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WATER IN THE JORDAN BASIN – A KEY ELEMENT OF THE PEACE PROCESS AND FUTURE COOPERATION IN THE REGION

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SUMMARY – Access to and control over the scarce water resources of the Jordan basin have historically constituted a fundamental question for the peoples of the area, and figured high in the agenda of all political leaders. The Peace Process has finally laid the foundations for the mutual recognition of the needs and rights of all basin States, the water problem being part both of the bilateral and the multilateral tracks of negotiations. The attainment of a lasting peace among riparians will require an equitable arrangement on redistribution of existing water resources, but will not automatically provide a solution to the ever-increasing water scarcity affecting the whole Jordan basin area. The appropriate approach to the water problem consists of a combination of diplomatic efforts by the Parties to re-define their respective water rights and quotas, together with forms of technical cooperation aimed at increasing the overall water potential of the basin, possibly through the development of transboundary projects. The role and potential support from the International Community.

Keywords: cooperation, regional programmes

INTRODUCTION

In recent years, the debate over water resources has become a matter of interest for scholars and analysts of international relations, so that expressions such as “hydropolitics” and “hydrostrategy” have nowadays become of common use. Unfortunately, however, several analyses relating to the use of international river basins still seem to be inspired by a conflictual logic, as if water were inevitably to become a major element of conflict and competition between countries in the new century.

We believe and hope that the conference that takes place today will be a serene and helpful context of discussions on this sensitive topic.

In general terms, water acquires a geopolitical dimension where river basins are arbitrarily fragmented and unequally distributed among the territories of several States, in regional contexts characterised by increasing water scarcity due to demographic, environmental, and economic causes. There are more than 200 international river basins in the world, as well as underground aquifers extending under territories belonging to different sovereign entities. **There exists a fundamental, intimate tension between the natural extension and geological borders of water basins, and the political borders of States.** Whenever water crosses State borders, the need arises for a settlement of the conflicting interests of riparians, through adequate procedures for the partition, allocation and management of common resources.

Compared to any other region in the world, the Middle East is without any doubt the area characterized by the most delicate environmental and political conditions. The region includes the Nile river, shared by three important and populous States such as Egypt, Sudan and Ethiopia; the Tigris and the Euphrates, whose important basin is divided among Turkey, Syria and Iraq; and, last but not least, the Jordan river, fragmented over the territories of five riparians: Israel, the Autonomous Palestinian Territories, Jordan, Lebanon and Syria.

Here, the problem of partition and management of the very scarce available water constitutes a particularly delicate issue, because of the geopolitical context characterized by extremely tense and conflictual riparian relations.

In order to adequately understand the importance of the water factor in the system of relations among the five political actors sharing the Jordan basin, it is crucial to underline that **two different**

dimensions characterise the problem of water: a political dimension, related to the distribution of naturally available basin water; a technical dimension, which involves the adoption of measures by riparians to improve the management and expand the available water potential.

To adequately solve the problem of water, a comprehensive diplomatic strategy is needed. This strategy should aim at producing a division of existing resources that is perceived by the parties as fair and reasonable and, at the same time, it should set up a framework of cooperation for the efficient management and the development of basin resources.

Metaphorically speaking, if we were to compare the water potential of the Jordan river basin to a cake, we should equitably divide the cake among all stakeholders, and at the same time make it leaven in order to fulfil everybody's needs, not only in the near future, but also in the long term.

DESCRIPTION OF THE CAUSES OF THE JORDAN BASIN WATER CRISIS

But where to begin? First of all, it is necessary to have a precise idea of the causes of the water crisis affecting the area.

When looking at the Jordan basin as a whole, the first element that strikes the observer is undoubtedly the **condition of natural water scarcity characterizing the area:** this extreme poverty of available resources, both of surface (Jordan, Yarmuk, minor tributaries) or underground (Costal Aquifer, Mountain Aquifer and so on) represents the first fundamental cause of the regional water crisis.

In addition to this, water resources are asymmetrically distributed among riparian States, and per capita consumption levels are extremely variable. Two States in particular, Syria and Lebanon, while being dependent on Jordan water sources on a local basis, have huge available water reserves on the remaining part of their territories (the Litani river in Lebanon, the Euphrates and Oronte in Syria) which represent a potential solution to their present-day water crisis; whereas Israel, Jordan and the Palestinian Territories are entirely dependent upon the scarce resources of the Jordan basin.

Even inside this smaller group, there are significant differences relating to water consumption levels and availability. Israel, for historical reasons, benefits from preferential access to the resources of the basin (Jordan, Yarmuk, West Bank aquifers) and is the sole riparian where water consumption levels are comparable to those of western Countries.

Anyway, it is not only a matter of control over resources, but also of efficient use and investment in modern water technologies and infrastructure; on this specific aspect, Israel can teach important lessons, not only to its regional partners, but also to many industrialised countries.

The second striking element is the **centrality of agriculture** in the economies of all the Countries in the area. As a matter of fact, agriculture absorbs from 67% to 95% of the available water resources in the basin. The regional water crisis, then, is not only a matter of natural scarcity, but also of allocation of available water resources in favour of water-intense activities with limited economic value. At least, the choice of adequate, water saving crops, resistant to arid climates, could already represent an important step in order to reduce consumption levels.

The third significant element in the water crisis is the **persistence of high demographic trends** characterizing all riparians Countries. As far as water demand increases, the crisis becomes more intense and compelling.

DESCRIPTION OF THE WATER CONFLICT: WATER IN THE HISTORY OF ARAB-ISRAELI CONFLICT. WHAT HISTORY CAN TEACH US?

The question now is: what are the human dynamics and the political choices that have led to the present situation? We don't have enough time here to fully discuss the complex role played by water resources in the long history of the Holy Land. What we can do is an attempt to acquire some "useful lessons" from the experience of interactions among riparian States.

First of all, **access to and control over the water resources of the basin have historically constituted a fundamental question for the peoples of the area**, and figured high in the political agenda of all leaders who lead them over time; this is true for France and Great Britain, that

immediately after World War One tried to include the most important water sources of the basin inside the borders of their respective "Mandates"; this is true for the Zionist movement, which was aware that the settlement strategy of Jew communities in the semi-desert land of Palestine couldn't succeed without an adequate amount of water resources for agriculture; and this is true for the Arab populations living in Palestine at that time, which repeatedly expressed their concern over the establishment of new communities in a water scarce land, fearing it would place a huge burden over their own future prospects of economic development.

In the same way, during the '50 and '60, all basin States undertook huge efforts to unilaterally exploit the portion of basin resources under their control, in an attempt to grant themselves a basis for the development of their economies. These contrasting efforts inevitably resulted in a drastic rise in regional tension, as in the case of the digging of the East Ghor Canal by Jordan, or the construction of the Israeli National Water Carrier- a crucial project for the consolidation of the young Jew State- in reaction to which the Arab neighbours elaborated the well-known deviation plan of the Jordan river springs.

Secondly, the **water issue has always been interlinked to other core issues of the Arab-Israeli conflict**, such as the recognition of the Jew State, the rights of the Palestinian people, borders, settlements and the reintegration of refugees. Despite the importance of the water issue in the perceptions of the parties involved, water itself has never been the only cause or the direct target of the military confrontations that occurred in the history of Middle East conflict. As a matter of fact, **water has acquired a strategic value because of the general context of conflict**; not vice versa.

Finally, it is worthy of further notice that parties were nevertheless able to recognize, in specific occasions and under certain conditions, the important **potential for cooperation** intrinsically connected to the water issue. The most important among these conditions seems to have been the active involvement of a third party.

In conclusion, during all the pre-Madrid period, before the beginning of peace process in the area, any development of interstate cooperation in the field of water was hampered by the existence of a radical conflict involving fundamental political issues, such as sovereignty over territory and mutual recognition. Without a strategic commitment by the Parties in favour of peace and mutual recognition, the occasional, low-level technical cooperation on water issues contributed to detent relations between the opposing parties only in a very marginal way.

BILATERAL NEGOTIATIONS AND MAIN CLAIMS OF THE PARTIES

From this perspective, the launch of the Peace Process at the beginning of the '90s has represented a major turning point. The process laid the foundations for the mutual recognition of the needs and rights of the Parties, thus unlocking the dialogue on the whole of the historical contentious issues, including that of water resources.

On the **Israeli-Palestinian track**, the Madrid Process led to the full recognition of Israel by LPO and, at the same time, to the recognition of the rights of the Palestinians in the field of water resources. The signing of the Taba Agreements in 1995 marked a significant development, although the nature and measure of these rights is still to be determined. Is it a "right to a certain amount of resources" or a recognition of "sovereign rights" over them? The settlement of this issue has been put aside for the moment, and will be part of the final comprehensive package defining the final status of the Territories. In the meantime, a partial reallocation of the resources in favour of the Palestinians has been accomplished, while the PNA has accepted to take part in joint management activities with Israel.

The core issue at the heart of talks on the **Israeli-Syrian track** of the Peace process was the possible handing over of the Golan Heights. Talks came to a standstill just when a solution of the water conflict was at hand, based on the formula "restitution of land to Syria vs. Syrian guarantees on usage of water sources" (Banyas springs, Yarmuk, Upper Jordan) upon which Israel is dependent. In the prospect of the reopening of the Syrian-Israeli negotiation table, this basic formula should be resumed and further detailed by the parties. They might complement it with a mechanism for joint control of transboundary effects of upstream water use, and possibly with rules on joint management of shared resources.

On the **Lebanese-Israeli front**, after the complete fading out of the historical dispute on the Litani river, tensions and concerns have resurfaced over potential negative transboundary effects of Hasbani river use on the Lebanese side of the border. So far, Lebanon has chosen not to discuss any form of joint management of the river, being the complete normalization of diplomatic relations with Israel a precondition to any form of cooperation in the field of water. This suggests that a serious negotiating effort on Israel's "Northern Front" could greatly contribute to the solution of the pending water issues.

The achievement of the single and most important diplomatic success in the region, namely the **Peace Treaty between Jordan and Israel** (which includes an important chapter on partition, joint management and development of shared water sources) was indeed fostered by the absence of significant connections between the water conflict and other potential divisive issues (such as mutual recognition, border disputes, or the refugee problem). This allowed the negotiating teams to concentrate on the solution of the water conflict without any "interference" from other items on the agenda, and to eventually reach a mutually beneficial compromise.

The Peace Treaty reaffirms the fundamental principles of equitable use, no harm, joint management and joint development through the institution of a Joint Committee charged with the task of elaborating plans and proposals for the solution of the water problem in the long term.

LESSONS FROM THE MULTILATERAL PEACE TALKS

While bilateral talks focused on the most pressing issues of concern of single couples of Countries, the multilateral track was conceived by the architects of the Peace Process as an opportunity to look at the future of the Middle East as a unitary region, with the aim, inter alia, of elaborating sustainable solutions to the long-term problems of protection and development of the regional water potential.

The **Multilateral Working Group on Water Resources** was created as one of the five working groups which constituted the architecture of the multilateral talks, and met several times between 1992 and year 2000. Unfortunately, the progress of talks in this group was somewhat obstructed by a series of obstacles of intrinsically political nature. The most striking problem was the refusal by both Lebanon and Syria to take part to the meetings, which limited the scope of potential cooperation to only three countries and didn't allow it to comprehend the entire Jordan basin system, including its tributaries and springs. In addition to this, each party showed different priorities on the items to be included in the negotiators agenda. Israel tried to convince its partners to focus on the elaboration of plans to optimize the use of existing water resources, and eventually to resort to alternative sources (e.g. via desalination).

On the other side, Arab states –and, among them, the Jordanian and the Palestinian delegations in particular- strove hard to include in the multilateral agenda the highly political questions of redistribution of available water resources and definition of water quotas to be attributed to each riparian State, considering it as a precondition to any form of technical cooperation.

Again, the old problem of interaction between "low politics" (such as technical cooperation in the field of water) and "high politics" issues (to which the determination water rights belongs in connection with the fundamental problems of statehood, borders and refugees) resurfaced in the context of the multilaterals, de facto blocking them.

It is nevertheless necessary to recognize that a limited number of initiatives originally elaborated and discussed in the context of the multilaterals, were later added to the agenda of bilateral peace talks, as parties agreed to institutionalise their cooperation: for example, the project of a Canal from the Mediterranean to the Dead Sea, an idea which had been initially launched in the context of a multilateral meeting, was later developed by Israel and Jordan on a bilateral basis after the signing of the Peace Treaty.

In conclusion, the multilateral initiatives have indeed played a pivotal role in keeping the dialogue among the parties alive. It is impossible anyway to achieve decisive results without courageous, and even painful acts of political will, that demonstrate the parties' commitment to attain a comprehensive and lasting peace.

A DIPLOMATIC STRATEGY TO SOLVE DISTRIBUTION CONFLICTS AND ALLEVIATE THE REGIONAL WATER CRISIS

Italy is convinced, in line with its European partners, that a lasting peace in the area can only be achieved on the basis of a comprehensive compromise encompassing arrangements on security, borders, refugees and settlements, together with a satisfactory solution to the tensions for control and distribution of water resources.

It must be kept in mind, however, that **an arrangement on water distribution will not automatically provide a solution to the ever-increasing scarcity of available resources affecting the whole Jordan basin area. A more equitable distribution of the existing resources will not be enough to satisfy both present and future needs of the States depending upon them.**

In our view, the experience of ten years of negotiations has shown that **a successful response to the water problem can only be achieved through a combination of diplomatic-political efforts with technical-functional activities.** In the case of Israel and Jordan, for instance, the agreement on water quotas has represented a prerequisite for (and accompanied) the launch of their mutual cooperation in the management and development of common resources. At the same time, the prospect of obtaining benefits from joint water development projects helped the parties to accept the sacrifices of quota redistribution, which is typically a “zero-sum” exercise.

It is not our intention to provide the Countries involved in the peace process with detailed directions on how to shape their peace agreements. Neither we want to produce a complete list of measures for technical cooperation. What we would like to suggest here is a **method.** First of all, the parties should agree to refer to the **international principles regulating the use of transboundary watercourses when it takes to determine their respective water rights and quotas.** At the same time, they should **undertake joint projects to preserve and to develop the water potential of the basin,** so as to consolidate their water sharing agreements through the positive results of technical cooperation.

The international law on the use of international watercourses, as recently codified by the UN Convention on Non Navigational Uses of Watercourses, proposes that riparians adopt a global approach in using basin waters, and try to balance the need for equitable and reasonable use of shared waters together with the general prohibition to cause transboundary harm. The principles stated by the UN Convention could be used to shape a detailed agreement where **water rights of each riparian are determined upon the needs of their respective populations,** being the satisfaction of fundamental human needs the first objective to be pursued. Once an equitable and legitimate distribution of water quotas is determined, basin waters should be put under the control of a common Water Authority, charged with the task of managing and institutionalising cooperation at basin level. Within the context of this authority, plans and proposals should be adopted in order to alleviate the looming regional water crisis through technical initiatives.

With reference to the technical measures parties could resort to, some of them could be adopted unilaterally by each basin State: the list could include **measures to reduce water demand,** such as stricter rules on water consumption, awareness campaigns, a general re-examination of development policies so as to reduce the role of agriculture in national economies, or at least to provide incentives in favour of water saving crops; and again, the adoption of wastewater recycling methods, or bigger investments on water infrastructure.

Other potential projects, **aimed at increasing the total supply of water available in the basin,** are of particular importance because they imply some form of bilateral or multilateral cooperation. For example, the possibility of obtaining extra water supplies through agreements with non-basin Countries is worth being encouraged. The increasing level of cooperation between Israel and Turkey, a relatively water rich country that has repeatedly expressed its willingness to provide water to other countries of the region, could represent a positive model. In the long term, even Iraq, once completely stabilized, could consider saving part of its water potential for export, as was once planned by the Iraqi and Jordanian authorities.

In the end, though, there are **measures that basin states can only adopt through some form of direct cooperation among them**; this is the case of **infrastructural projects**, such as the construction of big desalination plants, dams and canals (such as the well known Med-Dead Canal) which have the capability of producing enough water to satisfy both present and future demand. We are well aware that the idea of undertaking such huge infrastructural projects has given rise to a certain amount of controversy, because of their dimensions and overall costs.

The **role and potential support from the International Community** then comes into discussion. In general, when referring to water rights and quotas, we believe the International Community should limit itself to playing the role of the “honest broker”, without getting involved in the details of water sharing agreements: we earlier suggested parties should follow the rules of International law on watercourses, but this is just a proposal, and they could well resort to alternative criteria to solve their disputes.

On the contrary, when major infrastructural projects are concerned, the scenario is completely different: for several times in the past the US offered their financial support to Jordan Basin Countries, as in the case of the projects linked to the Johnston Plan, or the proposals outlined by President Eisenhower during the Conference on Water for Peace in 1967. We are sure that all major international donors, and the EU first, being it the principal contributor in the Donors Group, will provide their support to any proposed project, especially if capable of fostering intra-basin cooperation.

Italy will do its part, faithful to the vision of two Sovereign States living in peace side by side, in a regional context of dialogue and prosperity. Italy is convinced that the path indicated by the Road Map, which we contributed to maintain alive in this period of transition, constitutes a realistic framework for a negotiated solution of the Middle Eastern question and for the final attainment of an equitable, just and comprehensive peace for the whole region.

Any initiative undertaken by one of the parties on a unilateral basis will be welcome, provided it contributes to the reestablishment of conditions for dialogue; but it should not preclude a negotiated solution, accepted by all parties involved. In this moment, the reestablishment of an adequate security framework and the reopening of serious negotiations among the parties constitute a prerequisite for a full international engagement, both political and financial, on important projects aimed at fostering cooperation in the region. On a broader perspective, Italy is ready to organize and host an International Peace Conference involving all stakeholders in the peace process. We have already made our proposal to host this Conference in Sicily, in the symbolic context of the city of Erice.

In conclusion, we would like to express our deep appreciation for Your participation to such an ambitious and far-seeing event as the conference organized by the Centro Volta, which the Italian Government encouraged and actively supported. We are convinced that this will prove a stimulating opportunity to share ideas and proposals for future cooperation in the water sector, to alleviate the present critical situation. The prospect of gaining additional resources through technical cooperation should provide parties with an incentive to face the sacrifices of redistribution of existing resources; at the same time, it represents a crucial condition for the agreements on water quotas to prove durable in the future. Without an adequate expansion of the overall water potential of the Jordan basin, any redistribution agreement would rapidly be rendered obsolete by the rise in demographic pressure and demand, with the risk of igniting new tensions and conflicts in the region.

We don't want this scenario to materialise: this is why we gathered here in Como to discuss and to listen to each other, in a positive and cooperative spirit, for the next two days of talks in front of us.