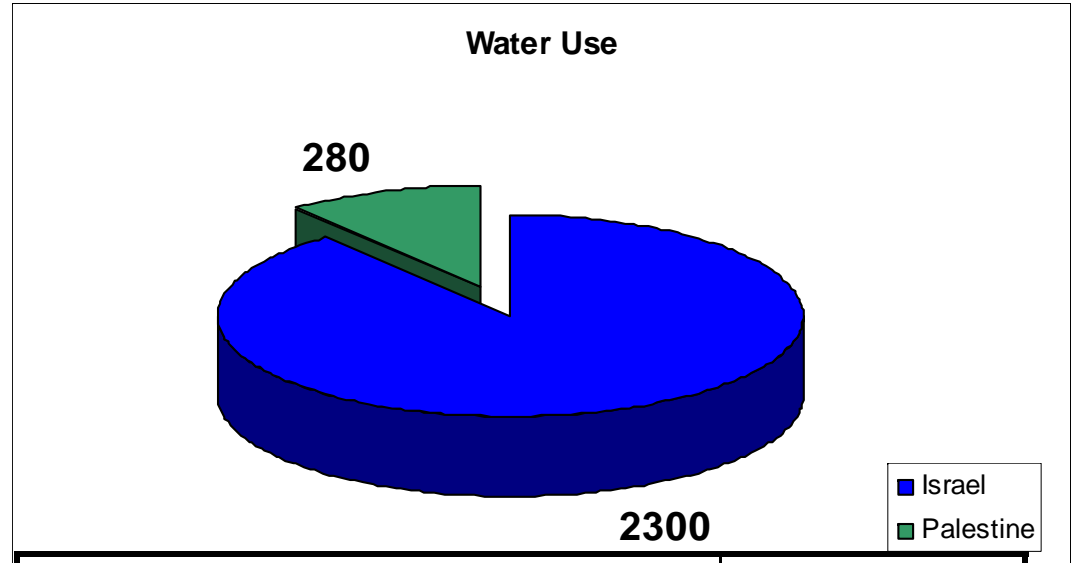
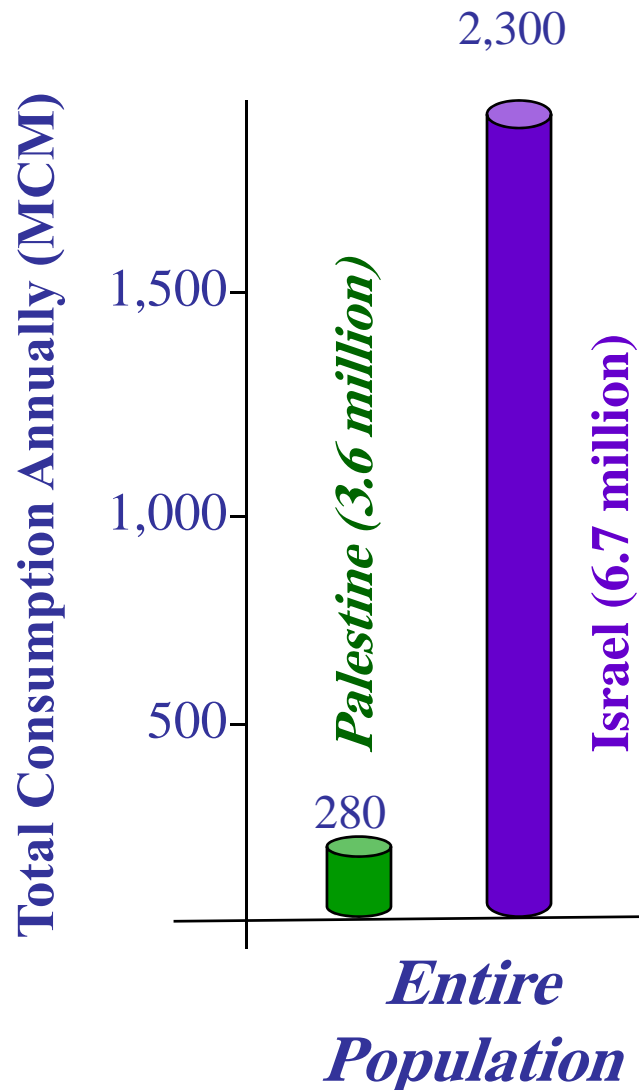
*In **2025** the future demand is estimated to be **205**
MCM/year]*

<i>water source</i>	<i>allocation (%)</i>	
		
Jordan River	0	100
Eastern Aquif.	60	40
N.Eastern Aquif.	35	65
Western Aquif.	6	94
Coastal Aquif.	35	65
Other resources	0	100
<i>OVERALL</i>	<i>11</i>	<i>89</i>
<i>Total resources</i>	<i>270 MCM</i>	<i>2300 MCM</i>
<i>Per Capita</i>	<i>70 m³/y</i>	<i>353 m³/y</i>

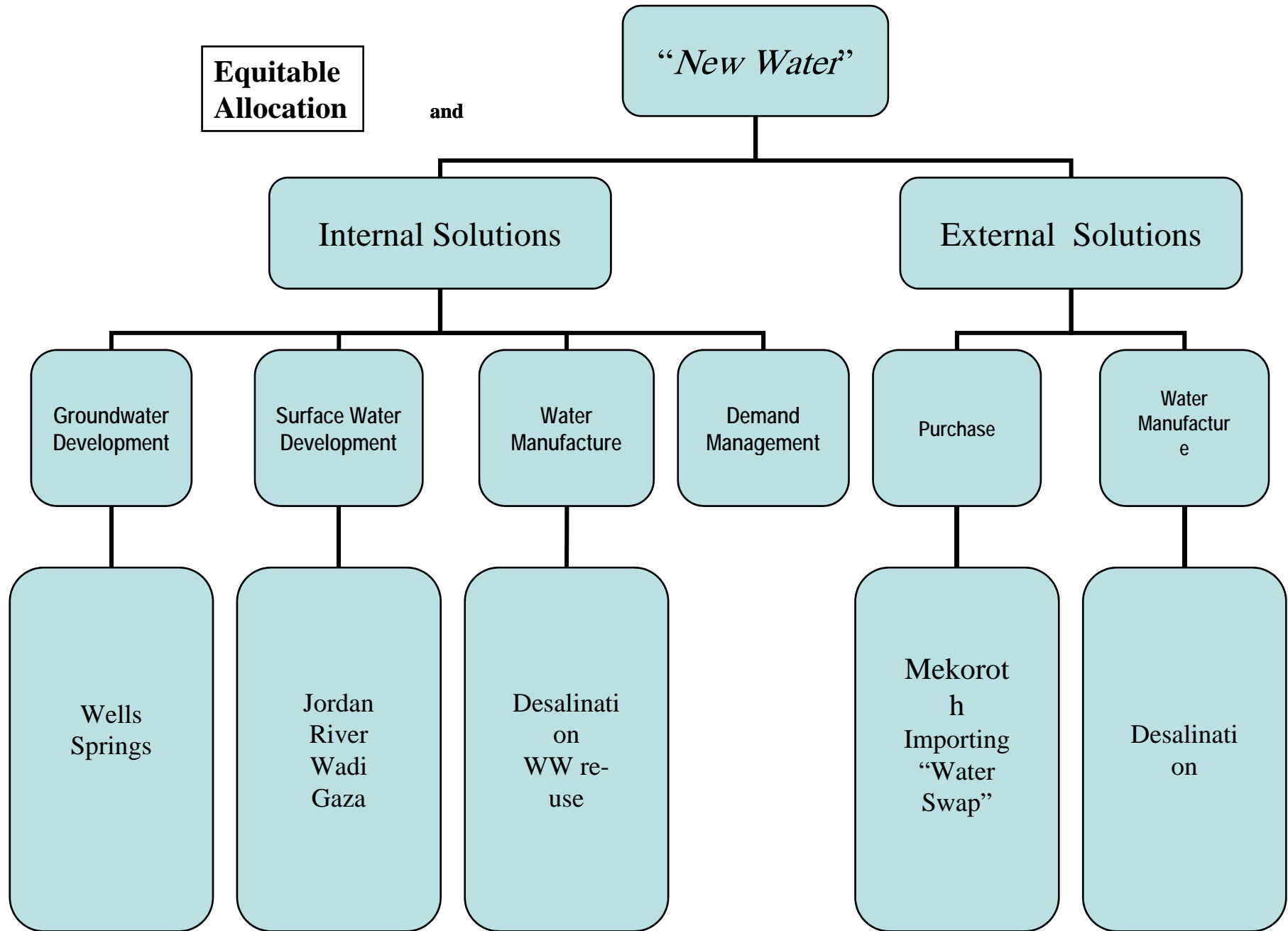
"equitable and reasonable"?



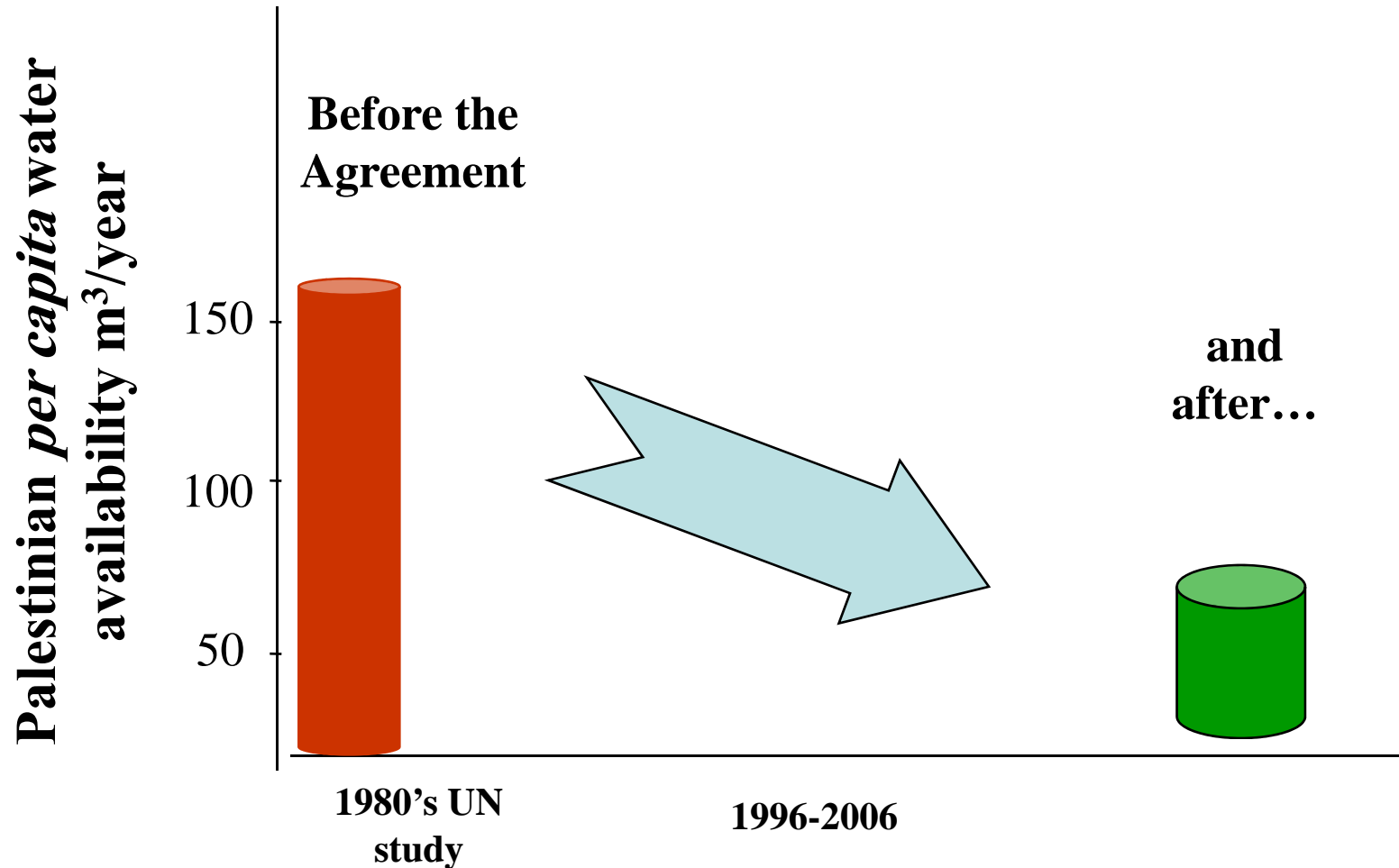
The Present Inequitable Water Distribution



Palestine's Water Sources	MCM
Mekerot	40
Polluted Over Abstraction	80
Gaza Aquifer	50
WB Wells and Springs	110



The Interim Agreement: Before and After:
...Further deterioration of Palestine's position



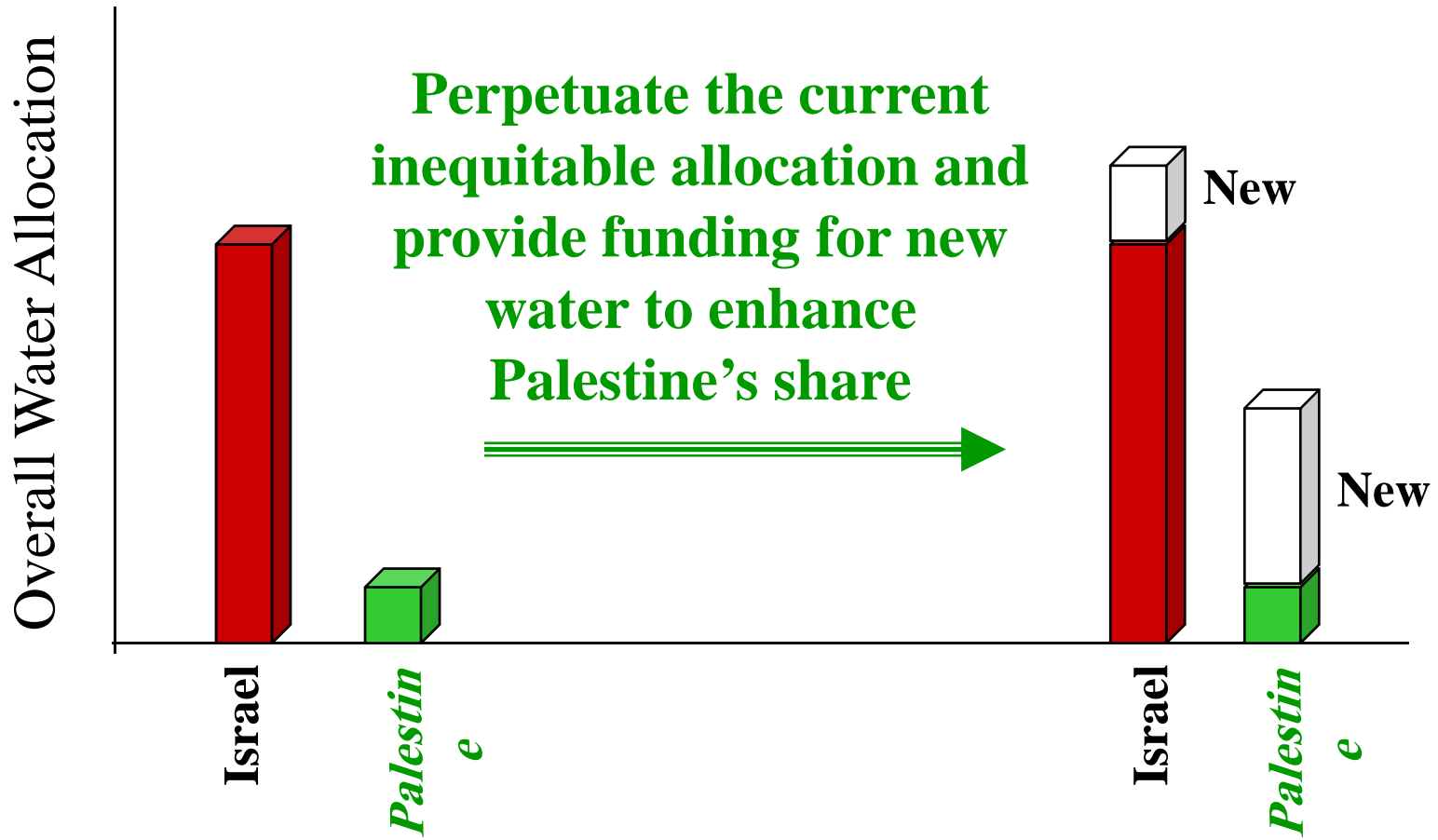
* Data for the mid-1980s are from the [United Nations report](#) of 1992, entitled *Water Resources of the Occupied Palestinian Territory*

The Palestinian Case on Water

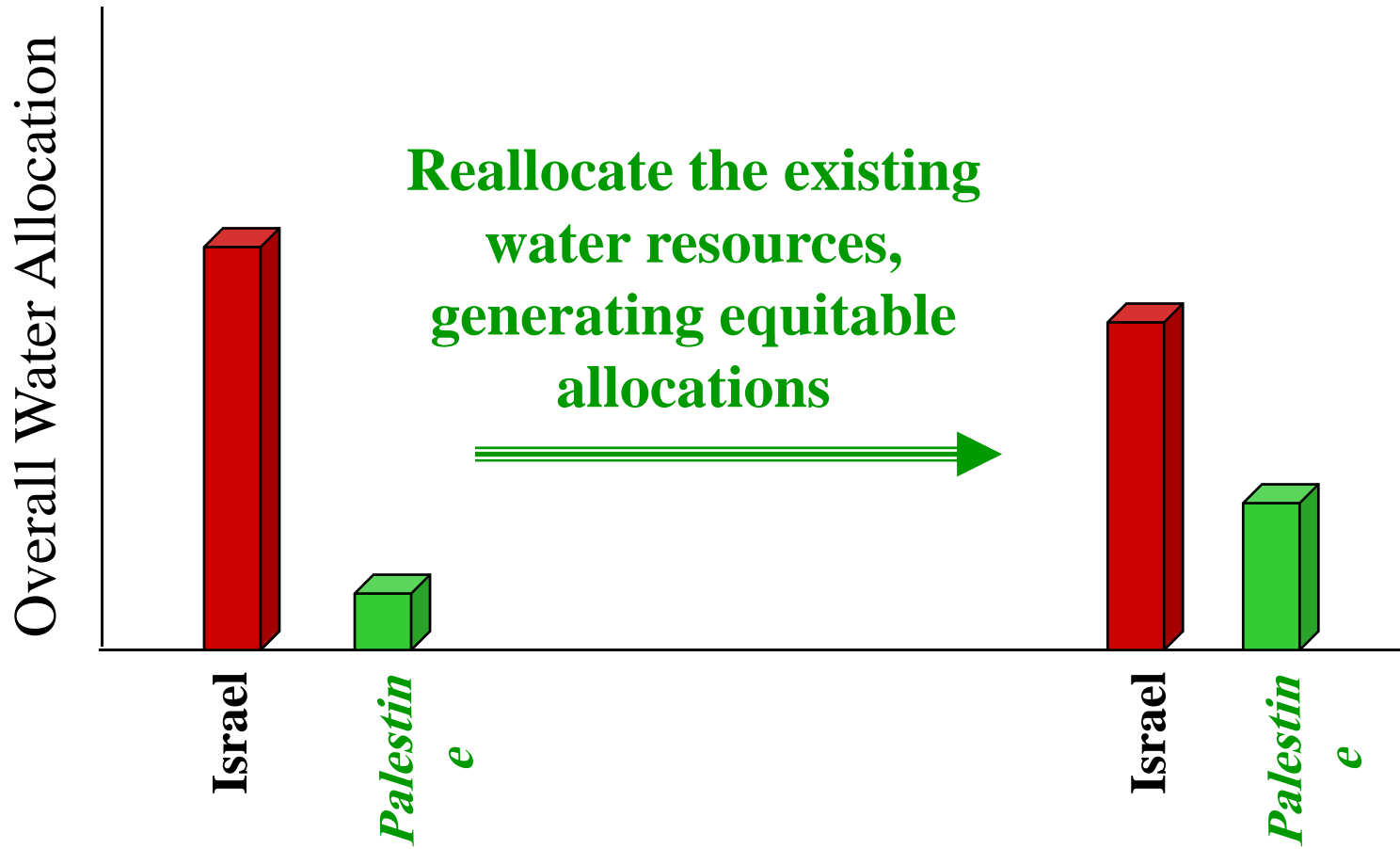
Customary international water law requires that joint water resources should be shared by the Parties:

- in an equitable and reasonable manner;**
- without creating significant harm to the other Party;**
- with prior notification of works likely to affect the other Party.**

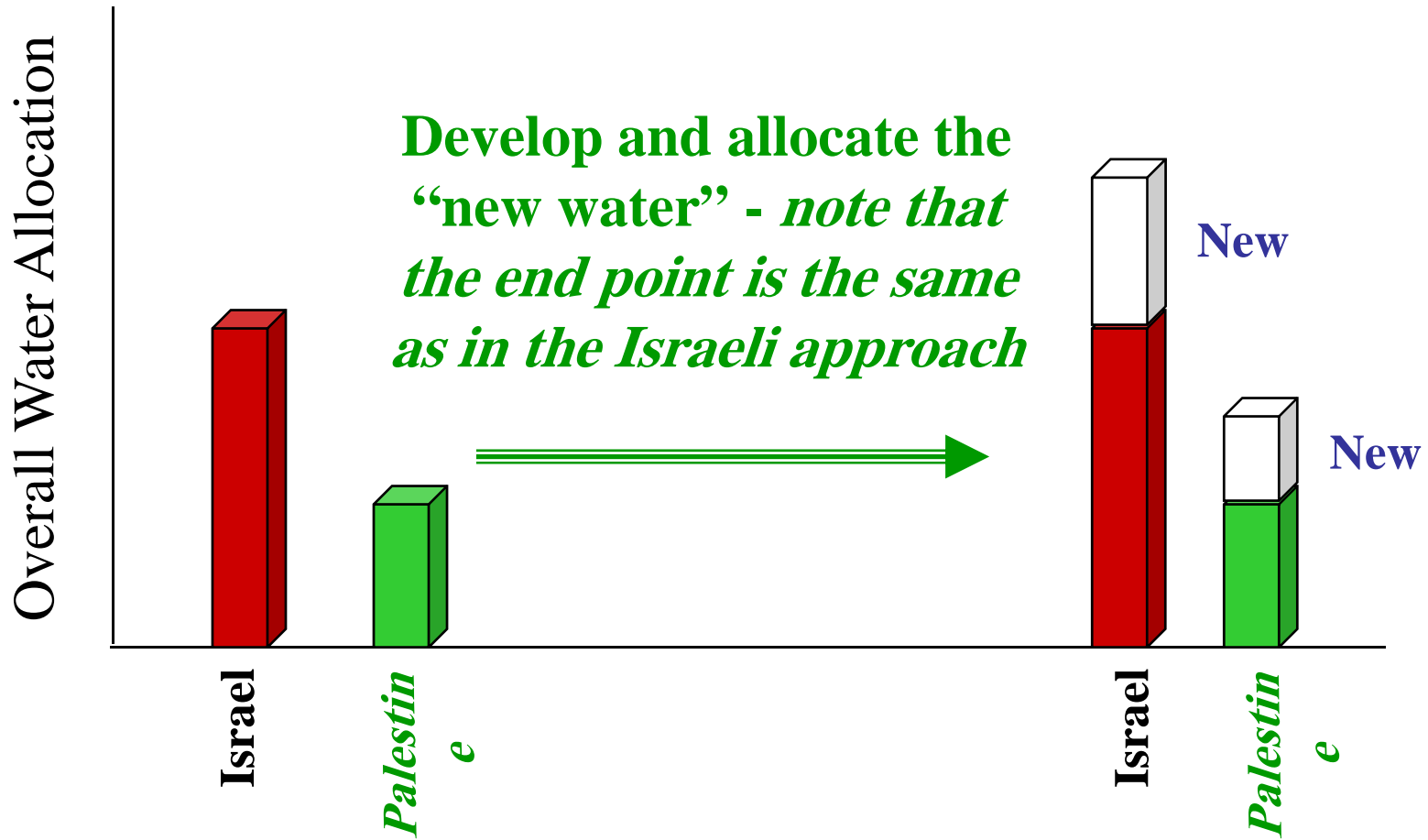
The Israeli Proposal at Camp David



The Palestinian Proposal [1]



The Palestinian Proposal [2]



Towards a Palestinian State that Viable..

□ 1967 Borders including East Jerusalem the Capital, a fair solution to the Refugees issue and the need to water right solution

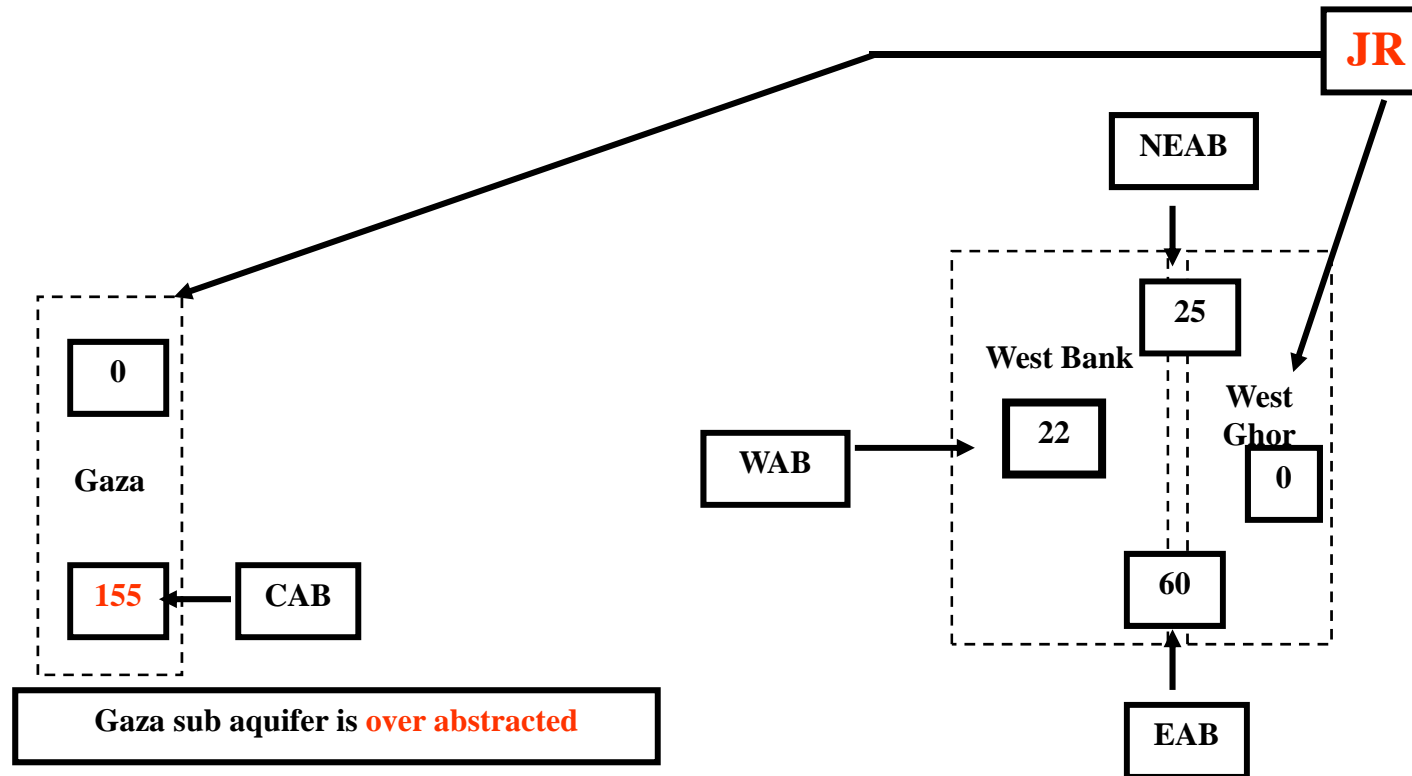
Viability:

□ Water demand (**reallocation**)

□ Territorial Link :**The need to the water link between WB & GS**

□ Importance of the Jordan valley (Refugee, Agriculture and Economic) **The need to construct a West Ghor Canal.**

Existing Water Supply

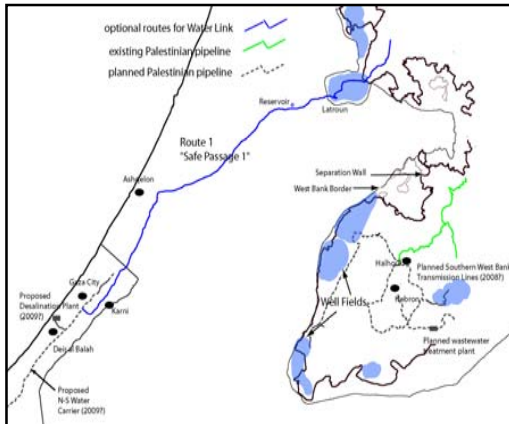


Future Demand:

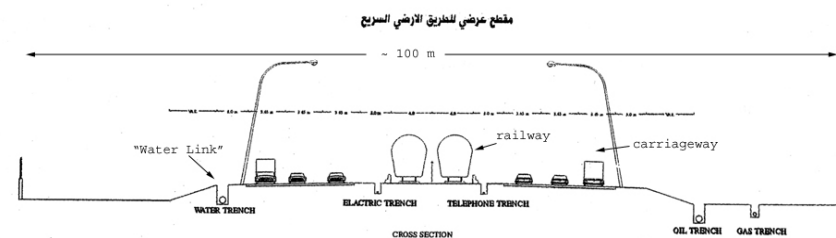
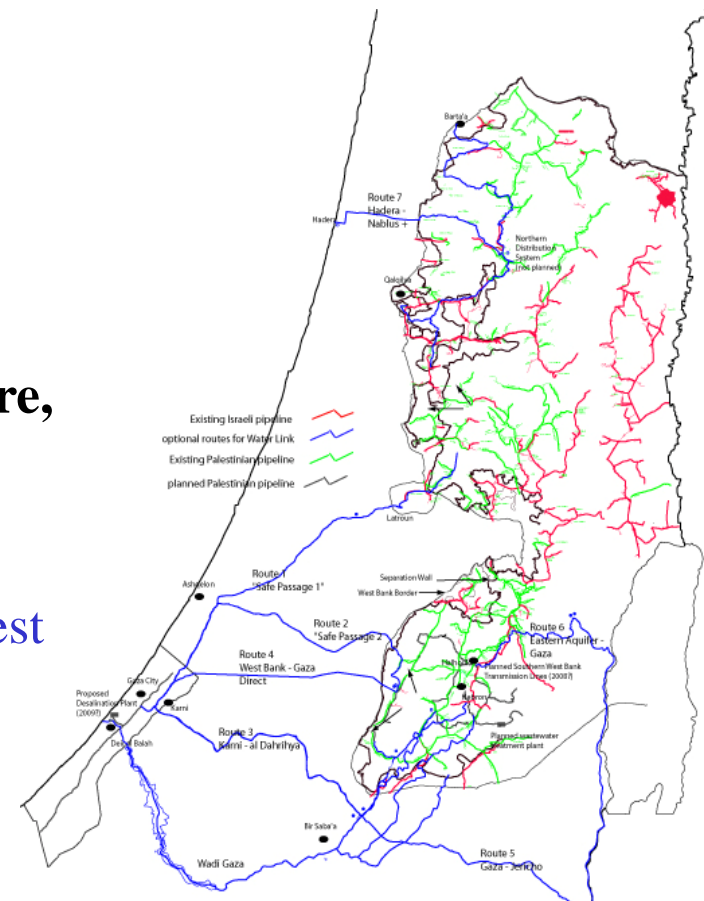
PWA estimate based on Demand for **2010** = 723 MCM

Deficit to current = 444 MCM

Water Link WB-GS



- ❑ A physical link between the West Bank and Gaza is needed to create a viable state
- ❑ This may need to contain water infrastructure, in order to:
 - Transfer groundwater from the West Bank to Gaza; and/or
 - Transfer desalinated water from Gaza to the West Bank.
- ❑ The NSU has studied six possible versions of such a link, relating to water
- ❑ This work is important for the leadership to decide on a route to be selected for the territorial link



The Jordan Valley

Palestinian

Israeli

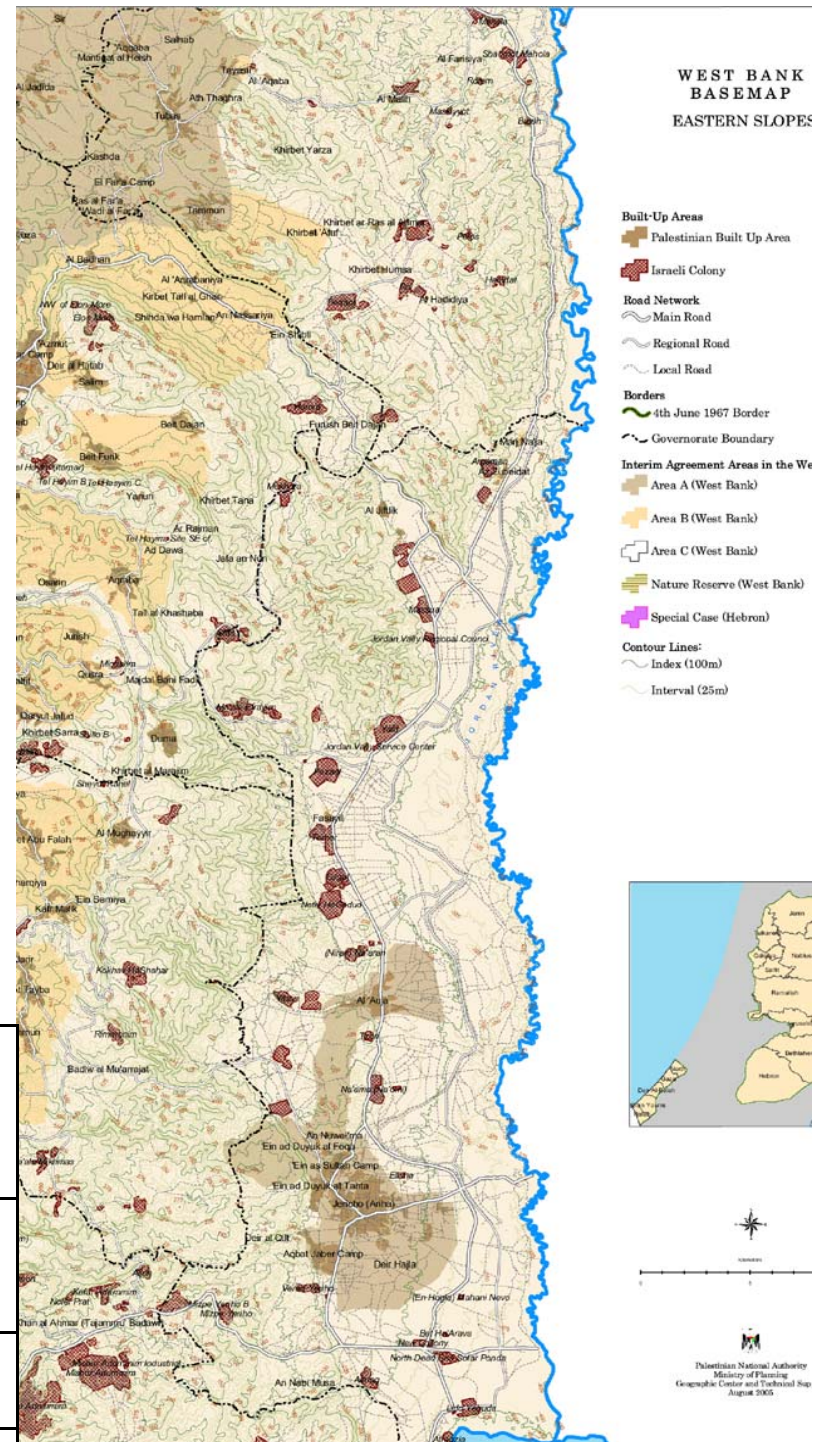
LAND

Population	56000	~10000
Number of villages / settlements	~20(44)	37
Irrigated land (dunums)	53,156^[3]	26,400^[4]
Land remaining for irrigation	77,000^[5] - 170,000	0

WATER

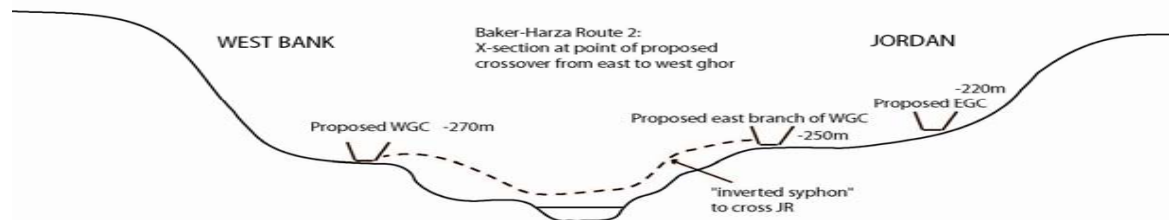
Control over brackish springwater	0	88
No. of Wells¹²	91	18
Consumption, by source (MCM/y)		
Lower Jordan River	0	0
Springs	25^[6]	0
Wadis	0	7^[7]
Groundwater	12¹⁶	34^[8]
Wastewater re-use	0	0
Total water consumption	37	41

	Irrigated / Irrigable land [dunums]	Water quantity [MCM/y]
Rough Estimate of Irrigated Agriculture Water Requirement in the JRV	250,000 dunums	~ 250 MCM/year
Current usage (Israeli and Palestinian)	80,000	79-85.5 (consumed)



The West Ghor Canal

- The lower Jordan River suffers from very poor water quality
- This implies that water from Lake Tiberias should reach the West Ghor through a canal (i.e. not in the existing river bed)
- The NSU has completed the work looking to all options available



The Desalination Initiative

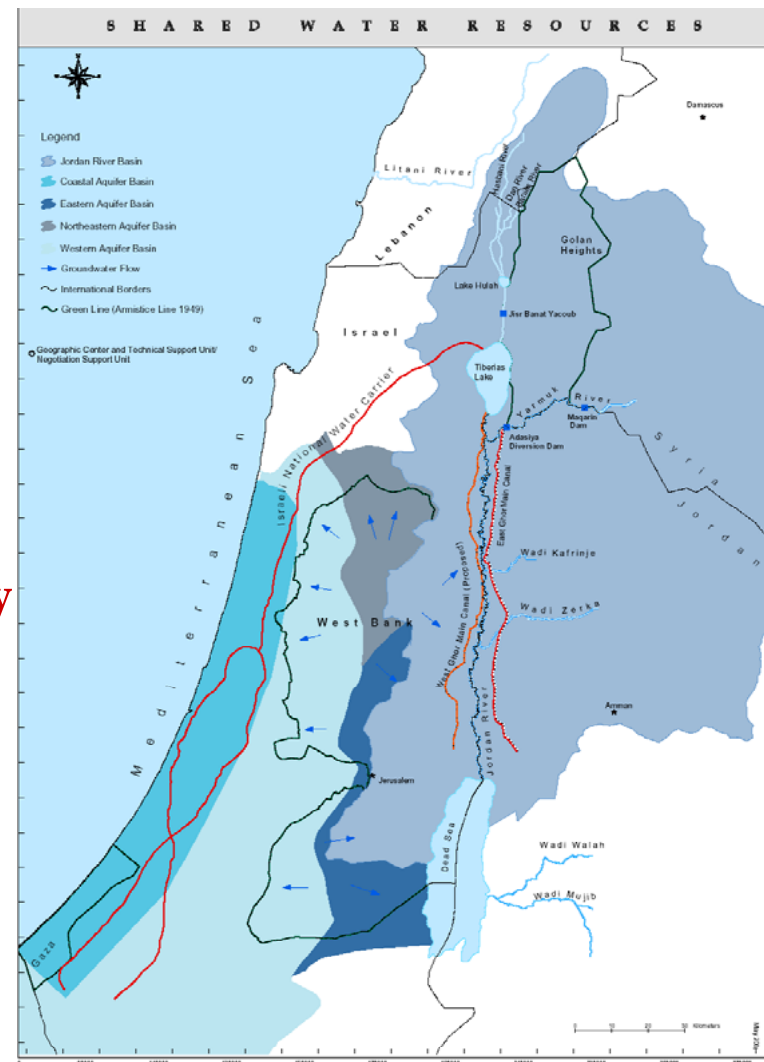
“New water” should not be developed to replace the water which exists currently, and to which Palestine has legitimate rights.

Imposing Solutions !*Caesarea/ Hadera case* :

The obvious and most cost- effective choice is to provide supplies to Israel’s coastal population, rather than pumping such resources more than 1,000 metres vertically to demand centres in the West Bank. This would also satisfy important concerns relating to cost-effectiveness.

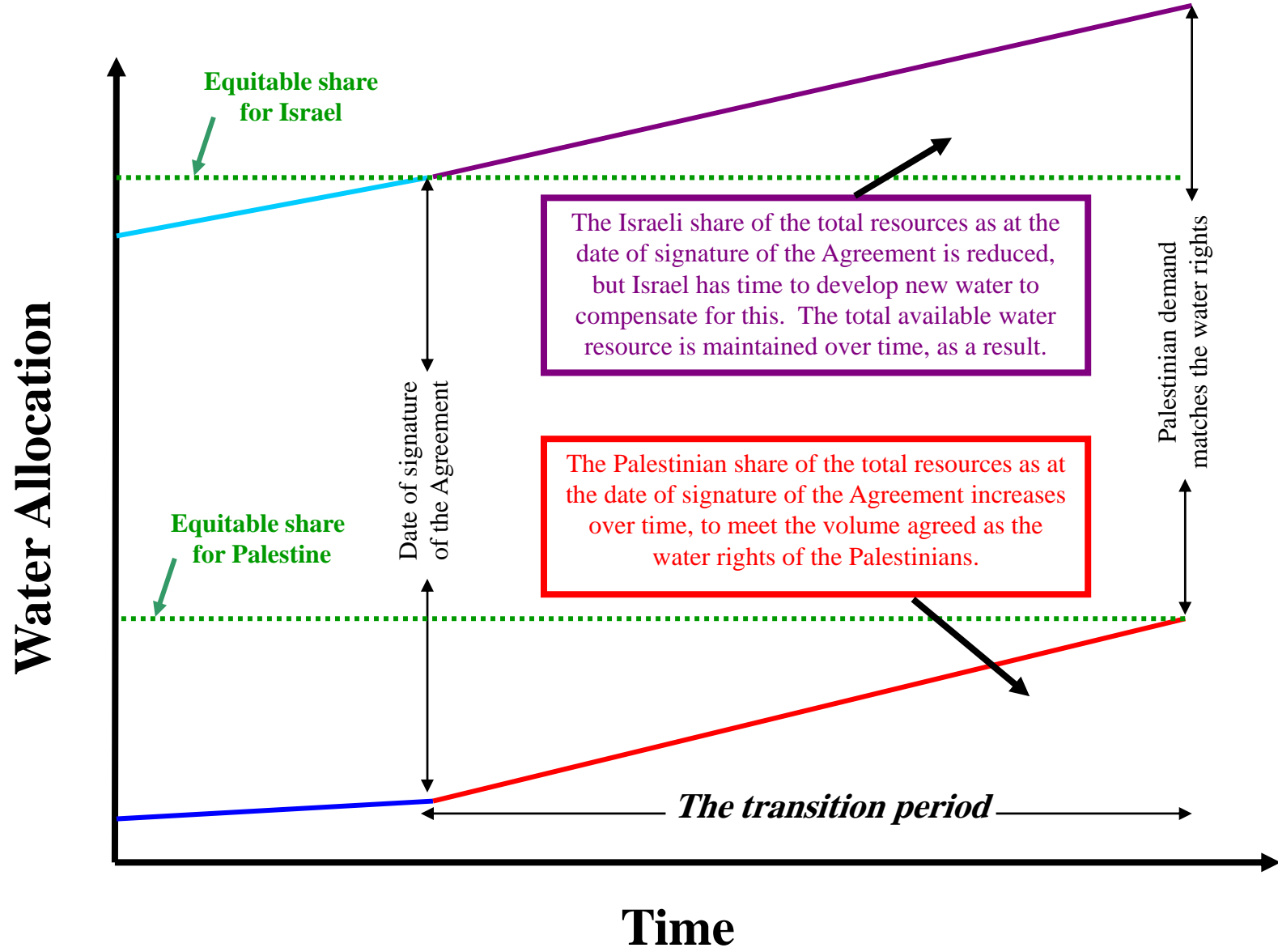
The Palestinian Case on Water

- **The major water resources available to Palestine are:**
 - the Eastern Aquifer Basin;
 - the North-eastern Aquifer Basin;
 - the Western Aquifer Basin;
 - the Gaza Aquifer (part of the Coastal Aquifer Basin);
 - the surface waters of the Jordan River.
- **All of these are shared with Israel. Customary international water law requires that these should be shared by the Parties:**
 - in an equitable and reasonable manner;
 - without creating significant harm to the other Party;
 - with prior notification of works likely to affect the other Party.

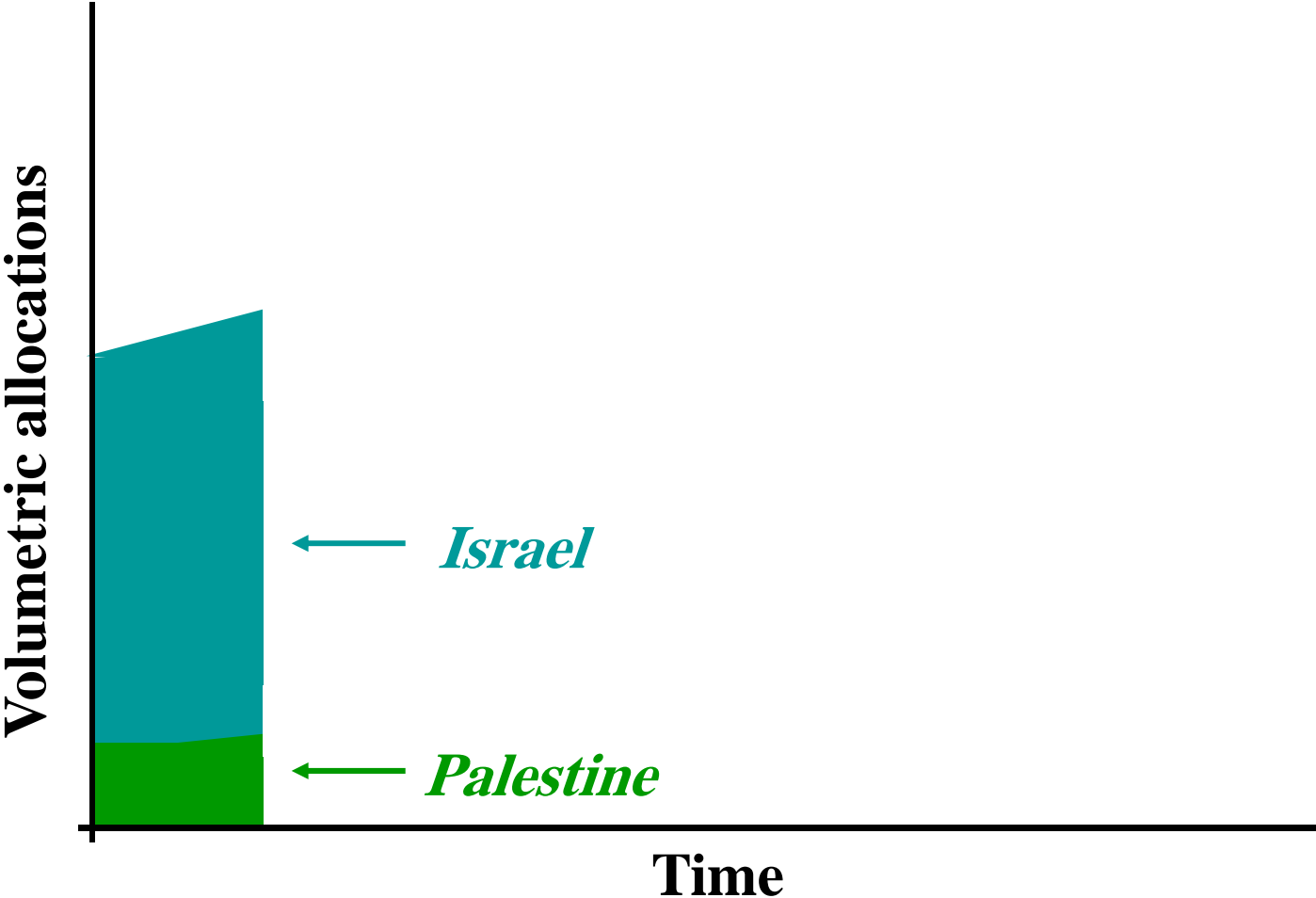


Reallocation and the Transition Period

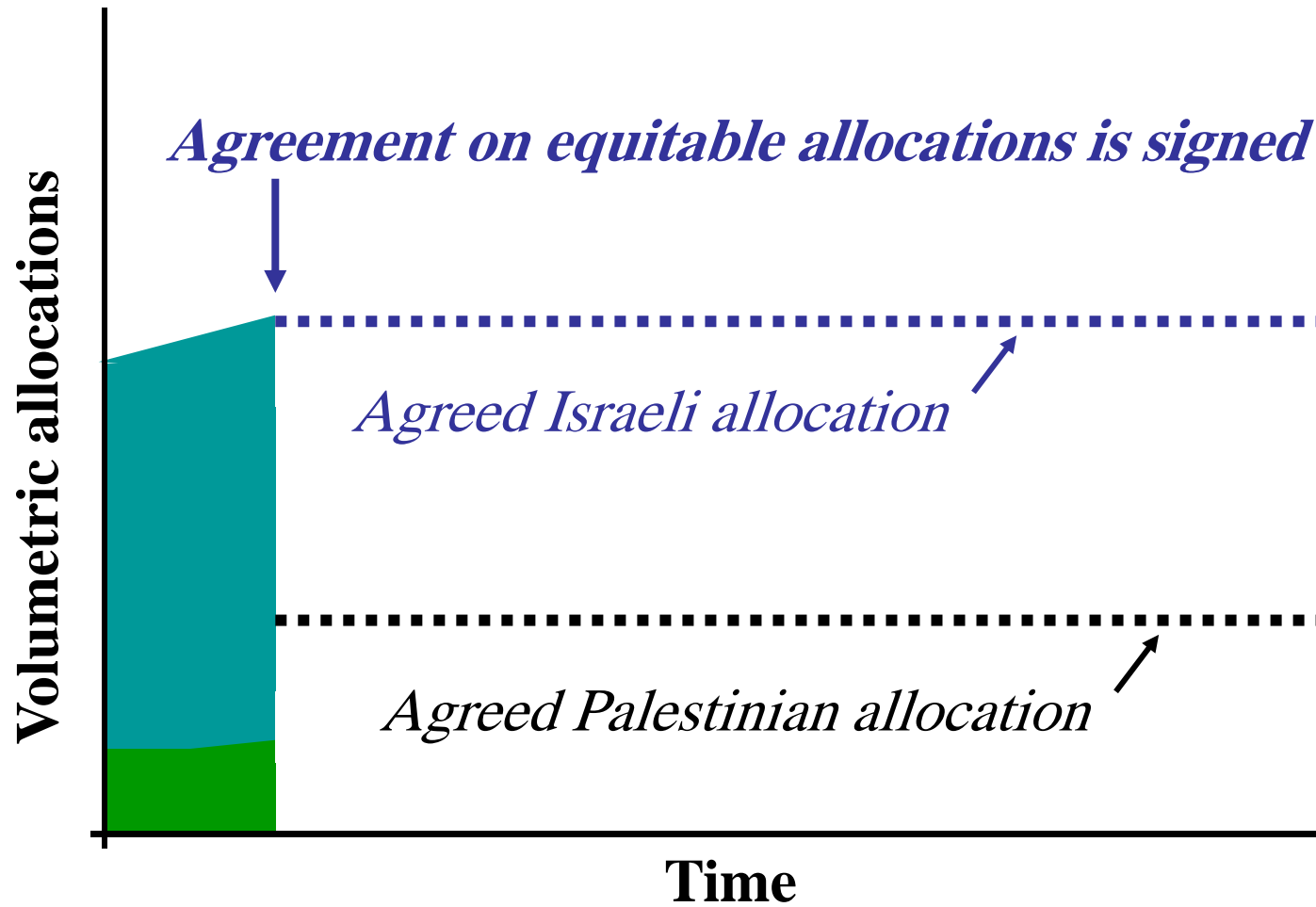
- The signature of an agreement based on equitable and reasonable use will not have immediate effect, for various reasons, e.g.:
 - paucity of infrastructure;
 - rate of return of refugees;
 - repopulation of occupied areas;
 - growth in demand in various sectors.
- A lengthy period will therefore be available for Israel to adjust its development of “new water” to compensate for water ceded to Palestine in the agreement.



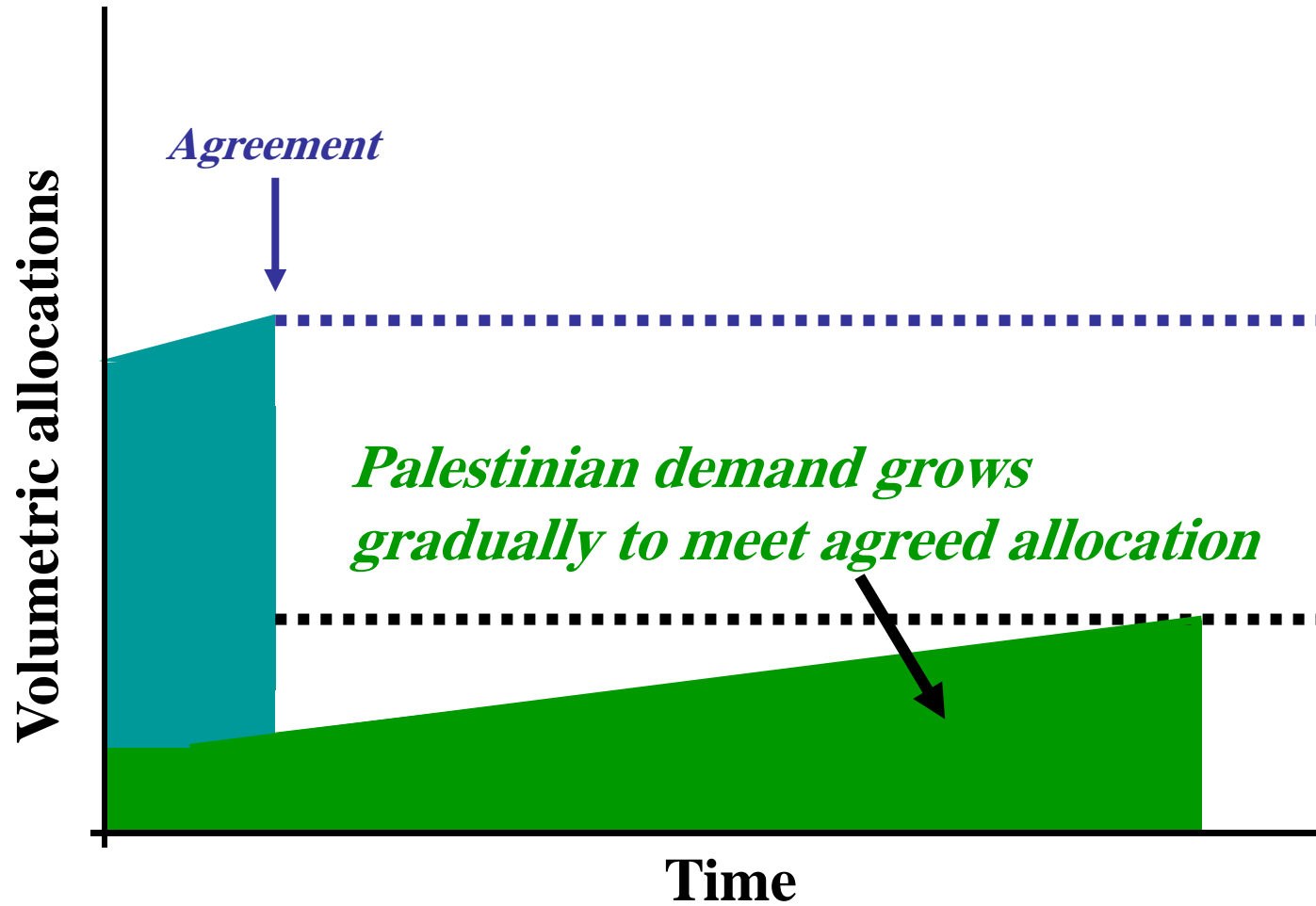
Bilateral Transition: Current Scenario



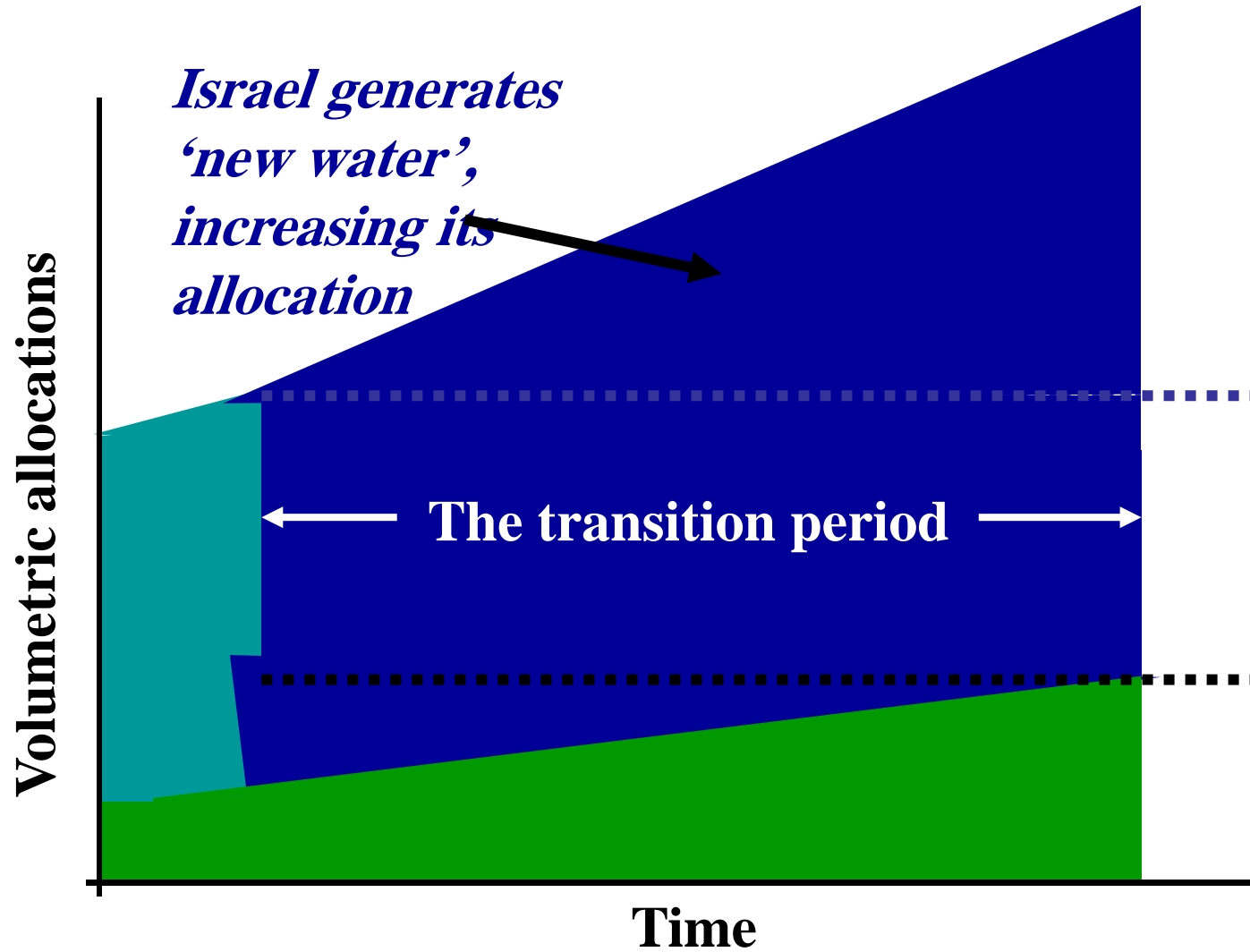
Bilateral Transition: Step 1



Bilateral Transition: Step 2



Bilateral Transition: Step 4



Conclusion

- Water stress is experienced by all countries in the region and more so in the Palestinian Territories.
- The daily per capita allocation of water is highly disproportionate between Israelis and Palestinians whose allowance is far below WHO international standards.
- In the context of water and sewage arrangements, the Oslo Interim agreement has been utilized as a mechanism to impede Palestinian water development.
- The present water distribution is deeply inequitable and unreasonable. An agreement based on Int. Law must be achieved, ideally in the Permanent Status Agreement.
- An equitable reallocation can be achieved without harm to Israel through the mechanism of a reallocation transition period.
- A viable Palestinian State is not possible without reacquiring a rightful share of water.
- A water crisis exists in Gaza that must be addressed without delay.