



CEMOFPSC

Centro de Estudios de Oriente Medio  
Fundación Promoción Social de la Cultura

CEMOFPSC SEMINAR

Women's participation in water access and management:

"The case of Palestine"



## Water for a viable independent Palestinian State

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**FUAD BATEH**

**Former Adviser on Environment & Water to Palestine**

First of all let me begin by thanking the Foundation for inviting us to speak here today. It is a marvelous panel of speakers and I think it is a very important topic and I want to take that opportunity in saying that I'd like to stress in the beginning how important these information sessions are and communication is because it is the foundation for advocacy. And through advocacy we hope to see policy change and then policy change leads to tangible impacts on the ground that actually help people. I'm going to try to give you some examples where communication has led to tangible impacts on the ground.

Let me begin with my presentation which really takes more a look at the water situation from a political light because from my perspective it is first and foremost a political issue. Now as part of my biography and background, I worked for two years at the Palestinian Negotiation Team. In fact, I worked at a time when the Palestinian Negotiation Team was at the negotiation table with Israel and on the news including the issue of war, and to reinforce a message that we at the Palestinian Negotiation Team who works specifically on water try to not only communicate to the international community but even to the Palestinian leadership. If you look across all the permanent status issues, refugees, Jerusalem, etcetera, and you get all those permanent status issues right and you fail to actually get the water question right, there is no possibility of a viable Palestinian State, none. So water is existential to Palestinian State. That is why the presentation here is called Water for a Viable Independent Palestinian State.



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If we look at this diagram and some of this is going to be duplicative of what my colleague said. The water, groundwater and surface water all of our water resources, 100% are shared with Israel. They are all trans boundary, now, actually Israel is fortunate because it does have additional sources of water that it can benefit from, groundwater and otherwise. Plus Israel is incredibly well advanced, maybe one of the world's leaders in developing non conventional resources. Palestine has not been able to develop its water resources conventional or non conventional because the political context in which it is compelled to work in. Of all shared water resources, Israel utilizes approximately 90%, but the remaining 10% used by Palestine, Israel controls in different ways if you look at the West bank or if you look into the Gaza strip and we will go into that later.

I made the argument at the outset about to have a viable Palestinian state and the two state solutions which is broadly supported by the international community mainly because they have no alternative. But to be viable our argument has always been Palestine must attain its equitable and reasonable share of fresh water. That is the standard of not only customary international law but also UN conventional law. What does equitable and reasonable mean? We can say that 90% of it being used by Israel is neither equitable nor reasonable. If we just look at the population numbers we would assume that Palestine would be able to utilize at least some more in the order 37-38% of the water resource, not 10%. So any solution has to be fair and equitable and that means a political solution not just a technical solution. Many people will tell you a technical solution is possible here, and I tell you that the developing context of Palestine with its economy doesn't allow for only technical solutions. If suddenly the international community gave us a ten year package of 38-40 billion dollars like the US's military aid package to Israel just approved in the fall, perhaps with 40 billion dollars over 10 years I could solve the water situation for that period of time.

But actually to maintain that infrastructure creates and needs money. What you need is cheap water and the cheap water exists, it is right beneath your feet but you can't actually access it because you don't have the right as a Palestinian or as the Government to drill a single well or rehabilitate an existing well without the permission of Israel.

This control over shared water resources goes back to even before 1967 when you had the beginning of the occupied territories. It starts when the national water carrier which you heard earlier diverted the water resources from the Jordan River basin away along the coastline of Israel and down into the Negev desert. So, basically they tapped the source at the outset and allowed no water to go through, but it doesn't matter that no water goes through from the Palestinian perspective because Israel made a security military zone of the whole Jordan River so that the Palestinians couldn't actually access the river. What happened, interestingly, with



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the Oslo Agreement is that there was a shift in the institutional structure because the Oslo Agreement which was meant to be for a 5 year period created a committee which looks kind of reasonable on the outset. I assure you as a lawyer, that when you look into this document, it is not fair or reasonable because what you have is a situation which exists nowhere in the world on a shared body of water. Both parties by consensus take decisions on what happens with the development of water resources in the Palestinian territory by consensus, which means Israel has a *de facto* veto over any project and any allocation in the West Bank.

Palestinians, in contrast, have no decision authority over what happens on that same shared water resources in Israel. So, for example, in one year when there was a water crisis in Israel, the Israeli water authority took a decision to actually drill a huge number of additional wells, which in one year were able to generate for Israel an additional 70 million cubic liters of water. I don't know how closely you looked at those numbers that were put up before but I mean current production of water in the West Bank is probably about 110 to 115 mcm total. So when you talk about it in one year they increased by 70 million liters, you have no idea what that would mean to the average Palestinian.

Gaza is a different situation and much worse, by the way. We heard about examples and we will hear examples about poor quality in the West Bank and different communities and how they sort of try to address it. 96% of the water in Gaza fails WHO standards, 96%. We are not talking about the ordinary crisis that happens globally in emergency situations. We are talking about an existential threat to the existence of the population in Gaza such that the UN has said by 2020 Gaza really shouldn't be habitable. It will be habitable because there's no place to go. This is the world's largest open air prison, and, because they are contained there, they would drink water which would lead to health issues. We are seeing a massive rise over 25% of the health issues in Gaza are related to water, but there is environmental impacts that go beyond that, there is the education impacts. This seems to impact the overall economy. So this difference of control is not done by institutional arrangement of the joint water committee, this happens through the closure regime around Gaza which impacts all materials that get into Gaza.

We can talk about the numbers and the disparity of Palestinian consumption versus Israeli settlement consumption, and some places this disparity is far greater than four times the Israeli consumption beyond Palestinians or it is seven or eight times for the average settler. If you talk about the 10,000 settlers who have access to over 40 and probably more closer to 50 million cubic meters, we are talking about the average availability is something like 10 to 11 thousand cubic liters, per person per day. If you just took those ten thousand people out of the Jordan Valley and returned that water resource to the Palestinian population, the Palestinian



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government would absolutely over night not need to be buying water from Israel for the West Bank. And most of the communities in the West Bank, Ramallah, the capital is 100% dependant on water from the Israeli national water company. So you can see how this dependency creates mechanisms of a control that go far beyond.

I want to jump back quickly to communication because there was a lot of effort put forward in 2009 in 2010 on communicating. There is the Amnesty International Report which is actually referenced in the working document. There was the World Bank Report in 2009. If anyone hasn't read this and is interested in the water context in Palestine, this is an amazing source that is still relevant today. Let me tell you, after the World Bank published this report to the objection of Israel and Israel did everything in its power for trying to stop it from being released in Washington DC., I remember US congressmen calling the World Bank, raising the issue why are you releasing this report. When it came out, it changed the narrative, because the former narrative of Israel was "it's not that we don't give Palestinians water or they don't have water, it's just they are so poor at managing their own water resources." This documented delays of projects of over decades that had been waiting for Israeli approval or permits to go forward, and let me tell you within the two weeks after this report, the Civil Administration who is responsible for permits in area C, -60% of the West Bank-, issued over 20 permits to pending projects that had been delayed for years. So policy, advocacy, communication can lead to impact.

I want an objective out of every session and my objective out of this Seminar is you are going to have in the next panel Leo Heller speaking, UN Special Rapporteur to the Human Right of Water and, under his mandate when invited by a government, he can come and do a special report on the situation of water in there. His predecessor Katherine de Albuquerque, a Portuguese lawyer, has already been to Egypt and Jordan. Palestinians talked to that office to ask for a report but Palestinians never put a formal request across. So now I'm actually speaking directly to the representatives from the Embassy, as representatives of the Ministry of Foreign Affairs: if you put a request to the Special Rapporteur to come to Palestine and do a special report, we get another one of these. Something you can use for advocacy, something you can drive policy and changes from, something by which we can get impacts on the ground. I can't stress that enough from my own experience.

The last thing is focusing on gender. My own experience in the Palestinian Water Authority, -I worked there for two years-, is there are no women in any positions of power in the Palestine Water Authority and if you ask them at the higher levels they will say "this is a luxury of the developed world". Frankly, we are in a crisis all the time and we are in emergency, and I don't think that's a satisfactory answer,



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and now I'm speaking to AECID and the Spanish Government directly. If you want to see change, you have to demand it and most of my experience with dealing with donors -and I used to hold the portfolio dealing with donors- is they're so wanting to support the Palestinian context that a lot of their own principles they'll derogate from because they buy the emergency crisis argument. But, if you don't hold accountable your own donors' money to get voice, and frankly, it's not just about professional participation of women in the water sector, by the way, globally that's only 17%, but it's about communication to the end users, 70% of the end users are women. I don't just want to empower them economically, which I don't want to diminish the importance, but it is political power, it is giving them a voice that compels accountability and a voice that they can take out to the international community to change the political dynamics which means compelling Israel to change its practices.