

settlements on Palestinian and other Arab natural resources, especially the confiscation of land and the forced diversion of water resources. (For a full list of UN resolutions on Palestine related to Water see: <http://domino.un.org/unispal.nsf> and click "water" on the subject menu).

■ *The UN Convention on the Law of Non-Navigational Uses of International Watercourses*

The Law of the Non-Navigational Uses of International Watercourses was adopted by the UNGA on 21 May 1997. It is considered a global framework agreement with the goal to ensure the utilization, development, conservation, management and protection of international watercourses. It codifies the general principles and rules of International Customary Law and progressively develops, modifies and alters existing laws. The Convention follows the ecosystem approach which emphasizes the need for integrated quality and quantity management covering surface and groundwater and their related ecosystems.



Pumping Station, Ein Samia

■ *Research Initiatives on the Application of International Water Law*

A leading project in the field of applying International Law to water conflicts is a project entitled "Transboundary Water Resources Management: Using the Law to Develop Effective National Water Strategy: Poverty Eradication through Enforceable Rights to Water," established by the International Water Law Research Institute (IWLRI), Department of Law at Dundee University/Scotland. The project deals with three case studies, one concerning an upstream case in China, one a downstream case in Mozambique and one a case of transboundary groundwater in Palestine. The case study on Palestine seeks to investigate "equitable and reasonable utilization" through a practice-oriented and interdisciplinary approach to shared groundwater in Palestine. Its specific objective is to develop a Legal Assessment Model (LAM) for the case of transboundary groundwater aquifers and to verify the similarities and/or differences in groundwater compared to surface water. They hope to develop a generic model that could be applied to any Groundwater Transboundary State to assess its legal water rights and obligations.



Solomon Pools

Conclusions

Current levels of Israeli exploitation of Palestinian or 'shared' water resources - both surface and groundwater - leave the Palestinians with the lowest consumption rate in the entire region by far, and one dangerously beneath recommended levels. Israeli over-pumping has already caused pollution and long-term damage to the fragile coastal aquifer and its rising demand for water is likely to result in further over-pumping of the West Bank aquifers and yet harsher shortages amongst the Palestinians living there. Damage to groundwater sources can be irreversible, and is in some areas already expected to cause pollution and salinity for centuries. Without an equitable and responsible arrangement, Palestine's water situation will become catastrophic and have long-term repercussions on the regional distribution of water.

There are clear indications that the international watercourses in the region are neither equitably nor reasonably utilized among those who share the resources. With special emphasis on the Israeli/Palestinian case it is apparent that power structures have so far determined the allocation of international watercourses between the two parties. Palestine has a large water deficit, which has caused a delay in the economic and social development of the area.

Countless United Nations resolutions have been adopted in relation to Palestine's sovereignty over its natural resources. None of these have been enforced. Existing agreements

between Israel and the PLO on water are unjust and inequitable and do not go beyond temporary solutions for crises nor do they create a sustainable and permanent solution.

Article 40 of Annex II of the 1995 Oslo II Interim Agreement deals with water allocations to fulfill the immediate needs of the Palestinians and gives no due consideration to the principle of equitable and reasonable utilization. This section emphasizes that Israel recognizes the Palestinian water rights in the West Bank but with no definitions of these rights. The basic principles governing the rights and obligations of both parties were not established. The negotiations of these rights were postponed for the permanent status agreement. Article 40 only allocated additional water to meet the urgent needs of the Palestinians. These will be developed from the Eastern Aquifer Basin and any other agreed upon sources as the Article indicates.

During the last seven years implementation of this part of the agreement was restricted and extremely slow. Decision making within the Joint Water Committee was unilateral, dominated by Israel. The dominant factor in the Israeli evaluation and rejection of the Palestinian projects and plans was the "no-harm principle." In the past six years the Palestinians developed only 12 mcm out of 80 mcm (Minutes of Meetings of the JWC between 1996-2000).