

# **WATER AGREEMENTS BETWEEN ISRAEL AND ITS NEIGHBORS**

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**UNESCO WORKSHOP  
NEGOTIATING OVER WATER:  
CONFLICTS, RESULTS, TECHNIQUES**

**Israel Center for Negotiations  
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May 25-27, 1997**

## **THE JORDAN - ISRAEL TREATY**

- **A LONG HISTORY OF NEGOTIATIONS: JOHNSTON, HABIB, ARMITAGE, ET AL**
- **A LONG HISTORY OF SECRET DEALINGS, AND WATER DIVERSIONS FROM THE YARMOUK TO JORDAN**
- **A BASIC INTEREST TO FIND AN ACCOMMODATION ON A RANGE OF ISSUES: SECURITY; WATER; ECONOMIC DEVELOPMENT; ENERGY; ENVIRONMENT; MORE**
- **MANY PEOPLE INVOLVED ON THE ISRAELI SIDE**
  - **AMONG THEM: YITZHAK RABIN; ELYAKIM RUBINSTEIN; POLITICIANS; WATER COMMISSIONERS; YAACOV VARDI; NOAH KINARTI; GIDEON ZUR; STEERING COMMITTEE AND SUPPORT STAFF; THE ISRAELI DELEGATION TO THE PEACE TALKS**
- **INTERNAL AND EXTERNAL POLITICS IN BOTH COUNTRIES**
- **THE ROLE OF THE SUPERPOWERS**
- **THE MADRID PROCESS, SINCE 1991**
- **CONSIDERATION OF THE PALESTINIANS**

- **BI-LATERAL (ONE-ON-ONE, DIRECT) NEGOTIATIONS AND MULTI-LATERAL TALKS (BUILDING BRIDGES, BRINGING IN EXTERNAL PARTIES)**
- **THE POTENTIAL MISMATCH BETWEEN THE TWO ARENAS**
- **THE ROLE OF:**
  - **PROFESSIONALS**
  - **INTERMEDIATE-LEVEL POLITICIANS**
  - **HIGH-LEVEL POLITICIANS**
- **NEGOTIATIONS IN WASHINGTON, FIRST WITH THE PALESTINIANS, THEN SEPARATE**
- **THE AGENDA WAS READY BY OCTOBER 1992**
- **LENGTHY DISCUSSIONS OF A SUB-AGENDA FOR WATER-ENERGY-ENVIRONMENT**
- **DURING THESE NEGOTIATIONS, THE FOUNDATIONS FOR THE FINAL AGREEMENT WERE ESTABLISHED**

- **THE DECLARATION OF PRINCIPLES (DOP) WITH THE PALESTINIANS, SIGNED ON SEPTEMBER 13, 1993 IN WASHINGTON, PAVED THE WAY FOR SIGNING THE AGENDA WITH JORDAN, THE FOLLOWING DAY**
- **THE NEGOTIATIONS MOVED TO OUR REGION**
- **THE SUB-AGENDA FOR WATER-ENERGY-ENVIRONMENT WAS SIGNED ON JULY 19, 1994**
- **THE "WASHINGTON DECLARATION" WAS SIGNED BY KING HUSSEIN AND PRIME MINISTER RABIN ON JULY 25, 1994**
- **THE FINAL PHASE WAS "SQUEEZED" INTO A FEW DAYS, NEGOTIATIONS IN JORDAN, IN THE PRESENCE OF CROWN PRINCE HASSAN, KING HUSSEIN AND PRIME MINISTER RABIN**
- **WATER WAS AMONG THE LAST ISSUES TO BE RESOLVED**
- **THE TREATY WAS SIGNED ON OCTOBER 26, 1994, IN THE ARAVA NEAR EILAT**
- **THE JOINT WATER COMMITTEE (JWC) WAS ESTABLISHED SHORTLY THEREAFTER, AND BEGAN REGULAR MEETINGS**

## **WATER AGREEMENT: BACKGROUND**

- **SHORTAGE ON BOTH SIDES**
  
- **JORDAN:**
  - **ACUTE SHORTAGE IN THE CITIES**
  - **CRITICISM AMONG FARMERS IN THE JORDAN VALLEY FOR INSUFFICIENT UTILIZATION OF THE INSTALLED SYSTEMS**
  - **SYRIAN THREAT UPSTREAM ON THE YARMOUK**
  
- **ISRAEL:**
  - **INCREASING URBAN DEMAND**
  - **REDUCTION IN SUPPLY OF POTABLE WATER TO AGRICULTURE**
  - **RECLAIMED WASTEWATER FOR IRRIGATION**
  - **THE LOOMING NEED FOR DESALINATION**
  
- **DIFFERENT BASIC ATTITUDES TO WATER:**
  - **ISRAEL: FROM ZIONIST IDEALISM TO PRAGMATISM**
  - **JORDAN: FROM PAN-ISLAMIC PRINCIPLES TO NATIONAL OBJECTIVES**
  
- **TRAINED PROFESSIONALS ON BOTH SIDES**

- **THE TREATY:**
  - **A PERMANENT SETTLEMENT**
  - **PRAGMATIC (VS IDEOLOGICAL)**
  - **CONSIDERS ALL THE BASICS, BUT DOES NOT TRY TO RESOLVE ALL ISSUES TO THE LAST DETAIL**
  - **"JOINT MANAGEMENT" AS A FORMAT FOR DEALING WITH A DYNAMIC CURRENT SITUATION AND UNCERTAIN FUTURE**
  
- **CONTINUOUS INVOLVEMENT OF PROFESSIONALS**

# **ISRAEL-JORDAN PEACE TREATY**

**OCTOBER 26, 1994**

## **ARTICLE 6 - WATER AND ANNEX II**

- **"... A COMPREHENSIVE SETTLEMENT OF ALL THE WATER PROBLEMS BETWEEN THEM."**
- **"... MUTUALLY RECOGNISE THE RIGHTFUL ALLOCATIONS OF BOTH OF THEM IN THE JORDAN RIVER AND THE YARMOUK RIVER WATERS AND THE ARAVA/ARABA GROUND WATER, IN ACCORDANCE WITH AGREED ACCEPTABLE PRINCIPLES, QUANTITIES AND QUALITY AS SET OUT IN ANNEX II ..."**
- **"THE PARTIES RECOGNISE THAT THEIR WATER RESOURCES ARE NOT SUFFICIENT TO MEET THEIR NEEDS. MORE WATER SHOULD BE SUPPLIED FOR THEIR USE THROUGH VARIOUS METHODS, INCLUDING PROJECTS OF REGIONAL AND INTERNATIONAL COOPERATION"**
- **WATER IS LINKED WITH OTHER ISSUES OF THE TREATY, MAINLY BORDERS**
- **WATER AND BORDERS WERE THE LAST ISSUES TO BE RESOLVED**

- **ARBITRATION IS NOT MENTIONED (IN THE ENTIRE TREATY)**
- **THE ANNEX IS QUITE COMPLEX**
- **THIS ENABLES A BROAD RANGE OF POLITICAL AND PUBLIC INTERPRETATIONS**
- **THE ALLOCATIONS TO JORDAN HAVE BEEN DESCRIBED CONCISELY AS MADE OF THREE PARTS:**
  - **50 MCM/Y IMMEDIATELY, FROM WELL DEFINED SOURCES**
  - **50 MCM/Y FROM SOURCES WHICH HAVE TO BE ELABORATED IN DETAIL AND DEVELOPED THROUGH LARGER PROJECTS**
  - **50 MCM/Y FROM SOURCES WHICH HAVE TO BE FOUND JOINTLY AND DEVELOPED**
- **THE TREATY DEALS WITH "WATER ALLOCATIONS", NO MENTION OF "WATER RIGHTS" OR PREVIOUS "AGREEMENT"**
- **THE UPPER JORDAN AND THE KINNERET ARE NOT MENTIONED**
- **THE PALESTINIANS ARE NOT MENTIONED**
- **THE JOINT WATER COMMITTEE (JWC) HAS A BROAD MANDATE**



- **NORTHERN AND SOUTHERN SUB-COMMITTEES ESTABLISHED**
- **JORDAN BUILT AND OPERATES SYSTEMS WITHIN ISRAEL WHICH SUPPLY WATER TO JORDAN - FROM THE JORDAN RIVER UPSTREAM OF THE DEGANIA GATES**
- **JORDAN PAYS O&M COSTS OF EXISTING FACILITIES AND CAPITAL + O&M COSTS OF NEW ONES**
- **ISRAEL CONTINUES TO OPERATE WELLS IN THE ARAVA WHICH SUPPLY WATER TO ISRAEL, AND CAN REPLACE WELLS WHICH FAIL**
- **"ISRAEL MAY INCREASE THE ABSTRACTION RATE FROM WELLS AND SYSTEMS IN JORDAN BY UP TO (10) MCM/YEAR ... SUBJECT TO THE DETERMINATION BY THE JOINT WATER COMMITTEE THAT THIS UNDERTAKING IS HYDROGEOLOGICALLY FEASIBLE AND DOES NOT HARM EXISTING JORDANIAN USES."**
- **ISRAEL GAVE WATER IN THE NORTH (YARMOUK, JORDAN, DESALINATION OF BRACKISH WATERS AROUND THE KINNERET) AND RECEIVES GROUNDWATER IN THE SOUTH FROM THE JORDANIAN SIDE**

- **JORDAN AND ISRAEL DEVELOP ADDITIONAL WATER JOINTLY FROM THE YARMOUK AND JORDAN RIVERS, AND FROM ADDITIONAL SOURCES IN THAT AREA, MUCH OF IT FOR JORDAN**
- **JORDAN WILL HAVE TO EXPAND CONVEYANCE SYSTEMS FOR THE ADDITIONAL WATER TO THE URBAN AREAS**
- **THERE ARE SUBSTANTIAL WATER LOSSES IN JORDANIAN CITIES**
- **PROTECTION OF WATER QUALITY IN THE LOWER JORDAN - TREATMENT OF WASTEWATER, NO DISPOSAL OF SALINE WATERS OR DESALINATION BRINES**
- **EXCHANGE OF INFORMATION**
- **JOINT RESEARCH AND DEVELOPMENT**
- **WHO PAYS FOR THE WATER SIDE A GIVES SIDE B UNDER THE TREATY, AND HOW MUCH, HAS BEEN ESTABLISHED EXPLICITLY ONLY FOR CERTAIN ELEMENTS. ISRAEL'S POSITION WAS THAT IN ALL OTHER CASES THE CONSUMER MUST PAY THE "FULL" COST (YET TO BE ESTABLISHED)**

# **THE INTERIM AGREEMENT (OSLO II) WITH THE PALESTINIANS**

**SEPTEMBER 18. 1995. 02:00**

- **IDEOLOGY, POLITICS AND SELF-DETERMINATION OBJECTIVES ARE DOMINANT**
  
- **PALESTINIANS:**
  - **A NASCENT ENTITY WITHOUT AN ESTABLISHED TRADITION OF A STATE, AND A STRONG NEED FOR IDENTITY**
  - **INSUFFICIENT CADRE OF PROFESSIONALS**
  - **THE GAZA AND JERICHO AGREEMENTS WERE NOT TOO DIFFICULT**
  - **SEVERE PROBLEMS IN THE GAZA STRIP**
  
- **THE MAIN COMMON/SHARED SOURCE IS THE MOUNTAIN AQUIFER, WHOSE RECHARGE AND EXPLOITATION AREAS UNDERLIES TERRITORIES IN CONTENTION, AND WHICH FLOWS OUTWARD, INTO ISRAEL AND TERRITORIES IN CONTENTION**
  
- **THE SUPPLY SYSTEMS ARE INTERTWINED IN MANY PLACES, WHICH RAISES THE QUESTION OF JOINT OR SEPARATE SUPPLY SYSTEMS**

- **WATER CONSUMPTION AMONG THE PALESTINIANS MUCH LOWER TODAY (35-50 CM/CAP/YEAR) THAN IN ISRAEL (+ 100 MC/CAP/YEAR)**
- **THE AGREEMENT IS ON "WATER AND SEWAGE"**
- **"ON THE BASIS OF GOOD-WILL, BOTH SIDES HAVE REACHED THE FOLLOWING AGREEMENT IN THE SPHERE OF WATER AND SEWAGE:"**
- **PRINCIPLE 1. "ISRAEL RECOGNIZES THE PALESTINIAN WATER RIGHTS IN THE WEST BANK. THESE WILL BE NEGOTIATED IN THE PERMANENT STATUS NEGOTIATIONS AND SETTLED IN THE PERMANENT STATUS AGREEMENT RELATING TO THE VARIOUS WATER RESOURCES."**
- **IMMEDIATE ADDITIONAL WATER TO THE PALESTINIANS:**
  - **28.6 MCM/Y, OF WHICH:**
    - **11.6 MCM/Y FROM SPECIFIC SOURCES, SOME INSIDE ISRAEL**
    - **17 MCM/Y TO HEBRON, BETHLEHEM AND RAMALLAH FROM THE EASTERN AQUIFER OR OTHER AGREED SOURCES IN THE WEST BANK**
  - **ISRAEL IS RESPONSIBLE FOR PARTS, AND AIDS THE PALESTINIANS WITH DATA AND ADVICE AND IN SEEKING FUNDING**

- **"BOTH SIDES AGREED THAT THE FUTURE NEEDS OF THE PALESTINIANS IN THE WEST BANK ARE ESTIMATED TO BE BETWEEN 70 - 80 MCM/YEAR."**
- **"THE REMAINDER OF THE ESTIMATED QUANTITY OF THE PALESTINIAN NEEDS ..... (41.4 - 51.4 MCM/YEAR), SHALL BE DEVELOPED BY THE PALESTINIANS FROM THE EASTERN AQUIFER AND OTHER AGREED SOURCES IN THE WEST BANK. THE PALESTINIANS WILL HAVE THE RIGHT TO UTILIZE THIS AMOUNT FOR THEIR NEEDS (DOMESTIC AND AGRICULTURAL)."**
- **SCHEDULE 7 CONTAINS DATA ON THE THREE PARTS OF THE MOUNTAIN AQUIFER (EASTERN, NORTH-EASTERN, WESTERN): CURRENT EXTRactions, UTILIZATION BY THE TWO PARTIES, POTENTIAL**
- **THE JOINT WATER COMMITTEE (PARAGRAPHS 11 - 15 AND SCHEDULE 5) HAS A BROAD MANDATE; NO EXTERNAL INTERVENTION**
- **A JOINT SUPERVISION AND ENFORCEMENT MECHANISM (PARAGRAPHS 16 - 17 AND SCHEDULE 6), WITH JOINT SUPERVISION AND ENFORCEMENT TEAMS**
- **PROTECTION OF WATER RESOURCES AND SYSTEMS OF BOTH SIDES**

## **NEGOTIATIONS WITH SYRIA**

- **MAIN ISSUES:**
  - **THE UPSTREAM YARMOUK**
  - **SOURCES OF THE JORDAN RIVER**
  - **WATER FROM THE GOLAN HEIGHTS**
- **STILL NO OPEN NEGOTIATIONS**
- **WATER IS ALWAYS MENTIONED AS A CENTRAL AND CRITICAL ISSUE FOR ISRAEL**

## **NEGOTIATIONS WITH LEBANON**

- **NO MAJOR CONFLICTS**
- **OPPORTUNITIES FOR TRANSFER OF WATER FROM LEBANON TO THE OTHER PARTIES**

# **GENERAL ISSUE FOR NEGOTIATING OVER WATER**

- **DIFFERENCES IN WATER CONSUMPTION:**
  - **IS EQUALITY A PRINCIPLE?**
  - **IS EQUALITY A REQUIREMENT?**
- **INCREASING THE GEOGRAPHICAL SPAN OF MANAGEMENT HAS A POTENTIALLY BENEFICIAL EFFECT ON "RATIONAL MANAGEMENT"**
- **IT MAY ALSO INCREASE THE "COST OF MANAGEMENT", DUE TO (OVER) CENTRALIZATION**
- **THE ROLE OF WATER PROFESSIONALS**
- **MARKET FORCES AND MECHANISMS**
- **"IDEAL" / "THEORETICAL" SOLUTIONS AS A "BEACON"**
- **MARKET MODELS AS A COMPONENT IN THE NEGOTIATIONS PROCESS**
- **"COMMON RESOURCE" OR "SHARED RESOURCE": THE SIDES AGREED THAT EACH HAS A "PART" OR "INTEREST" IN IT**

- **"COORDINATED MANAGEMENT": EACH OWNS AND MANAGES ITS PART, IN COOPERATION AND/OR COORDINATION WITH THE OTHER (AS AGREED)**
- **"JOINT MANAGEMENT": BOTH OWN JOINTLY THE RESOURCE, AND MANAGE IT TOGETHER (ONE HOUSE OWNED TOGETHER, TWO APARTMENTS)**
- **DEALING WITH HYDROLOGICAL VARIABILITY:**
  - **WITH JORDAN:**
    - **ON THE YARMOUK: ISRAEL GETS ITS ALLOCATION, WITH PRIORITY, JORDAN CAN TAKE ALL THE REST**
    - **ON THE JORDAN: JORDAN GETS ITS ALLOCATIONS, WHILE ISRAEL MAINTAINS ITS USES**
  - **WITH THE PALESTINIANS:**
    - **THE JWC ADJUSTS ALLOCATIONS ACCORDING TO THE HYDROLOGICAL CONDITIONS**