

# WATER: ISRAELI STRATEGY, IMPLICATIONS FOR PEACE AND THE VIABILITY OF PALESTINE

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## **FROM HAARETZ, JUNE 21, 1999:**

"A total of 40,000 people living in Katna and six neighboring villages between Ramallah and Jerusalem are living on the extreme edge of a most precarious water supply. The high areas have almost no running water, while the other neighborhoods get running water between 3 and 4 days a week only. As a result, the Civil Administration has enforced severe rationing. Laundry is done once a fortnight, and people can only shower once or twice a week. Several children have fainted from dehydration. The wells have almost run dry . . .

A few kilometers away . . . the residents of the Har Adar suburb of Jerusalem and kibbutz Ma'aleh Hahamisha frolic in their swimming pools. The neighboring Jewish settlements of Givat Ze'ev, Givon and the nearby Jerusalem neighborhood of Ramot also feel no effects from last winter's drought, and turning on the tap is merely a routine daily activity.

The thirsty residents of Katna are well aware of the conditions that exist just a few miles down the road, while they have to pay black-market prices for extra water supplies brought in on vans and trucks. The Palestinians are also well aware of the fact that they receive only 20 percent of the annual output of the Palestinian mountain aquifer [that underlies the West Bank]; the rest is pumped by Mekorot ( the [Israeli] national water monopoly) to Jewish settlements on both sides of the Green Line.

A recent study by the World Bank shows that the Palestinians are the most thrifty consumers of water in the Middle East, but even they cannot increase the supply by striking a rock."

## **NATURE OF THE REGION'S WATER RESOURCES**

There are several reasons why some residents of the Middle East feel hopeless. The loss of their historic water supplies is one fundamental cause, the greater Jordan River basin being the scene of greatest despair. The area comprising Palestine, Israel, Jordan and adjacent portions of Syria and Lebanon has always struggled with water shortages. Wells, springs and surface flows have long been tapped to

supply irrigation and village demands in the more rugged areas and cities and agriculture in the valleys and coastal areas. A moderate amount of Jordan River water flowed unused to the Dead Sea and a small quantity of groundwater was lost to the Mediterranean. Regional analyses in the 1930s through the 1950s found there would be severe water shortages without regional population control. In 1953, the United States offered the Johnston Plan for allocating the Jordan River water as part of

addressing the larger issues of partition. It was evident that further immigration would aggravate the situation. Indeed, persistent shortages commenced in the early 1970s.

In excess of 90 percent of all natural flow in the Jordan River system originates from Mount Hermon, lying within Lebanon and Syria. The Jordan River basin is an international resource for five countries: Syria, Jordan, Lebanon, Israel and the West Bank occupied territories. Palestine's Coastal Aquifers serve Israel and Gaza. The Mountain Aquifer of Palestine, with a portion of its Western and all of its Eastern sub-units lying under the West Bank occupied lands, also serves two countries. The Western sub-unit serves Israel, the West Bank and Gaza. The Eastern sub-unit, by far the largest, had numerous springs – before current over-pumping – contributing to the Jordan River. By their nature, all of the water resources of historical Palestine except northern portions of the Coastal Aquifer are international waters. Those aquifers within a basin are part of that basin's resources. Israel also has sole access to the extensive aquifer underlying the Negev, holding a volume of water equal to 120 to 250 years' safe yield of the Mountain Aquifer. And Israel has ready access to the Mediterranean for desalination plants to serve its urban centers. [The *National Geographic Magazine*, Vol. 202, No. 4, October 2002, presents more current data on the Israeli/Palestinian water situation.]

## **PRINCIPLES FOR ALLOCATING INTERNATIONAL WATER**

The vast majority of nations have devised equitable arrangements to share common water resources. Both the adopted Helsinki Rules and the U.N.

International Law Commission (ILC) Convention on the Law of the Non-navigable Uses of International Waters confirm the principles of equity of use, recognition of prior uses, an obligation to not cause significant harm to other basin states and a prohibition on exporting from the basin without resolution of the concerns and needs of all riparian countries. Conflicts should be submitted to the U.N. International Court of Justice (ICJ). The Geneva Convention of 1949 prohibits the taking of resources by occupying powers. The General Assembly, in its 1962 resolution 1803 (XVII), prohibits the violation of the rights of peoples to sovereignty over their natural resources. A consistent pattern of violations will become evident in the following discussion.

## **IT'S WATER MORE THAN LAND**

An unbroken thread in the Middle East saga is the acquisition of water. A nation's viability in this climate depends on the adequacy of its water supply. Sovereignty over water in the Middle East climate constitutes sovereignty over land, over the economy, over the life and the future of the area's inhabitants. One can examine maps locating the areas where societies have a sound economy, a sustainable environment and a well-provided-for people and those areas that do not. Referring to the above *Haaretz* article, one can compare resource availability and general conditions within Israel with the resource availability and general conditions imposed upon the Palestinians in the occupied lands.

The water strategy of those promoting the formation of Israel and its subsequent governments created the current situation affecting the Jordan River riparians, and it structures the Israeli negotiating positions.

In 1919, two years after the Balfour Declaration, Chaim Weizmann wrote to British Prime Minister David Lloyd George:

The whole economic future of Palestine is dependent upon its water supply for irrigation and for electric power, and the water supply must mainly be derived from the slopes of Mount Hermon, from the headwaters of the Jordan and from the Litani river . . . . [We] consider it essential that the northern frontier of Palestine should include the valley of the Litani, for a distance of about 25 miles above the bend, and the western and southern slopes of Mount Hermon . . . .<sup>1</sup>

In 1922, the British unilaterally altered portions of the international boundaries for the British Mandate in partial response to this request.

The formulation of the 1947 U.N. Partition boundaries reflected in U.N. Resolution 181 that were adopted to formalize the changes of 24 years earlier, the subsequent acquisition of lands by military action, and the construction of settlements on the occupied Palestinian and Syrian lands served the purpose of securing access to all water resources of the immediate region.

Eighty years after the 1919 letter, the Israeli Water Commission issued a statement on the rights of the Palestinians to the region's water.<sup>2</sup> "The principles of the international law do not apply to the Palestinian case because they have no state." Thus Israel confirms that its obstruction of Palestinian statehood has been a fundamental element of its water strategy.

## ISRAELI WATER-RELATED DEMANDS FOR PEACE

Israel has not negotiated a peace agreement with Syria because of the fundamental water issues in the taking of the Golan Heights. Professor Hillel Frisch, senior research fellow at the Israeli Begin-Sadat Center for Strategic Studies, has written on the subject. After disputing the wisdom of addressing Palestinian claims, Prof. Frisch stated in a Conference report (2000) sponsored by BESA that: "The present article assumes that Israel must continue to regard water as a resource that not only provides sustenance of life itself, but also enhances the State's political and strategic power – water seems to provide one more reason not to make peace with Syria."<sup>3</sup>

Syria is also a riparian to the Euphrates River. However, Turkey's massive water-development project diverts a majority of the historic Euphrates flow. Syria as well as Iraq, the third riparian to the Euphrates, have lost significant supplies to their long-established irrigation and urban uses from this source and for future development of their basin lands and cities. Iraq, though not a riparian to the Jordan River, also suffers from reduced historic flows on the Tigris, as Turkey's development of this basin's water has greatly increased its consumption. There is no basin agreement on either the Euphrates or the Tigris basins, and the tensions long evident over the water have increased.

A quasi water agreement has been negotiated between Israel and Jordan, but it remains unfulfilled by Israel. Israel has not provided the water nor prevented polluting salt inflows to the river. Though accepted originally as part of the Johnston Plan, the construction of the agreed-upon

reservoir for Jordan has successfully been prevented by Israel. Jordan's very limited groundwater is vastly over-pumped. The sea lies far from its main urban concentrations. Within the entire Middle East, Jordan's per-capita water shortage is second only to that of the West Bank and Gaza. Israel is now disputing Lebanon's action to commence use of water in one of Lebanon's tributaries to the Jordan River. The remainder of this paper will focus primarily on the water issues of Palestine, since that is the cause of the broader conflict in the Middle East and beyond.

Prime Minister Ariel Sharon's water-related conditions for allowing Palestinian statehood would assure its demise. He demands sovereignty over all of Palestine's water resources and the right to regulate Palestine's extraction and use of its underlying groundwater, and to continue to expropriate Gaza and West Bank groundwater for irrigation and domestic use within Israel. He will agree to a Palestinian state on the West Bank and Gaza amounting to only 42 percent of the occupied lands not already made a part of Israel. [This will amount to only 9.2 percent of historical Palestine.] The lands would be parcels isolated by the numerous holdings, settlements and key highways across the West Bank that would remain under Israeli sovereignty, precluding sound water-resources management. Israel would retain control over the primary infrastructure – water, communications and electrical power. Syria's Golan Heights would remain under Israel's control.<sup>4</sup> Israel's acquisition of water and its present holdings would not be subject to arbitration or future submission to any entity for adjudication. Barak's December 2000 offer contained the same demands except yielding slightly more

area. Both violate the Madrid and Oslo agreements and numerous international instruments.

No nation is viable with such loss of sovereignty, resources and control of its destiny. Yet there has been little international reaction to the water aspects of the Israeli proposals. This prevails while Prime Minister Sharon actively (2001) recruits another million Russian immigrants that will further overload the region's water supplies.<sup>5</sup>

Official positions that expropriate water resources through territorial acquisition are not new. Foreign Minister Yitzhak Shamir stated to *The New York Times*, July 8, 1981,

Camp David (under President Carter's administration) left no doubt that Israel would accept no autonomy agreement that would put a stop to new Israel settlements in 'the territories'. . . . We are against another Arab state and against Palestinian Arab self-determination, because the Palestinian Arabs already have their state, which is Jordan. The Palestinian movement, in time, will disappear. There is no other possibility.

Jordan was already in a water crisis.

## CONDITIONS TODAY

Today (2003) 3 million Palestinians and 6 million Israelis live in historical Palestine. Israel has sovereignty over 78 percent of the area, leaving the Palestinians with unresolved status on the remaining 22 percent. Israel has taken physical control over essentially all water facilities serving the Palestinians. It utilizes 2 billion cubic meters per year plus the recovered water to which it has sole access – about 95 percent of historical Palestine's water, the

majority for irrigation, and allows the Palestinians the remainder. (The percent of historical Palestine's water afforded the occupied territories is even less if Israeli's seldom-mentioned substantial Negev Desert groundwater reserve were included in the calculation.)

The U.N. reports that a Palestinian of the West Bank and the Gaza Strip consumes less than one-half the quantity of water for domestic use as a Jewish inhabitant of a

settlement in the occupied territories. Ample additional water is provided for the settlers' irrigation. Israel allows the Palestinians the least amount of water for all uses of any people in the Middle East, though a substantial quantity of groundwater lies under their own lands.

#### U.N. RESOLUTION 181, 1947

Water rights and related issues are directly linked to land ownership and land use. As background to the water strategy and the provisions of an equitable peace settlement, it should be noted that the Palestine dispute in 1947 arose over the concept and configuration of a partitioned Palestine under U.N. Resolution 181. The Palestinian Arabs had lived on these lands for the prior 1,300 years.<sup>6</sup> Even with immigration during British occupation, Jews only owned 7 percent of the land by 1947. Nevertheless, U.N. 181 (II) granted immigrant Jews sovereignty over 56 percent of the Palestinians' homeland (increased in 1967 by military force to 78

percent). From the Palestinians' perspective, the land grant was decided by foreign governments in violation of several international instruments. (Ironically, the United Nations determined by only one vote that it had the power to divide Palestine.<sup>7</sup>) Yet

the Palestinians were not allowed to pursue a resolution under the International Court of Justice.

The Palestinians cited one point of the World War I Settlement: XII. "The Turkish portion of the

present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development . . . ."

The Palestinians cited Section I of The British White Paper<sup>8</sup> of 1939, Section 1: "His Majesty's Government believes that the framers of the Mandate in which the Balfour Declaration was embodied could not have intended that Palestine should be converted into a Jewish State against the will of the Arab population of the country."

The actual results of U.N. 181 (II) in terms of land and water proved far more devastating than the Palestinians had envisioned. Having a direct influence in defining the U.N. 181 (II) boundaries was by far the most effective Israeli move. Israel's grant of the most productive irrigated land in Palestine, as classified by the British,<sup>9</sup> created the otherwise irrational configuration of the Partition boundaries. By the end of 1948, Israel held 95

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percent of these highest-quality lands. These areas were the center of the Palestinians' citrus and vegetable export production, the major contributor to their economy.

U.N. 181 (II) retained the 24-year-old British Mandate border that unilaterally relocated the eastern international boundary of Old Palestine from the Yarmuk River to the northern border. One-third of the eastern shoreline of Lake Tiberias was located only 10 meters inside Israel; from Tiberias to the north border, the Jordan River was only 50 to 400 meters inside Israel. But this was enough for Israel to claim full control of this extraordinary resource. (Prior to partition, Britain had recommended the boundary be returned to the center of the river.<sup>10</sup>)

Thus, contrary to common international convention, this portion of the international basin's main drainage channel no longer formed the border between the riparian countries. However, it still does downstream from the Tiberius to the Dead Sea, though that portion of the river is now essentially fully depleted due to upstream Israeli diversions. Israel independently operates Tiberias as its reservoir with a capacity equal to the entire annual river flow. Of immense value, particularly during droughts, this is the only storage on the river. (Jordan may temporarily store a minor amount of its Yarmuk water.) And, as will be seen, in 1948, Israel confiscated all individual water rights within its boundaries. The Arabs who had remained lost their historic supply used in crop production.

### ISRAELI LAND/WATER STRATEGY, INITIAL PHASE

As noted, the Jewish proponents of a nation recognized the critical water situation from the outset, first documented by

the 1919 Chaim Weizmann letter to Prime Minister Lloyd George. For a similar reason, the subsequent leaders of the Zionist movement knew how the Palestinians would react to their loss of land and water resources.

In 1936, at the time of the Palestinian protest of illegal Jewish immigration, David Ben-Gurion (later prime minister of Israel) acknowledged that the Palestinians were fighting to keep Palestine an Arab country: "The fear is not of losing land, but of losing the homeland of the Arab people, which in turn others want to turn into a homeland of Jewish people. The Arab is fighting a war that cannot be ignored. He goes on strike, he is killed, he makes great sacrifices." A year later he wrote to the future foreign minister of Israel that, were he a politically conscious Arab, he would protest Jewish immigration, because "What Arab cannot do his math and understand that the immigration rate of 60,000 a year means a Jewish state in all of Palestine?"<sup>11</sup>

Jewish doubters of the movement's "transfer" plan noted the healthy Arab water-based economy and population already existing on the lands sought by the Jews. Moshe Shertok expressed his views at the World Zionist Congress, April 22, 1937, in Jerusalem:

The proposed Jewish State territory would not be continuous; its borders would be twisted and broken; the question of defending the frontier line would pose enormous difficulties. The frontier line would separate villages from their fields. Moreover, the Arab reaction would be negative because they would lose everything and gain almost nothing. In contrast to us, they would lose totally that part of Palestine that they consider to be



an Arab country and are fighting to keep it such. They would lose the richest part of Palestine; they would lose major Arab assets: the orange plantations; the commercial and industrial centers, and the most important sources of revenue for their government that would become impoverished; they would lose most of the coastal area, which would also be a loss to hinterland Arab states. It would mean that they would be driven back to the desert. A Jewish territory [state] with fewer Arab subjects would also make it easy for us, but it would also mean a procrustean bed for us, while a plan based on expansion into larger territory would mean more Arabs subjects in the Jewish territory.

Those villages which live more than others on irrigation, on orange and fruit plantations, on livestock and property and easy access to markets – where would they go? What would they receive? This would be such an uprooting, such a shock, the likes of which had never occurred and could drown the whole thing in rivers of blood.<sup>12</sup>

The situation elsewhere was no easier. In the summer of 1941, Yosef Weitz, chairman of the Second Transfer Committee, toured the hilly region of Palestine and wrote in his diary of seeing:

Large [Arab] villages crowded in population and surrounded by cultivated land growing olives, grapes, figs, sesame and maize. Would we be able to maintain scattered settlements among these existing [Arab] villages that will always be larger than ours? And is there any possibility of buying their [land]? Once again I hear that voice inside me calling: evacuate this country.<sup>13</sup>

But those facts did not alter the movement's goals and strategy. The population and thriving agriculture confirmed there was a reliable water supply, and land acquisition was essential to gain control of that water. Weitz later wrote to a colleague: "The Land of Israel is not small at all, if only the Arabs will be removed, and if its frontiers would be enlarged a little: to the north all the way to the Litani [River in Lebanon] and to the east to include the Golan Heights, while the Arabs should be transferred to northern Syria and Iraq."<sup>14</sup>

The transfer schemes to secure the land and associated water would require considerable money to compensate dislocated Arabs and pay the physical costs of moving the people. The evacuation of British troops and resulting war of 1948 solved the movement's dilemma. Official history of the Haganah notes, "Villages inside the Jewish state that resisted should be destroyed and their inhabitants expelled beyond the borders of the Jewish state." The plan specified a number of towns outside the boundary set by the United Nations that should be occupied under these instructions.<sup>15</sup>

In February 1948 during a Mapai party meeting and in response to a question of Israel's link to Jerusalem, since Israel had no land joining the city under U.N. 181, Ben-Gurion asserted; "The war will give us the land. The concepts of 'ours' and 'not ours' are peace concepts only, and in war they lose their whole meaning."<sup>16</sup> This public statement of strategy was made well before the war had begun.

On April 6, Ben-Gurion stated at the Zionist Action Committee meeting: "We will not be able to win the war if we do not, during the war, populate upper and lower,

eastern and western Galilee, the Negev and Jerusalem area. I believe that war will also bring in its wake a great change in the distribution of the Arab population.”<sup>17</sup> On April 18, Weitz recorded; “I made a list of Arab villages which in my opinion must be cleared out in order to complete Jewish regions. I also made a summary of the places that have land disputes and must be settled by military means.”<sup>18</sup>

Open war commenced in the spring of 1948. Because of the increasing violence of terrorist actions by the Stern Gang, Irgun and Haganah (later to become the Israeli military) against the British, begun when the 1939 White Paper was issued, the UK advanced its departure six months, to March 1948. The accelerated evacuation was effected even though no provisions were made for UK, U.N. or international forces to contain the inevitable conflict. Israel launched its “Plan Dalet,” taking the entire northwestern segment of Palestine, two-thirds of the Gaza Strip and major portions of the West Bank that U.N. 181 had retained for the Arabs. Israel declared its statehood in May 1948 and was admitted into the United Nations in 1949.

Over 950,000 Palestinians were forced off their lands: 750,000 in 1948 and 200,000 in 1967 – freeing up an additional huge quantity of water for use by Israelis. In spite of annual U.N. resolutions, Israel refuses to pay for the land, homes, businesses and farms these Palestinians lost. Israel has paid nothing for the government infrastructure and, of by far the greatest worth, the irreplaceable water resources that support Israel. These assets that previously had underpinned the Palestinian society and economy were confiscated cost-free. The quantity of domestic, municipal and industrial water together

with the water garnered by the confiscated irrigated lands constituted the most valuable asset of Palestine, the fundamental foundation for a viable society in this region.

The results of the depopulation actions are noted in Moshe Dayan’s address to the Technion (Israel Institute of Technology) at Haifa, quoted in *Haaretz*, April 4, 1969:

Jewish villages were built in the place of Arab villages. You do not even know the names of these Arab villages, and I do not blame you because geography books no longer exist. Not only do books not exist, the Arab villages are not there either. Nahal arose in the place of Mahul; Kibbutz Gvat in place of Jibta; Kibbutz Sarid in place of Huneifis; and Kefar Yehushua in place of Tal al-Shuman. There is not one single place built in this country that did not have a former Arab population.<sup>19</sup>

But if Israel can so act and still avoid punitive international measures, why did Israel settle with Egypt in 1979 and evacuate Sinai? The primary reason was that there is no significant quantity of water in the Sinai. Israel had occupied it long enough to extract a substantial portion of its oil without full payment. Further, the resulting multi-billion dollar annual U.S. grant to Israel (and Egypt) upon signing their settlement allowed furtherance of its strategies elsewhere.<sup>20</sup>

Thus, Israel’s comprehensive strategy for clearing Arabs from those lands that would maximize water access proved effective. The success also confirmed that the international community would not interfere with other Israeli actions. And Israel would not incur any financial costs



by confiscating Arab assets including their critical water resources.

## ISRAEL'S ONGOING WATER STRATEGY

Following the 1948 war, contrived incidents followed by "justified" Israeli military actions to extend occupation would be the "international" face of the Israeli policies and activities. A continuous flow of media reports on the "blooming of the desert" and "highly efficient water use" would develop an admiring international public.

The incidents justifying military action would arise from violations of borders and harsh measures complemented by a carefully devised set of domestic programs. Though Israel did not publicize information on the domestic programs, world governments, international agencies and the region's people were fully aware of the programs' intent. These programs comprised several interlinking actions, most contrary to signed international instruments. All were directly or indirectly targeted efforts to claim additional lands and water resources.

The first actions to confiscate resources were taken against the Arab citizens of Israel. Israel enacted its Basic Laws during its initial period of legislating. Among other provisions, these established two levels of citizenship for residents of Israel based on religion and race. (This continues in spite of provisions of U.N. 181, Chapter 3, that pertain directly to the question of biases of States in citizenship laws.) "1. Citizenship: Palestinian citizens residing in Palestine . . . , as well as Arabs and Jews who, not holding Palestinian citizenship, residing in Palestine . . . shall, upon the recognition of independence,

become citizens of the State in which they are resident and enjoy full civil and political rights . . . ." The application of the Basic Laws of Israel also violates the U.N. Charter, the International Covenants for Economic, Social and Cultural Rights pertaining to discrimination in citizens status and rights, and several international treaties including the Hague and Geneva. Only those Basic Laws relating to the land and water rights of non-Jewish citizens of Israel will be summarized.

Israel's Basic Laws are equivalent to the constitution of Israel and set forth issues including the "social and political rights" of Israel's inhabitants. The Law of Return, Law of Citizenship, Entrance to Israel Law, and the Status Law effectively created two statuses for Israeli inhabitants: "Israeli citizenship [citizens]" and "Jewish nationality [nationals]." Most inhabitants that resided there before Partition are eligible for Israeli citizenship status, but only Jews are also eligible for the Jewish nationality status.<sup>21</sup>

The rights of Jews "extend to a child, grandchild, spouse, spouse of a grandchild and spouse of a child of a Jew," and "every Jew [in the world] has the right to come [immigrate] to this country . . . ." <sup>22</sup> Thus, the Christian and Muslim Arabs remaining within its borders at the conclusion of the war of 1948 are only eligible for Israeli citizenship.

The rights associated with these status distinctions are not clearly stated in any one law. Instead, it is through the connection of the state's Basic Laws that these become evident. For example, the "Status Law of 1952" established a joint authority between the Israeli government and certain "national" institutions operating "inside Israel and extraterritorially." These national

institutions include the World Zionist Organization (WZO), the Jewish Agency (JA), and, through the Jewish Agency, the Jewish National Fund (JNF) and its subsidiaries. Bound by their respective charters, these national institutions may only serve "Jewish people/Jewish nationals." Through the joint authority, these national organizations administer a number of Israel's social programs and own and/or control most of Israel's state water, power, infrastructure and land.

Thus, "the government, serving a 'citizen' constituency, can at any time, bias the content of the services by giving the Jewish Agency authority to deliver the services to its 'national' constituency."<sup>23</sup> In this manner, there are two levels of services (including water) for Israeli citizen inhabitants, depending on the inhabitant's nationality.

The Absentees' Property Law classified all land left by Palestinian refugees in 1948 as "absentee property." Palestinians who left their property but moved elsewhere within the new state of Israel, were designated as "present absentees" under this law. "Present absentees" were prohibited from reclaiming their property because it was classified as "absentee property." Absentee property could then be legally transferred to Israel's Custodian for Absentees' Property under the control of the Israel Land Administration. All land (and associated water) under the Israel Land Administration is state land, "national land."

The Land Law ensures that state land remains "national land," by stipulating that "ownership of Israel lands . . . shall not be transferred either by sale or in any other manner.... '[L]ands' means land, houses, buildings and anything permanently fixed to land."<sup>24</sup> As a result, most of Israel's 22.2

million dunams and all associated assets now "belong to the state (14.6 million), the Jewish National Fund (2.4 million), or the Land Development Authority (2.6 million) under the authority of the Israel Land Administration."<sup>25</sup>

The use of this land is allowed through 99-year renewable leases offered only to Israeli inhabitants of Jewish nationality and issued by the state, the JNF or the Land Development Authority. Many leases stipulate that any employment occurring on state lands be filled by Jewish nationals. Thus, for the most part, Palestinians may not lease or work on Israeli land, which constitutes 93 percent (as of the mid-1980s) of the land in Israel. By these laws, Israel freed essentially all land and associated water resources for use by its "nationals" – Jews within Israel and new Jewish immigrants.

During the period 1949-67, Israel and Syria engaged in numerous armed confrontations over land rights and water resources. One such confrontation is recorded by Major General Carl von Horn of Sweden, Chief of Staff, the 4<sup>th</sup> U.N. Truce Supervision Organization (UNTSO):

In 1950, the Israelis had established a new kibbutz at Beit Katzir in the [southern] demilitarized zone. Like most of their kibbutzim in troubled areas, it was fortified with trenches and a double-apron barbed-wire fence from behind which settlers sallied out to cultivate the surrounding land, digging irrigation canals to channel the water from Lake Tiberias with such a vigor that before long no Arab farmer in the area was allowed into the stretch of land between the kibbutz and the lake.

Gradually, beneath the glowering eyes of the Syrians, who held the high

ground overlooking the zone, the area had become a network of Israeli canals and irrigation channels edging up against and always encroaching on Arab-owned property . . . . For the ground was so fertile that every square foot was a gold mine in grain.<sup>26</sup>

More serious conflict arose over Israel's \$250 million development project to drain the 15,000-acre Huleh Marshes, "an integral part of the Jordan River system." According to the reports of the chief of staff of UNTSO on the Work of the Mixed Armistice Commissions,

In a series of communications, . . . Syria complained to the Security Council that Israel had violated its obligations under the Israel-Syrian General Armistice Agreement of 20 July 1949. The violations, Syria charged, consisted mainly of: (1) draining and deepening of the bed of the Jordan River between Lake Huleh and Lake Tiberias; (2) military occupation of the demilitarized zone by Israeli forces; (3) firing on Syrian military outposts; (4) forcible evacuation of indigenous Arab inhabitants of the demilitarized zone and the demolishing of their villages; and (5) bombing of El Hamma and of Syrian military outposts.

General Moshe Dayan later admitted,

I know how at least 80 percent of all the incidents with Syria started. We were sending in a tractor to the demilitarized zone, and we knew that the Syrians would shoot. If they did not shoot, we would instruct the tractor to go deeper, till the Syrians finally got upset and started shooting. Then we employed artillery, and later

also the airforce . . . . I did that . . . . and Yitzhak Rabin (later prime minister) did that, when he was there . . . .<sup>27</sup>

Israel commenced construction of its National Water Carrier in 1953, to serve all Israeli lands lying outside the Jordan basin – in violation of U.N. resolutions, the Helsinki Rules, international accords and protests by the United States, Arab nations and others. It opened more highly subsidized new irrigation in the desert, not to meet food or economic needs, but to lay claim to this diverted water it could later transfer to urban uses while simultaneously thwarting Palestinian development.

Crews worked 24 hours a day to construct a nine-mile pipeline in the Syrian/Israel demilitarized zone in order to divert the waters of the Jordan River and convey it for 155 miles to irrigate Israel's coastal Sharon Plain and the Negev desert. Israel had begun its work at the same time that President Eisenhower had appointed Eric Johnston "as a special ambassador to mediate a comprehensive plan for the regional development of the Jordan River system." When Israel's actions became known, President Eisenhower threatened to withhold \$26 million in aid to Israel. Construction was stopped under international pressure.

Ignoring the earlier protests, Israel resumed work in 1956, extending the conveyance 155 miles south to the northern section of the Negev desert. Completed in May 1964, the National Water Carrier was built without consulting Jordan (which at the time included both the East and West Banks of the Jordan River) and Syria, the other states sharing riparian rights. Israel shortly commenced diverting "75 percent of the Jordan River's waters to Israeli lands."<sup>28</sup>

To assert their water rights, the Arab states decided to divert the waters above Israel's project. This would convey water from Syrian tributaries in the headwaters of the Jordan River through Syrian (Golan Heights) and Jordanian territory, delivering it south of Lake Tiberias to be stored in the Mukheiba Dam. Israel retaliated in a series of military strikes against the Arab states' projects, declaring they infringed on its sovereign rights. The attacks culminated with Israeli warplanes flying eight miles inside Syrian territory and destroying "engineering works and earthmoving equipment," topping off more than "1,000 armed clashes between Israel and Syria 1948-67."<sup>29</sup>

Egyptian troops entered the Sinai Peninsula in the spring of 1967 and again closed the Straits of Tiran to Israeli shipping. Israel "officially" interpreted these actions as putting the state of Israel in danger of annihilation. On June 4, 1967, Israel's Cabinet unanimously adopted a resolution to preemptively go to war. On June 5, 1967, Israel attacked Egypt, Jordan and Syria – and on June 8, it attacked the USS *Liberty*, which was monitoring the situation. At the conclusion of the Six-day War, Israel had captured the West Bank, including East Jerusalem, from Jordan; the Gaza Strip and Sinai Peninsula from Egypt; and the Golan Heights from Syria. Now, Israel was the occupier of the West Bank and Gaza Strip and Syria's Golan Heights. As will be seen, this completed Israel's control of and claim on all the water resources of historical Palestine.

Reflecting on Israel's actions in the 1967 war as more of an effort to claim additional territory than an effort to thwart annihilation, prominent Israeli leaders had the following to say:

Yitzhak Rabin, the head of the army, said, "I do not believe that Nasser [president of Egypt] wanted war. The two divisions which he sent into the Sinai on May 14 [1967] would not have been enough to unleash an offensive against Israel. He knew it, and we knew it."<sup>30</sup>

General Mattityahu Peled of the IDF General Staff said,

All those stories about the huge danger we were facing because of our small territorial size, an argument expounded once the war was over, had never been considered in our calculations prior to the unleashing of hostilities. To pretend that the Egyptian forces concentrated on our borders were capable of threatening Israel's existence does not only insult the intelligence of any person capable of analyzing the situation, but is primarily an insult to the Israeli army.<sup>31</sup>

Menachem Begin said, "In June 1967, we again had a choice. The Egyptian Army concentrations in the Sinai approaches do not prove that Nasser was really about to attack us. We must be honest with ourselves. We decided to attack him."<sup>32</sup>

And, lastly, General Mordichai Hod, commanding general of the Israeli airforce, said, "Sixteen years' planning had gone into those initial eighty minutes. We lived with the plan, we slept on the plan, we ate the plan. Constantly we perfected it."<sup>33</sup>

The U.N. Security Council unanimously adopted U.N. Resolution 242 on November 22, 1967, condemning Israel's actions and calling for the "withdrawal of Israel armed forces from territories occupied in the recent conflict [1967 war]," and "termination of all claims or

states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.” This became known as the “land for peace” resolution.

After occupying the remainder of Gaza and the West Bank in 1967, Israeli military decrees nationalized the water of all the occupied lands, classified all water-

resources data as Israeli state secrets, and extended its control of the upper Jordan Basin to include the Golan Heights’ groundwater and the route for developing Syria’s tributaries.

Simultaneously, Israel constructed deep tube wells in the occupied Palestinian area with pipeline links to the National Carrier within Israel and began to export West Bank groundwater to serve Israel. It connected the Palestinian water supply systems to the Israeli system and reduced water service to Palestinian urban and rural areas. The Israeli restrictions on the residents in the occupied West Bank even prevented Palestinians from rehabilitating their existing wells and deepening those that failed due to the lowering of the groundwater table by Israeli deep wells. In 1967, Israel also outlawed any expansion of Palestinian irrigated agriculture. To curtail use by Palestinians, it uprooted over 99,000 Palestinian fruit trees between 1987

and 1991 within the occupied lands.<sup>34</sup>

Today, Israel continues to construct local wells for expanding Jewish settlements in the West Bank and to destroy Palestinian orchards.

Gaza, a much-reduced area from that shown in the partition maps and completely isolated from the West Bank, lost its high-quality groundwater supply in the early 1950s. Israel intercepted the groundwater flow that historically served Gaza by constructing wells on lands lying to the east

of Gaza so it could expand irrigation and serve immigrant populations. The resulting salination of the Gaza well water has dramatically reduced yields from Gaza’s long-established

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**After occupying the remainder of Gaza and the West Bank in 1967, Israeli military decrees nationalized the water of all the occupied lands, classified all water-resources data as Israeli state secrets, and extended its control . . .**

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citrus industry and forced Palestinians to purchase bottled water for domestic uses. Its groundwater is now harmful for human consumption. (Recently, Israel offered to restore the Gaza supply it has taken – priced at the cost of desalinated water, a price that precludes economical irrigation.)

By 1970, the West Bank, with a Jordan River border equally as long as Israel’s, had essentially lost all access to usable water; less than 1 percent of the virgin annual river flow remained. And the water quality deteriorated due to Israel’s excessive export of water out of the basin and its diversion into the Jordan River, downstream of the Israeli facilities, of large salt-water springs originating within Israel. Under previous conditions, the salts of these springs were diluted in the river flow.



(The Jordan water agreement was to have halted this violation of international law.)

An editorial note by Mitchel Levitas in *The New York Times* of January 29, 1992, states that irrigation and industrial demand drains the Jordan River, leaving little more than a sewer for urban and factory waste. The reduced flow is an ecological disaster that has already lowered the Dead Sea by more than 50 feet, endangering mineral extraction. These conditions have worsened without outside comment.

The commander of the Israeli forces in the West Bank stated that Military Order No. 1015 of 1982, "in order to preserve water resources and agricultural production," has prohibited the planting of fruit trees without a permit from the military government. Trees already planted had to be registered within 90 days and a permit obtained for each of them. Moreover, government inspectors have the power to make searches and to uproot unlicensed trees at the expense of the owners.<sup>35</sup>

The March 1991 issue of *Tanmiya* reports that permits must also be obtained before simple rainwater catchments can be constructed. Even primitive collection ponds in village squares are restricted by Israel, supposedly to preserve water and the environment.<sup>36</sup>

## REPORTS ON THE RESULTS OF ISRAELI ACTIONS

The Israeli domestic programs to gain sovereignty over all water, land and facilities and control over the components of the "peace" talks remain unreported by the media. However, international-agency and government reports confirm that Israeli policies remained in effect and describe the results.

The U.N. General Assembly, in its

resolution 1803 (XVII) of December 14, 1962, on permanent sovereignty over natural resources, declared the following: "7. Violation of the rights of peoples and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the Charter of the United Nations and hinders the development of international cooperation and the maintenance of peace."

A later investigation found:

Under conditions of Israeli military occupation, however, water resources of the occupied Palestinian territory are being diverted and used at an alarming rate by Israel, the occupying Power, at the expense of the Palestinian people. Severe restrictions on drilling for water, planting and irrigation and such Israeli practices as the felling of productive trees and the destruction of crops have diminished or maintained at a low level the amount of water made available to the Palestinian population. Israeli policies ensure that most of the water of the West Bank percolates underground to Israel, and settlers are provided with increasing access to the water resources of the occupied Palestinian territory. As a consequence, a 'man-made' water crisis has been brought about which undermines the living conditions and endangers the health situation of the Palestinian people. In areas where water resources originating in the West Bank are over-exploited in Israel as well as in most of the Gaza Strip, the imminent threat of the permanent environmental destruction of groundwater reserves, aquifers, has been reported.<sup>37</sup>

The report of November 25, 1980, of the Security Council Commission estab-

lished under Resolution 446 (1979), focusing on water resources, contains the conclusion that

the changes of a geographical and demographic nature in the occupied territories, including Jerusalem, brought about by Israel, constitute a violation of the Fourth Geneva Convention and of the relevant decisions adopted by the Security Council in the matter. Critics have come to regard Israeli water policies in the occupied Palestinian territory as an obstacle to peace.<sup>38</sup>

A U.N. report of November 25, 1980, found the following:

238. Available evidence shows that Israeli occupying authorities continue to deplete the natural resources, particularly water resources in the occupied territories for their advantage and to the detriment of the Palestinian people. 239. As water is a scarce and precious commodity in the area, its control and apportionment means control of the most vital means of survival. It would seem, therefore, that Israel employs water both as an economic and even political weapon to further its policy of settlements.<sup>39</sup>

Throughout the 1980s and later, the General Assembly has “strongly condemned the illegal exploitation of the natural wealth and resources” of the occupied territories and called upon Israel to desist immediately from such activities.<sup>40</sup>

Disregarding the wishes of the Palestinian people, the Israeli water authority has been working for over a decade on the integration of the West Bank water system into large regional

plants linked up with the Israeli water system. In 1982, the separate West Bank water system, which had been under military government management since 1967, was handed over to the Israeli national water company, Mekorot, to carry out the “take-over,”

stated Meron Benvenisti [former mayor of Jerusalem] in his 1986 report on developments in the West Bank.<sup>41</sup> As a result of such integrative measures, the occupying power has extended its leverage on the civilian Palestinian population in time of heightened tension and conflict, illustrated in particular by the events connected with the intifada.<sup>42</sup>

Other reports describe the direct Israeli interference with the Palestinians’ water supply to protect the new water supply of Israeli settlers. An article in *Foreign Policy* stated that many existing wells have been blocked or sealed by the occupation authorities, in some cases to prevent their use from draining new nearby Jewish wells. By contrast, many Israeli deep wells have reportedly been drilled in close proximity to existing Palestinian wells and springs. In the Security Council Commission report of November 25, 1980, specific references were made in that regard to the villages of Al-Auja, Ramallah, Al-Birah, Bardala, Tel-el-Beida and Kardala, whose water supply had been drastically diminished owing to the new wells dug for Israeli settlements within a few hundred meters of the existing Palestinian springs or wells.<sup>43</sup>

A full-page public-service announcement by the Israeli Ministry of Agriculture in the international edition of the *Jerusalem Post* of August 19, 1990, elaborates on Israel’s determination to control completely the use of water resources originating in

the West Bank through the permanent occupation of that territory. The text concludes that

it is difficult to conceive of any political solution consistent with Israel's survival that does not involve complete, continued Israeli control of the water and sewage systems, and of the associated infrastructure, including the power supply and road network, essential to their operation, maintenance and accessibility.

The U.S. Department of State stated in its *Country Reports on Human Rights Practices for 1990*,

Israeli law has been extended to cover most activities of Israeli settlers who live in the occupied territories, while Palestinians live under military occupation law. Under the dual system of governance, Palestinians – both Muslim and Christian – are treated less favorably than Israeli settlers on a broad range of issues, including the right to due process, right of residency, freedom of movement, sale of crops and goods, land and water use . . . .<sup>44</sup>

According to an article in the *Financial Times*, experts predicted that in the 1990s water would constitute a source of intense political rivalry between nations of the region and a key obstacle to the resolution of the Arab-Israeli conflict. On the West Bank, water is a subject of almost constant dispute among Palestinians, the Israeli occupation authorities and Israeli settlers, who are frequently accused of over-pumping.<sup>45</sup>

Mudar Badran, prime minister of Jordan, was quoted in the *Jerusalem Post* of July 3, 1990, as saying that the use of

groundwater resources for settlements means turning the page on peace forever and ever.

## **WORLD RESPONSIBILITIES FOR A JUST PEACE**

The Jewish Movement's and subsequent Israeli strategy and its execution over the past 100 years is fully documented in U.N., European, U.S. and Israeli archives. In the late 1800s, a group of Jews demanded a country to escape severe persecution in America, Europe and Russia. The Christian countries supported this goal by unilaterally giving Jews the homeland of the Palestine Arabs. Ironically, Jews and Muslims have lived together in Jerusalem, Cairo, Tehran, Baghdad and many other lands including Spain for centuries without conflict. Cynically, Israel and the United States now call the Palestinians protesting their treatment Islamic extremists. But, for the Palestinians, the protests and violence is about occupation, the loss of water, land and homes, rights and a livelihood – not religion. This reaction was recognized and foreseen by David Ben-Gurion in the 1930s.

Statements and actions confirm that Israel's leaders do not intend an equitable and viable agreement, certainly not relating to the water resources. For 50 years, Israel has been allowed to methodically confiscate the Palestinians' resources and rights and set the terms for 'peace.' The associated national and international political maneuverings are discussed in numerous books and papers. But by no means do all of the Jewish faith, either inside and outside Israel, support the extremes being furthered by the Government of Israel. Many have eloquently expressed opposing views.<sup>46</sup>

The world powers and the United

Nations forced the Partition upon the Palestinians and have allowed more than a half century of deprivation and lost opportunities for millions. The international community, most particularly the United States, now should assume the unavoidable responsibility to enforce the countless international and U.N. instruments and resolutions and provide the Palestinians with a truly viable self-sufficient nation with full sovereignty over water and land, control of borders and all other powers of a nation. The international community should complement this by immediate financial assistance to allow the establishment of a Palestinian state with the potential for a flourishing economy to absorb the energies of its people. Israel, the Palestinians, the

United States, the United Nations and the world accepted U.N. 242 and 338 at Madrid and Oslo. The Palestinians still do. Israel, however, continues (2003) unrestrained expropriation of land and resources and construction of settlements in the occupied territories in violation of numerous international instruments.

An early equitable allocation of the water resources of historical Palestine will offer promise to the Palestinians. It will serve as a first step and set a precedent for solving the water disputes of the greater Middle East. The risks associated with continuing inaction and gross inequality for most Jordan Basin riparians are armed conflict and worse.

<sup>1</sup> *Water Resources of the Occupied Palestinian Territory* (New York: United Nations, 1992).

<sup>2</sup> *A Technical Framework regarding the Water Issues – Final Status of Negotiations*, The Palestine Water Authority, July 1999.

<sup>3</sup> H. Frisch, "Water and Israel's National Security," *Conference on Efficient Use of Limited Water Resources: Making Israel a Model State*, BESA Center for Strategic Studies, Bar-Ilan University, Israel, 2000.

<sup>4</sup> *Washington Report on Middle East Affairs*, American Education Trust, Washington, DC, 2001. Documented in an article first published on February 7, 2001, in Counterpunch.

<sup>5</sup> *Register Guard*, Eugene, Oregon, September 9, 2001.

<sup>6</sup> *An Atlas of Palestine (The West Bank and Gaza)* (Bethlehem: Applied Research Institute, 2000).

<sup>7</sup> Excerpt of U.N. Ad Hoc Committee, Sub Committee 2's report [Official Records of the 2nd session of the General Assembly, 1947, Supplement No.11] to study alternative proposals to UNSCOP plans.

<sup>8</sup> British White Paper of 1939, [www.yale.edu/lawweb/avalon/mideast/brwh1939.htm](http://www.yale.edu/lawweb/avalon/mideast/brwh1939.htm).

<sup>9</sup> British mandate 1920-1947, The Palestine Center.

<sup>10</sup> <http://www.dartmouth.edu/~gov46/>.

<sup>11</sup> Nur Masalha, *Expulsion of the Palestinians* (Washington, DC: Institute for Palestine Studies, 1992), p. 18.

<sup>12</sup> *Ibid.*, p. 59.

<sup>13</sup> *Ibid.*, p. 133.

<sup>14</sup> *Ibid.*, p. 134.

<sup>15</sup> *Ibid.*, p. 180.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*, p. 181.

<sup>18</sup> *Ibid.*, p. 186.

<sup>19</sup> Walid Khalida, *All the Remains – The Palestine Villages Occupied and Depopulated by Israel in 1948* (Washington DC, Institute for Palestine Studies), p. xxxi.

<sup>20</sup> *Washington Report on Middle East Affairs*, *op. cit.*

<sup>21</sup> See Roselle Tekiner, "Jewish Nationality Status as the Basis for Institutionalized Racial Discrimination in Israel," *Middle East Policy*, Summer 1986, pp.79-98.

<sup>22</sup> Law of Return 5710-1050.

<sup>23</sup> Roselle Tekiner, "Israel's Two-Tiered Citizenship Law Bars Non-Jews From 93 Percent of Its Lands,"

*Washington Report on Middle East Affairs*, Washington DC, January 1990.

<sup>24</sup> Basic Law: Israel Lands, 1960.

<sup>25</sup> Joseph Algazy, "In Israel Too," *Le Monde diplomatique*, September 1997.

<sup>26</sup> "In 1950, the Israelis had established a new . . ." quoted in David Paul, "Prelude to June War, Israel's Aggression Against Syria 1949-1967" found at <http://www.geocities.com/CapitolHill/Senate/7891/1967-prelude.html>.

<sup>27</sup> "I know how at least 80 percent of all . . ." quoted in "Aggression, Expansion & Israel's Terrorism, Part II" found at [http://www.geocities.com/CapitolHill/Senate/7891/index\\_zion2.html](http://www.geocities.com/CapitolHill/Senate/7891/index_zion2.html).

<sup>28</sup> "75 percent of the Jordan River's . . ." taken from "Chronology of Events in the Middle East from 1908-1966," found at <http://middleeast.reference.users.btopenworld.com/Chronology.html>.

<sup>29</sup> "1000 armed clashes between . . ." taken from Stephen Rosefeld, "Israel and Syria: Correcting the Record," December 24, 1999. Found at [http://www.geocities.com/CapitolHill/Senate/7891/rosenfeld\\_golan.html](http://www.geocities.com/CapitolHill/Senate/7891/rosenfeld_golan.html).

<sup>30</sup> *Le Monde*, February 28, 1968, as quoted from David Paul, "How War Came: The Motives and Maneuverings Behind Israel's attack" <http://www.geocities.com/CapitolHill/Senate/7891/1967-war.html>

<sup>31</sup> *Le Monde*, June 3, 1972, as quoted from David Paul.

<sup>32</sup> OpEd piece. *The New York Times*, August 21, 1982, as quoted from David Paul.

<sup>33</sup> A.M. Lilienthal, *The Zionist Connection* (New York: Dodd, Mead & Co., 1978) p. 558.

<sup>34</sup> *Water Resources of the Occupied Palestinian Territory*, p. 18.

<sup>35</sup> *Ibid.*, p. 15.

<sup>36</sup> *Ibid.*, p. 17.

<sup>37</sup> *Ibid.*, p. 2.

<sup>38</sup> *Ibid.*, p. 3.

<sup>39</sup> *Ibid.*, p. 24.

<sup>40</sup> *Ibid.*, p. 24.

<sup>41</sup> *Ibid.*, p. 9.

<sup>42</sup> *Ibid.*, p. 9.

<sup>43</sup> *Ibid.*, p. 10.

<sup>44</sup> *Ibid.*, p. 11.

<sup>45</sup> *Ibid.*, p. 11.

<sup>46</sup> *The Origin of the Palestine-Israel Conflict*, Jews for Justice in the Middle East, 2000, [www.cactus48.com](http://www.cactus48.com).