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### United Nations General Assembly 2<sup>nd</sup> Committee Topic Area A

*Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources.*



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## INTRODUCTION

### **The conflict**

The conflict between Palestinian Arabs and Jews is a modern phenomenon, which began around the turn of the 20th century. Although these two groups have different religions (Palestinians include Muslims, Christians and Druze), religious differences are not the cause of the conflict. It is essentially a struggle over land. Until 1948, the area that both groups claimed was known internationally as Palestine. But following the war of 1948-49, this land was divided into three parts: the state of Israel, the West Bank (of the Jordan River) and the Gaza Strip. .

### **The Land and the People**

In the 19th century, following a trend that began earlier in Europe, people around the world began to identify themselves as nations and to demand national rights, foremost the right to self-rule in a state of their own (self-determination and sovereignty). Jews and Palestinians both began to develop a national consciousness, and mobilized to achieve national goals. Because Jews were spread across the world (in diasporas), their national movement, Zionism, entailed the identification of a place where Jews could come together through the process of immigration and settlement. Palestine seemed the logical and optimal place, since this was the site of Jewish origin. The Zionist movement began in 1882 with the first wave of European Jewish immigration to Palestine.

Until the beginning of the 20th century, most Jews living in Palestine were concentrated in four cities with religious significance: Jerusalem, Hebron, Safad and Tiberias. Most of them observed traditional, orthodox religious practices. Many spent their time studying religious texts and



depended on the charity of world Jewry for survival. Their attachment to the land was religious rather than national, and they were not involved in -- or supportive of -- the Zionist movement which began in Europe and was brought to Palestine by immigrants. Most of the Jews who immigrated from Europe lived a more secular lifestyle and were committed to the goals of creating a Jewish nation and building a modern, independent Jewish state. By the outbreak of World War I (1914), the population of Jews in Palestine had risen to about 60,000, about 33,000 of whom were recent settlers. The Arab population in 1914 was 683,000.

## **The United Nations Partition Plan**

Following World War II, escalating hostilities between Arabs and Jews over the fate of Palestine and between the Zionist militias and the British army compelled Britain to relinquish its mandate over Palestine. The British requested that the recently established United Nations determine the future of Palestine. But the British government's hope was that the UN would be unable to arrive at a workable solution, and would turn Palestine back to them as a UN trusteeship. A UN-appointed committee of representatives from various countries went to Palestine to investigate the situation. Although members of this committee disagreed on the form that a political resolution should take, there was general agreement that the country would have to be divided in order to satisfy the needs and demands of both Jews and Palestinian Arabs. At the end of 1946, 1,269,000 Arabs and 608,000 Jews resided within the borders of Mandate Palestine. Jews had acquired by purchase 6 to 8 percent of the total land area of Palestine amounting to about 20 percent of the arable land.

On November 29, 1947, the UN General Assembly voted to partition Palestine into two states, one Jewish and the other Arab. The UN partition plan divided the country in such a way that each state would have a majority of its own population, although some Jewish settlements would fall within the proposed Palestinian state and many Palestinians would become part of the proposed Jewish state. The territory designated to the Jewish state would be slightly larger than



the Palestinian state (56 percent and 43 percent of Palestine, respectively) on the assumption that increasing numbers of Jews would immigrate there. According to the UN partition plan, the area of Jerusalem and Bethlehem was to become an international zone.

Publicly, the Zionist leadership accepted the UN partition plan, although they hoped somehow to expand the borders allotted to the Jewish state. The Palestinian Arabs and the surrounding Arab states rejected the UN plan and regarded the General Assembly vote as an international betrayal. Some argued that the UN plan allotted too much territory to the Jews. Most Arabs regarded the proposed Jewish state as a settler colony and argued that it was only because the British had permitted extensive Zionist settlement in Palestine against the wishes of the Arab majority that the question of Jewish statehood was on the international agenda at all.

Fighting began between the Arab and Jewish residents of Palestine days after the adoption of the UN partition plan. The Arab military forces were poorly organized, trained and armed. In contrast, Zionist military forces, although numerically smaller, were well organized, trained and armed. By the spring of 1948, the Zionist forces had secured control over most of the territory allotted to the Jewish state in the UN plan.

On May 15, 1948, the British evacuated Palestine, and Zionist leaders proclaimed the state of Israel. Neighbouring Arab states (Egypt, Syria, Jordan and Iraq) then invaded Israel claiming that they sought to "save" Palestine from the Zionists. In fact, the Arab rulers had territorial designs on Palestine and were no more anxious to see a Palestinian Arab state emerge than the Zionists. During May and June 1948, when the fighting was most intense, the outcome of this first Arab-Israeli War was in doubt. But after arms shipments from Czechoslovakia reached Israel, its armed forces established superiority and conquered territories beyond the UN partition plan borders of the Jewish state.

In 1949, the war between Israel and the Arab states ended with the signing of armistice agreements. The country once known as Palestine was now divided into three parts, each under separate political control. The State of Israel encompassed over 77 percent of the territory.



Jordan occupied East Jerusalem and the hill country of central Palestine (the West Bank). Egypt took control of the coastal plain around the city of Gaza (the Gaza Strip). The Palestinian Arab state envisioned by the UN partition plan was never established.

## **The Palestine Liberation Organization (PLO)**

The Arab League established the PLO in 1964 as an effort to control Palestinian nationalism while appearing to champion the cause. The Arab defeat in the 1967 war enabled younger, more militant Palestinians to take over the PLO and gain some independence from the Arab regimes.

The PLO includes different political and armed groups with varying ideological orientations. Yasser Arafat is the leader of Fatah, the largest group, and has been PLO chairman since 1968. The other major groups are the Popular Front for the Liberation of Palestine (PFLP), the Democratic Front for the Liberation of Palestine (DFLP) and, in the occupied territories, the Palestine Peoples Party (PPP, formerly the Communist Party). Despite factional differences, the majority of Palestinians regard the PLO as their representative.

In the 1960s, the PLO's primary base of operations was Jordan. In 1970-71, fighting with the Jordanian army drove the PLO leadership out of the country, forcing it to relocate to Lebanon. When the Lebanese civil war started in 1975, the PLO became a party in the conflict. After the Israeli invasion of Lebanon in 1982, the PLO leadership was expelled from the country, relocating once more to Tunisia.

Until 1993, Israel did not acknowledge Palestinian national rights or recognize the Palestinians as an independent party to the conflict. Israel refused to negotiate with the PLO, arguing that it was nothing but a terrorist organization, and insisted on dealing only with Jordan or other Arab states. It rejected the establishment of a Palestinian state, insisting that Palestinians should be incorporated into the existing Arab states. This intransigence ended when Israeli representatives



entered into secret negotiations with the PLO, which led to the Oslo Declaration of Principles (see below).

## **UN Security Council Resolution 242**

After the 1967 war, the UN Security Council adopted Resolution 242, which notes the "inadmissibility of the acquisition of territory by force," and calls for Israeli withdrawal from lands seized in the war and the right of all states in the area to peaceful existence within secure and recognized boundaries. The grammatical construction of the French version of Resolution 242 says Israel should withdraw from "the territories," whereas the English version of the text calls for withdrawal from "territories." (Both English and French are official languages of the UN.) Israel and the United States use the English version to argue that Israeli withdrawal from some, but not all, the territory occupied in the 1967 war satisfies the requirements of this resolution.

For many years the Palestinians rejected Resolution 242 because it does not acknowledge their right to national self-determination or to return to their homeland. It calls only for a just settlement of the refugee problem. By calling for recognition of every state in the area, Resolution 242 entailed unilateral Palestinian recognition of Israel without recognition of Palestinian national rights.

## **The West Bank and Gaza Strip**

### **West Bank**

The West Bank - the larger of the two areas under the Palestine Authority - has experienced a general decline in economic growth and a degradation in economic conditions made worse since the second intifada began in September 2000. The downturn has been largely the result of the Israeli closure policies - the imposition of border closures in response to security incidents in



Israel - which disrupted labor and commodity market relationships. In 2001, and even more severely in 2002, Israeli military measures in Palestine Authority areas resulted in the destruction of much capital plant, the disruption of administrative structure, and widespread business closures. Including the Gaza Strip, the UN estimates that more than 100,000 Palestinians out of the 125,000 who used to work in Israeli settlements, or in joint industrial zones, have lost their jobs. International aid of \$2 billion to the West Bank and Gaza strip in 2004 prevented the complete collapse of the economy and allowed some reforms in the government's financial operations. Meanwhile, unemployment has continued at more than half the labor force. ARAFAT's death in 2004 leaves open more political options that could affect the economy.

## **Gaza Strip**

High population density, limited land access, and strict internal and external controls have kept economic conditions in the Gaza Strip - the smaller of the two areas under the Palestinian Authority - even more degraded than in the West Bank. An anticipated Israeli withdrawal from the Gaza Strip in 2005 may offer some medium-term opportunities for economic growth. The beginning of the second intifadah in September 2000 sparked an economic downturn, largely the result of Israeli closure policies; these policies, which were imposed in response to security interests in Israel, disrupted labor and commodity relationships with the Gaza Strip.

## **The Intifada**

In December 1987, the Palestinian population in the West Bank and Gaza started a mass uprising against the Israeli occupation. This uprising, or intifada (which means "shaking off" in Arabic), was not started or orchestrated by the PLO leadership in Tunis. Rather, it was a popular mobilization that drew on the organizations and institutions that had developed under occupation. The intifada involved hundreds of thousands of people, many with no previous resistance experience, including children, teenagers and women. For the first few years, it



involved many forms of civil disobedience, including massive demonstrations, general strikes, refusal to pay taxes, boycotts of Israeli products, political graffiti and the establishment of underground schools (since regular schools were closed by the military as reprisals for the uprising). It also included stone throwing, Molotov cocktails and the erection of barricades to impede the movement of Israeli military forces.

Intifada activism was organized through popular committees under the umbrella of the United National Leadership of the Uprising. The UNLU was a coalition of the four PLO parties active in the occupied territories: Fatah, the PFLP, the DFLP and the PPP. This broad-based resistance drew unprecedented international attention to the situation facing Palestinians in the West Bank and Gaza, and challenged the occupation as never before.

Under the leadership of Minister of Defense Yitzhak Rabin, Israel tried to smash the intifada with "force, power and blows." Army commanders instructed troops to break the bones of demonstrators. From 1987 to 1991 Israeli forces killed over 1,000 Palestinians, including over 200 under the age of sixteen. By 1990, most of the UNLU leaders had been arrested and the intifada lost its cohesive force, although it continued for several more years. Political divisions and violence within the Palestinian community escalated, especially the growing rivalry between the various PLO factions and Islamist organizations (HAMAS and Islamic Jihad). Palestinian militants killed over 250 Palestinians suspected of collaborating with the occupation authorities and about 100 Israelis during this period.

Although the intifada did not bring an end to the occupation, it made clear that the status quo was untenable. The intifada shifted the center of gravity of Palestinian political initiative from the PLO leadership in Tunis to the occupied territories. Palestinian activists in the occupied territories demanded that the PLO adopt a clear political program to guide the struggle for independence. In response, the Palestine National Council (a Palestinian government-in-exile), convened in Algeria in November 1988, recognized the state of Israel, proclaimed an independent Palestinian state in the West Bank and the Gaza Strip, and renounced terrorism. The Israeli government did not respond to these gestures, claiming that nothing had changed and that



the PLO was a terrorist organization with which it would never negotiate. The US did acknowledge that the PLO's policies had changed, but did little to encourage Israel to abandon its intransigent stand.

## **The Oslo Accords**

The weakness of the PLO after the Gulf War and fear of radical Islam brought the Rabin government to reverse the long-standing Israeli refusal to negotiate with the PLO. Consequently, Israel initiated secret negotiations in Oslo, Norway directly with PLO representatives who had been excluded from the Madrid and Washington talks. These negotiations produced the Israel-PLO Declaration of Principles, which was signed in Washington in September 1993.

The Declaration of Principles was based on mutual recognition of Israel and the PLO. It established that Israel would withdraw from the Gaza Strip and Jericho, with additional withdrawals from further unspecified areas of the West Bank during a five-year interim period. During this period, the PLO formed a Palestinian Authority (PA) with "self-governing" (i.e. municipal) powers in the areas from which Israeli forces were redeployed. In January 1996, elections were held for a Palestinian Legislative Council and for the presidency of the PA, which was won handily by Yasir Arafat. The key issues such as the extent of the territories to be ceded by Israel, the nature of the Palestinian entity to be established, the future of the Israeli settlements and settlers, water rights, the resolution of the refugee problem and the status of Jerusalem were set aside to be discussed in final status talks.

The PLO accepted this deeply flawed agreement with Israel because it was weak and had little diplomatic support in the Arab world. Both Islamist radicals and local leaders in the West Bank and the Gaza Strip challenged Arafat's leadership. Yet only Arafat had the prestige and national legitimacy to conclude a negotiated agreement with Israel.



The Oslo accords set up a negotiating process without specifying an outcome. The process was supposed to have been completed by May 1999. There were many delays due to Israel's reluctance to relinquish control over the occupied territories, unwillingness to make the kinds of concessions necessary to reach a final status agreement, and periodic outbursts of violence by Palestinian opponents of the Oslo process, especially HAMAS and Jihad. During the Likud's return to power in 1996-99, Prime Minister Benjamin Netanyahu avoided engaging seriously in the Oslo process, which he distrusted and fundamentally opposed.

A Labor-led coalition government led by Prime Minister Barak came to power in 1999. Barak at first concentrated on reaching a peace agreement with Syria. When he failed to convince the Syrians to sign an agreement that would restore to them less than all the area of the Golan Heights occupied by Israel in 1967, Barak turned his attention to the Palestinian track.

During the protracted interim period of the Oslo process, Israel's Labor and Likud governments built new settlements in the occupied territories, expanded existing settlements and constructed a network of bypass roads to enable Israeli settlers to travel from their settlements to Israel proper without passing through Palestinian-inhabited areas. These projects were understood by most Palestinians as marking out territory that Israel sought to annex in the final settlement. The Oslo accords contained no mechanism to block these unilateral actions or Israel's violations of Palestinian human and civil rights in areas under its control.

Final status negotiations between Israel and the Palestinians were to have begun in mid-1996, but only got underway in earnest in mid-2000. By then, a series of painfully negotiated Israeli interim withdrawals left the Palestinian Authority with direct or partial control of some 40 percent of the West Bank and 65 percent of the Gaza Strip. The Palestinian areas were surrounded by Israeli-controlled territory with entry and exit controlled by Israel.

The Palestinians' expectations were not accommodated by the Oslo accords. The Oslo process required the Palestinians to make their principal compromises at the beginning, whereas Israel's principal compromises beyond recognition of the PLO were to be made in the final status talks.



## **BACKGROUND INFORMATION**

The Second Committee (Economic and Financial) has considered over the past the issue of the permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources. Before the Committee was a note by the Secretary-General transmitting a report on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan (document A/56/90, E/2001/17), prepared by the Economic and Social Commission for Western Asia (ESCWA).

The report stated that delays in implementation of the agreements reached between Israel and the Palestine Liberation Organization, the fact that those agreements had not been fully implemented, and the delay in reaching a final status agreement intended to settle all outstanding claims between the two parties, continue to have an adverse effect on the living conditions of the Palestinian people. Moreover, these delays and Israeli practices, particularly with regard to settlement expansion and the closure of passage routes, were among the primary causes of the outbreak of current tensions and violence, with thousands of people, including children, killed or wounded.

During its 34-year occupation, says the report, Israel has established a range of civilian and military installations through the occupied Palestinian territory. It has established approximately 170 settlements in the West Bank with a civilian population of some 200,000. In addition to settlement expansion and the seizure of land, water remains a critical issue for Palestinians. Over 150 West Bank villages, home to some 215,000 Palestinians, are not connected to running water. As a result, a number of municipalities in the West Bank have been forced to establish a rotation programme between different areas of the town, in order to distribute the little water they have.

Not only does waste produced by Israeli settlements located in the occupied Palestinian territory continue to degrade the area's water resources, the report states, but Israeli practices in the



occupied Palestinian territory remain insensitive to environmental considerations, thereby compromising the Palestinian population's quality of life. The condition of the water in the River Jordan has deteriorated dramatically owing to wastes coming from Israeli settlements which affected the river's fish and led to the loss of an important source of water life.

A report of November 2000 noted the domino effect of Israeli curfews on the environment, the report states. For example, medical waste produced in the hospitals is not being disposed of properly. Transportation means to central dumping facilities are being cut off and local autoclaving units are overwhelmed and often inoperable. In the Gaza Strip, numerous solid-waste piles accumulated and collection efforts were interrupted owing to the continued closure of transportation routes.

In regard to forests, the report adds, about 80 per cent of the deforestation of land in the occupied Palestinian territory is attributable to the Israeli occupation: 78 per cent to settlements, two per cent to military bases and one per cent to bypass roads. Moreover, the Israeli military and Jewish settlers have uprooted more than half a million fruit trees on privately owned land. As of 9 November 2000, 4,495 olive trees had been cut down by Israeli forces.

On economic issues, the report stated that the loss of employment in Israel plus mobility restrictions and border closures had resulted in an average unemployment rate of 38 per cent (more than 250,000 persons) as compared with 11 per cent (71,000 persons) in the first nine months of 2000. Owing to the high dependency ratio, unemployment now directly affects the incomes of about 900,000 Palestinians, or 29 per cent of the population. The report added that the direct economic losses arising from movement restrictions are estimated at 50 per cent of Gross Domestic Product for the four-month period from October 2000 to January 2001, and 75 per cent of wage income earned by Palestinian workers in Israel. The total loss is estimated at \$1,150.7 million, equal to 20 per cent of the projected GDP for the year 2000 (assuming no border closures).



Since the beginning of the crisis, the report added, there had been a 50 per cent increase in the number of people living below the poverty line, estimated by the World Bank at \$2.10 per person per day in consumption expenditures. The number of poor people had increased from about 650,000 to 1 million. The poverty rate had increased from 21 per cent to 32 per cent. Thus, the occupation and the ensuing crisis had deleterious effects on the welfare and quality of life of the Palestinian people.

In regard to the Syrian Golan Heights, the employment opportunities for the Arab population there continue to be restricted, since the movement of the Arab population between the Golan and Syria remains problematic. The employment available to the Syrian population in the Golan is limited to unskilled and semi-skilled daily wage labour. In most instances, these workers have no access to social benefits or health insurance, and job security is precarious, with no provision for unemployment compensation. Over and above these concerns, substantial wage differentials prevail, to the detriment of the Syrian Arab population of the Golan.

## **THE ISSUE**

*“Like desert camels of thirst dying, while on their backs water bearing”*

Having read all the historical information of the region one can easily understand that the dispute automatically expands to the subject of our topic which is the sovereignty of natural resources as it is clear that those are needed by all the sides in this conflict. One of the most important natural resources that should be taken of notice is the one also known as H<sub>2</sub>O, water.

In the region, characterized by an arid and semi-arid climate, scarce water is increasingly considered crucial for the welfare of its countries and peoples. The Occupied Palestinian Territory, especially the elevated areas of the West Bank, is endowed with an abundance of



renewable water resources compared to the rest of the Middle East. However, Israel's severe restrictions on drilling for water, planting and irrigation placed on the Palestinians have 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 that Israeli settlers are provided with preferential access to water resources. As a consequence, a "man-made" water crisis undermines the living conditions of the Palestinian people. A comprehensive and fair allocation of the water resources of the Jordan River basin, West Bank aquifers and the Gaza aquifer remains to be negotiated by the relevant parties. Water is one of several issues which are being dealt with at the multilateral talks.

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. In addition to the intensive use by Israel of Palestinian water resources, the occupying Power contributes in a number of other ways to the plight of the Palestinians related to water shortage. For instance, the continued diversion and increasing pollution of the Jordan River basin water resources, interference with rainfall above the upstream sector of the Jordan River basin, establishment of new or expansion of existing Israeli settlements with privileged access to water, seizure of land and implementation by Israel of immigration policies resulting in a tremendous demand for water in the region place additional pressures on the water resources of the occupied



Palestinian territory. Legal and institutional arrangements governing the use of water in the West Bank and Gaza Strip prior to Israel's military occupation were fundamentally altered when privately owned water resources were managed by Israel as public property. According to a 1984 report by a team of experts, contained in a United Nations document, the extensive network of legal powers conferred by Israeli legislation on the Israeli water administration makes it possible for the administration to intervene to a great extent in water allocation and use patterns. The Israeli water authorities may restrict or prohibit individual activities connected with the utilization, distribution and conservation of water within the occupied territories. Successive Israeli Ministers of Agriculture developed plans to create a legal and political basis for maintaining Israeli control of Palestinian water resources, even in the event of an Israeli withdrawal from occupied Palestinian territory.

A special report on sovereignty over water resources in the West Bank and Gaza Strip, published in the Palestinian Yearbook of International Law, 1989, suggests that Israel's water policy in the occupied territories is a natural sequel to its broader designs of colonizing and ultimately annexing these territories. Water in the occupied territories, however limited, is largely the only natural resource Palestinians have. Any tampering with that wealth would necessarily frustrate their objective of establishing their own State and would render their claim to self-determination meaningless.

Taking into account the Israeli policies involving the diversion, depletion and threat of environmental destruction of the water reserves of the occupied Palestinian territory, Israel does not appear to fulfil its obligations under international customary, conventional and human rights law such as the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, commonly referred to as the Fourth Geneva Convention, as well as numerous United Nations resolutions. The report of 25 November 1980 of the Security Council Commission established 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>9/</sup>

In paragraph 188 of its aforementioned report, the Security Council Commission stated that any attempt to find a comprehensive solution to the Middle East question has generally been accompanied with proposals concerning the distribution of water resources. Essentially for political reasons, these proposals were not found acceptable by some or all of the parties concerned and no peaceful solution could be found to the water problem, which has never ceased to be crucial.

## **SOLUTIONS AND SUGGESTIONS**

I will now try to give you some suggestions for possible manners of solving the problem of the diversion, depletion and control of natural resources do that you can attain a basic guideline of what could be your country's position according to the solution of the problem.

There are three main water resource areas pertaining to the occupied Palestinian territory that have attracted international concern. First, mostly to the north of the occupied Palestinian territory, there is the Jordan River basin. Its water resources originate in Israel, Lebanon and the Syrian Arab Republic and are being used to such an extent, in particular by Israel, that only a small, polluted amount reaches the West Bank. The Israeli diversion of these water resources, including the interference by Israel with the rainfall above the northern part of the basin, is a major concern regarding this resource area. Second, some 95 per cent of the transboundary groundwater resources originating in the West Bank are being used and over-exploited in Israel and by its settlements in the occupied Palestinian territory, leaving a meagre 5 per cent and increasingly saline water resources to the Palestinians. West Bank groundwater resources not flowing to Israel are also tapped by Israeli settlements. Third, the water crisis in the Gaza Strip,



intensively cultivated and one of the most densely populated areas of the world, has reached alarming proportions: the future supply of fresh water is threatened, the quality of both drinking water and recycled water used in agriculture is rapidly deteriorating and the situation is aggravated by the additional use of water by Israeli settlements. While sea water intrusion from the Mediterranean Sea is permitted to pollute the fresh water in Gaza, Palestinians are prevented from fully contributing to control the water quality of the Mediterranean Sea and using their share of its natural resources. Israel acknowledges that it has not created public bodies for Palestinian participation in water policy formulation anywhere in the occupied Palestinian territory.

The question of the allocation and transfer of water between and within water basins is central to a better understanding of the facts relating to Palestinian water rights. A 1984 United Nations report by a team of experts found that whereas the Israeli legislation on the allocation and control of water resources is more restrictive than comparable legislation and practices in effect before 1967 in the occupied territories, in one particular respect the reverse holds true, that is, with regard to the transfer of water from one basin to another and from one area to another within the same basin.

The report states that Jordanian water legislation in force in the West Bank prior to Israeli occupation specifically prohibited the transfer of water from one drainage basin or aquifer to another. Even within the same basin, water could not be transferred from one area to another without an authorization from the Jordanian Council of Ministers. Since the water resource management practices of Israel ignore administrative, political and hydrological boundaries, continues the report, the Israeli authorities are in a position to transfer water from one basin or aquifer to another, both within the West Bank and from the West Bank to other areas. Water of the Jordan basin is diverted into the Israel National Water Carrier and distributed to other Israeli basins. Water abstracted from the groundwater aquifer of the West Bank is likewise conveyed into the same National Water Carrier. These waters are sometimes transferred from the National Water Carrier back to Israeli settlements in other basins located in the Golan Heights and the West Bank.



This method of "water sharing", permitted under Israeli legislation, suspends the basin-of-origin protection clauses found in the legislation in force in the West Bank prior to occupation, states the report. On this topic, Israel communicated to the United Nations that no water is being transferred from an occupied territory into the occupying Power's own territory and no wells exist that abstract water in what Israel termed "Judea-Samaria" to convey it to the Israel National Water Carrier or to other users outside "Judea-Samaria". A few years earlier, however, in a statement contained in a 1981 United Nations document, Israel had made reference to water being pumped from the West Bank to Israel and vice versa. Also, a United Nations document of 1989 on assistance to the Palestinian people mentions that Israeli authorities have been sinking wells in the Gaza Strip to supply their own national water carrier and Newsletter No. 38 of the International Coordinating Committee for Non-Governmental Organizations on the Question of Palestine contains information that a pipeline has been built to carry water from the Gaza Strip to Naqah, east of the southern area of the Gaza Strip.

Any assessment of the allocation of groundwater resources is complicated by the fact that, according to experts addressing the Sixth International Water Resources Association World Congress on Water Resources, held in Ottawa, Canada, from 29 May to 3 June 1988, the customary international law in the field of water resources is not regarded as especially advanced or consolidated. This is particularly true of the general principles and rules applicable to transboundary water-bearing rock strata, aquifers, and their waters. None the less, international fluvial law has evolved significantly since it emerged well over a century ago. In recent decades, the experts continue, the needs of neighbouring States in connection with their underground waters have resulted in comparatively rapid advances in this sub-field. The International Law Association, which prepared the Helsinki Rules in 1966, embracing for the first time the groundwater dimension of "international drainage basins", has culminated its study of the matter, renewed in 1968, with the adoption in 1986 of the Seoul Rules on International Ground Waters. Two basic considerations may be taken into account to determine the user rights pertaining to transboundary water resources. These are "prior apportionment", whereby existing users must be satisfied before new claims are honoured, and "equitable apportionment". According to article IV



of the Helsinki Rules on the Uses of the Waters of International Rivers, "each basin state is entitled, within its territory, to a reasonable and equitable share in the beneficial uses of the waters of an international drainage basin."

Official Israeli statements refer to both of the above-mentioned considerations in relation to the use by Israel of water resources affecting Palestinian rights. For instance, in a statement provided to the United Nations, Israel said that under international law, the principle of equitable distribution among riparians is a well-established right. It is clear that only by regional cooperation between the States concerned can satisfactory solutions be worked out for the water problems. According to information contained in the August 1991 issue of *South*, an economic review, a related concern in this respect is the steadily increasing use of water in the upper Yarmuk basin which may affect downstream Jordanian, Israeli and Palestinian users. Moreover, the principle of "prior" or "first-use" allocation is invoked by Israel. According to official information made available to the United Nations, Israel acknowledges and accepts the related basic principles stated in a recent United Nations report. These are that: (a) any interference by one country in the surface or groundwater flow has repercussions on the activities of other countries sharing the same basin; and (b) the effects of any activities in connection with water resources are particularly felt in downstream territories which depend on upstream water supplies.

The Israeli statement continues that this recognition is in fact the major reason for limiting the pumpage in "Judea-Samaria" westward, draining groundwater basins which would almost certainly affect prior rights of users with their supplies based on springs and wells situated at the foothills of the "Judean Mountains".

Finally, as regards the occupied Syrian Golan, the General Assembly, during the 1980s and early 1990s, strongly condemned the imposition by Israel of its laws, jurisdiction and administration, its annexationist policies and practices, the establishment of settlements, the confiscation of lands, and the diversion of water resources. The General Assembly has also declared that all these measures are null and void and constitute a violation of the rules and principles of



international law relative to belligerent occupation, in particular the Fourth Geneva Convention. Information contained in a 1991 ESCWA report indicates the following consumption figures: Israel estimates that the water needs of its settlements in the Golan, according to their plans, will reach approximately 46 million cu m per year, distributed as follows: (i) 8.7 million cu m per year for settlements in the north of the Golan; (ii) 6.0 million cu m per year for settlements in the centre of the Golan; and (iii) 31.6 million cu m per year for settlements in the south of the Golan. The expected sources of water are: (i) 16 million cu m per year from Lake Tiberias; (ii) 11 million cu m per year from the Hemmah springs and from the River Jordan; (iii) 10 million cu m per year from wells and springs in the Golan Heights; and (iv) 9 million cu m per year from the construction of small dams to collect runoff. In the early 1980s two Israeli authors argued that the future utilization of 6 to 7 per cent of the Jordan basin's total water yield for the Golan Heights settlements was not expected to cause major problems or shortages. The quantitative effects of these actions on existing user rights downstream on the West Bank, compounding Palestinian water security concerns, require further attention.

On the West Bank, despite protests by the international community and in violation of Security Council and General Assembly resolutions, Israel extended in July 1980 its basic law to Jerusalem occupied and expanded into West Bank communities in June 1967, involving a change in the character and status of occupied territory. Palestinian water users there and in other West Bank towns such as Ramallah are being steadily connected to the Israeli supply system, often against their will. Instances have been cited by residents of the occupied territories whereby as alternatives to permission for sinking wells, the applicants have been offered the option of purchasing water from newly established Israeli settlements or hooking up to the water grids that are being set up to supply the settlements. According to a United Nations report, the affected Palestinian communities have vigorously resisted these options as affronts to their sovereignty over their own natural resources.

The supply of water from Israeli networks is similarly controversial. For instance, the Jerusalem Post of 23 July 1990 reports that the Jerusalem municipality has substantially reduced the water supply to the West Bank village of Al-Ayzariyah, as confirmed by a municipal spokeswoman a



day earlier. This was the second time in 1990 that the city of Jerusalem had cut by about 75 per cent the water available to a Palestinian area.

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. A United Nations report by a team of experts found that the integration of the basic water services in the occupied territories with those of Israel is about to lead to the complete dependence of the former services on those of Israel and will eventually make the separation of the two very costly and difficult. 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.

## **THINGS TO CONSIDER AND QUESTIONS TO BE ANSWERED**

1. What is your country's policy on this subject?
2. Does your country stand in favour of a peaceful compromise over the sovereignty of natural resources in the area?
3. How does your country believe this problem can be combated with uncooperative countries that worsen the situation?
4. Does your country have an official natural resources policy that could be used as a tool in order to clear things out in the area?
5. What's Palestine's position over the matter?
6. What's Israel's position over the matter?
7. What's the position of the two sides' allies over the matter?
8. What could be done in order to avoid a further escalation of tension in the area?



## **CONCLUSION**

I hope that the above can be of a lot help for all the delegates but it is important to remember that this study guide is not the only thing to study in order to know the subject. This study guide will help you get acquainted with the topic but it is up to you to do further research in order to point out the details that lie behind the basic mainframe and are the striking difference between knowing the subject and being able to understand the policy of your country according to it. Therefore the study guide is essential but not enough, the more important hard is up to you. The links below will help you on your further research according to the topic and if anyone of you has further questions feel free to contact me in my personal e-mail. That's it for now, see you all in Thessismun.

## **LINKS FOR FURTHER RESEARCH**

1. [http://links.jstor.org/sici?sici=0377-919X\(198123\)11%3A1%3C111%3AIPPITO%3E2.0.CO%3B2-F](http://links.jstor.org/sici?sici=0377-919X(198123)11%3A1%3C111%3AIPPITO%3E2.0.CO%3B2-F)
2. [http://www.pressureworks.org/focus/iopt/facts/01\\_basic\\_facts.html](http://www.pressureworks.org/focus/iopt/facts/01_basic_facts.html)
3. [http://www.jewishvirtuallibrary.org/jsource/UN/unga52\\_207.html](http://www.jewishvirtuallibrary.org/jsource/UN/unga52_207.html)
4. [http://www.wsrw.org/index.php?parse\\_news=single&cat=105&art=683](http://www.wsrw.org/index.php?parse_news=single&cat=105&art=683)
5. [http://workmall.com/wfb2001/israel/israel\\_history\\_the\\_occupied\\_territories.html](http://workmall.com/wfb2001/israel/israel_history_the_occupied_territories.html)
6. <http://www.unis.unvienna.org/unis/pressrels/2003/gaef3064.html?print>
7. <http://domino.un.org/UNISPAL.nsf/2ee9468747556b2d85256cf60060d2a6/4c7fc5d8ce81df9b852569d9005a5647!OpenDocument>
8. <http://www.mfa.gov.il/MFA/Foreign%20Relations/Israels%20Foreign%20Relations%20since%201947/1996-1997/184%20United%20Nations%20General%20Assembly%20Resolution%2052->



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10. [http://www.ccmeq.org/2003\\_articles/Palestine/012503\\_natural\\_resources\\_in\\_palestinian.htm](http://www.ccmeq.org/2003_articles/Palestine/012503_natural_resources_in_palestinian.htm)
11. [http://www.accessmylibrary.com/coms2/summary\\_0286-11371151\\_ITM](http://www.accessmylibrary.com/coms2/summary_0286-11371151_ITM)
12. <http://domino.un.org/UNISPAL.NSF/9a798adb322aff38525617b006d88d7/296ee705038ac9fc852561170067e05f!OpenDocument>