



Carrying water from a well

Former Israeli Water Commissioner, Meir Ben Meir, has repeatedly declared that the Palestinians could solve their water problem through importing water from Israel, that only water allocations and the right to water use would be negotiated, but not sovereignty over water resources, and that International Law does not apply to the Palestinians since they do not constitute a state.

In contrast, the **Palestinians** realize that the only resolution of the water issue is through the application of International Law and related UN resolutions whose principles they have vowed to respect. Equitable and reasonable utilization of the shared water resources is essential and currently far from being realized.

## International Watercourses in the Context of International Law

According to International Law, Palestinians should have full sovereignty over all the Eastern Aquifer waters that lie beneath the West Bank, at least equitable water utilization of the Western and Northeastern Aquifers as these are recharged almost entirely from the West Bank, and equitable water utilization in the JR system as a riparian to it. In 1999 experts estimated the compensation for damages to Palestinian water resources caused by Israel, and for Palestinian water used by Israel over the years, at a minimum of \$45 billion (Jad Isaac, *Water and Palestinian-Israeli Peace Negotiations*, Center for Policy Analysis on Palestine, 19 Aug. 1999).

### ► **Governing Principles**

In normal, conflict-free situations between states, the International Customary Law provides important rules for the use of shared water resources, including the following:

- duty to cooperate and to negotiate with a genuine intention of reaching an agreement
- prohibition to cause significant harm to the others
- duty of prior consultation
- equitable and reasonable utilization of shared water resources

In the case of the WBGs, Israel has failed to comply with the above-mentioned rules, which constitute part of the International Customary Law, by claiming that Palestine is not yet a state.

### ► **Rules and Conventions Applicable to Belligerent Occupation**

As an occupier, Israel has not complied with the rules applicable to a Belligerent Occupation that are encompassed in the Hague Regulations of 1910 and the Fourth Geneva Convention of 1949. The said rules oblige the belligerent to safeguard the natural resources of the occupied country and to provide the original citizens with their needs from these resources.

Since the beginning of the occupation, Palestinian water use was controlled by laws, rules and military orders imposed on them by the State of Israel. The enduring occupation has persistently deprived the Palestinians of their equal rights in the use of international water resources.



Ein Samia Reservoir

### ■ **UN General Assembly and Security Council Resolutions**

The UN General Assembly (GA) and Security Council (SC) have adopted and repeatedly reaffirmed numerous resolutions in relation to the Palestinian people's right to self-determination. An important aspect of that right is permanent sovereignty over natural resources including water. In 1972, UNGA Res. 3005 (Dec. 1972) recognized that the Palestinians' right of permanent sovereignty applies to the resources of the Occupied Territories. This has also been repeated in numerous subsequent UN reports. All UN resolutions have been guided by the principles of the UN Charter, reaffirming the applicability of the "Fourth Geneva Convention to the Protection of Civilian Persons in Time of War" of 12 August 1949 to the Occupied Palestinian Territory including Jerusalem and other Arab territories occupied by Israel since 1967. Furthermore, they have expressed a continuous concern regarding Israel's exploitation of natural resources, including the impact of Israeli