

Commentary

Response to commentary by Uri Shamir in Vol 26:1, February 2002

Munther J. Haddadin

In its February 2002 issue (Vol 26:1), the *Natural Resources Forum* carried a commentary by Professor Uri Shamir¹ about my book, *Diplomacy on the Jordan*. I was pleased with the coverage Professor Shamir managed to make given the limitation of space. I have only three points to respond to, and before I do, I want to thank Professor Shamir for his valuable comments, and for the many kind remarks he made about the book and the issues I addressed in it. I want to assure him that my references are all authentic and listed in the appropriate places, and that my account of the bilateral negotiations are as accurate as can be. Shamir's remarks about the negotiations as documented in my book are impressive given his late arrival to the bilateral negotiations, and his absence from the crucial parts of those negotiations conducted between July and October, 1994. As I recall, Professor Shamir was not among the members of the Israeli delegation to the Multilateral Working Group on Water Resources that started talks in Moscow in January 1992, which were stalled in 1995 and never terminated. Those multilateral talks, as their objective stated, were not meant to resolve disputes, but were meant to enhance the environment of the bilaterals, and were, in fact, ineffective and almost unproductive.

I also want to fully agree with Professor Shamir's comments about the quality of the maps and diagrams in the book; some were hardly legible, and one lacked a legend. But that was not of the author's own making.

The first point I want to respond to is Shamir's allusion to "some inaccurate references to specific items in the agreement." He cited what he thought was an error the author made when he stated in the book that Israel, under the bilateral agreement, is entitled to develop 10 mcm/year from groundwater in Wadi Araba. Shamir contests that statement and quotes the Treaty that says, "... From wells and systems in Jordan", not merely in Wadi Araba as the author stated.

The author is Special Counselor to Prince El Hassan Bin Talal, the Hashemite Kingdom of Jordan.

¹ Prof. Shamir is Director of the Stephen and Nancy Grand Water Research Institute at the Technion (Israel Institute of Technology), Haifa, Israel.

Professor Shamir, a professional I have known as student of accuracy, fell victim to an oversight. The phrase he quoted from the Treaty (Annex II, item 3 of Article IV) is correct and it does say "... wells and systems in Jordan." What escaped Professor Shamir is the heading of the entire Article IV, and I quote, "Ground Water in Wadi Araba/Emek Ha'Arava" and the three items under it address just that. Item 3, therefore, addresses the ground water in Wadi Araba as the author has, correctly and not conveniently, stated in the book. The wording in that item spoke of water wells and systems in Jordan because the fact is that Israel had drilled those wells in Jordanian territories and built the collection and conveyance systems from those wells to farms in the border areas and another inside Jordanian territories. Israel did that when she was an occupying power in these Wadi Araba territories of Jordan at various times since 1952 and until she withdrew in 1995. There were farms dependent on the waters that Israel had been extracting from Jordanian territories she had to withdraw from, and that water flow should be maintained to sustain life in the farms dependent on it. Jordan, however, got an equivalent annual amount, 10 mcm, of fresh water from Israel in the North Jordan Valley where Jordan needs water most. Items 1 and 2 of the same article refer explicitly to those Jordanian areas and wells as does item 3 when it says: "*Israel may increase the abstraction rate from wells and systems in Jordan by up to 10 mcm/year.*" It refers to the existing wells drilled at the time of occupation. Professor Shamir has to trust me when I say that the Israeli negotiator and the one Jordanian negotiator had difficulties in wording that part of the Treaty because the water negotiator of Israel wanted to keep those "wells and systems" as part of the Israeli territories, and the Jordanian negotiator adamantly refused to consider that unthinkable option, (Thursday, 13 October 1994), and the negotiations collapsed for a short while.

The second point is Shamir's distinction between Lake Tiberias and "the Jordan River immediately upstream from the Degania gates on the River." This distinction is "technical" in nature because what is addressed here is the water to be pumped to Jordan, and not the reservoir territories.

That water, as both Professor Shamir and the author know, is Jordan River water that enters Lake Tiberias/Kenneret/Sea of Galilee. That water used to exit from the lake at its southern shore near Degania throughout its history until that regime of the river was interrupted in 1964 when Israel built the Degania gates across the Jordan about 100 metres or so after it exits the lake. The lake became a reservoir that Israel uses to regulate the Jordan and to abstract from that reservoir (the lake) water pumped to Israel's National Water Carrier at Tabgha on the northwest shore of the reservoir (lake), and to the Biesan/Beit Shean Valley and the Yarmouk Triangle/Jordan Valley through a separate pumping station built on the southern shore of the reservoir (lake) "immediately upstream from the Degania gates." That expression of "immediately upstream of the Degania gates" is chosen to make sure that the water to Jordan will come from the reservoir (lake) and not from any point downstream of the Degania gates (the dam) where the Jordan River water is heavily polluted. Water is pumped from the reservoir (lake) to those areas inside Israel, and to Jordan via the Israeli conveyor to the Yarmouk Triangle, by the same pumping station that is located "immediately upstream from the Degania gates", and pumps water from the reservoir (lake). What Jordan wanted in the negotiations at the time was the water, and not the territory of the lake, and she got it.

The author is aware of the sensitivities Israel has harboured against any Arab use of Lake Tiberias since the subject came up in 1953. He stated that in the book in more than one occasion. The use of the lake as a reservoir common to Arabs and Israelis was an American idea, carried to them by the American team headed by Eric Johnston, but neither the Israelis nor the Arabs felt comfortable with that idea at the time. It is because of that sensitivity that the Jordanian negotiator cared less about the explicit mention of Lake Tiberias in the Treaty, but was careful to forge an agreement by which Jordan would benefit from Lake Tiberias reservoir. Professor Shamir may recall that the issue of access to that reservoir by any Arab party, and the Israeli sensitivity towards that, was one of the stumbling blocks in the way of an agreement between Israel and Syria, and one reason why the Summit between President Clinton and the late president Assad of Syria fell through in the year 2000.

The third point is Shamir's reference to Haddadin (the author) succeeding in getting additional water concessions

from Minister of Infrastructure, General Ariel Sharon, and Israel's Water Commissioner, Mr. Meir Ben Meir, beyond what is in the Treaty. Here again, Shamir was the victim of an oversight. The 'additional water' is not, repeat, not over and above what the Treaty stipulates, as Shamir wrongly thought. It is rather the subject of Article I, item 3 of Annex II to the Treaty with the heading: "Additional Water". Its amount is 50 mcm of drinkable quality. The reason it was termed 'additional water' was because such a quantity was in addition to the previous amounts stipulated for Jordan from the Yarmouk (Article I, item 1) and from the Jordan River "immediately upstream of the Degania gates" (Article I, item 2.) Also, that amount was over and above what was stipulated to the East Bank of Jordan under the final Johnston's Unified Plan that was approved by the Arab Technical Committee in September 1955. As such, it was without a specified source in the Treaty. Haddadin attempted to specify Tiberias reservoir/lake, and the Israeli counterpart refused that in October 1994. The Treaty speaks of cooperation between the two parties to make available to Jordan that amount of *additional water*. What Haddadin and Sharon agreed to in 1997 was to deliver to Jordan half of that amount (i.e., 25 mcm/year) from Tiberias reservoir until a desalination plant is installed and made operational at which time it would supply Jordan with 60 mcm/yr being the total of the above 50 mcm of additional water (item 1.3), and the 10 mcm in compensation for the Israeli withdrawal from Wadi Araba. Jordan will continue to draw 20 mcm from Lake Tiberias every summer.

Two other minor errors occurred in Shamir's comments. The first is the Peace Treaty between Jordan and Israel was signed in October 1994, not 1995; and the agreement concluded between Haddadin on the one part, and General Sharon and Meir Ben Meir on the other was on March 10, 1998 and not May 10, 1998. A copy of Sharon's letter of August 28, 1997 to Jordan that Shamir requested to be published is in the possession of the author but is not yet cleared for publication. Finally, I want to assure Professor Shamir that my own records of the bilateral negotiations are authentic, clear and legible.

The above oversights do not in any way diminish the value of Professor Shamir's review of, and comments about the book. I feel obliged to him and cannot but admire his abilities, discipline and usual accuracy.