

## Report of the French parliament's Foreign Affairs Committee

### Water: evidence of a new apartheid in the Middle East

Apartheid, which was introduced by Prime Minister Daniel F. Malan in 1948, ensured the differentiated development of ethnic groups in South Africa for half a century. It was a policy involving both racial and spatial segregation (enclosure of black and "coloured" communities within confined areas known as *bantustans*) but also segregation of the country's citizens, since the freedoms of one sector of the population were flouted (by restrictions on the right to freedom of movement and the right of assembly in public places, and exposure to violent police action). The odious apartheid regime in South Africa ended in the early 1990s with the release of Nelson Mandela and political prisoners, the courageous compromise reached between Mr. de Klerk and Mandela, and the first free elections in 1994, which resulted in a massive transfer of power to the African National Congress (ANC), Mandela's party.

Of course, comparisons are not always accurate: Palestine is not South Africa, and the opening years of the current decade differ from those prior to 1990. However, there are words and symbols which, by virtue of their inherent force, may serve pedagogical aims.

It is thus crystal clear, despite the fact that those who dare to use the word are few and far between, that the Middle East is the scene of a new form of apartheid.

The segregation is racial but, since no one dares to say so, it is described chastely as "religious". But can the demand for a "Jewish" state really be described as purely religious?

Segregation is also spatial, a fact best symbolised by the wall built to separate the two communities. It is further illustrated by the division of the West Bank into three zones: A, B and C.

The Israeli army has transferred responsibility for civil affairs, i.e. for the provision of community services, to the Palestinian Authority in zones A et B. These two zones, which contain almost 95% of the Palestinian population of the West Bank, represent only 40% of the territory. Zone C remains entirely under the authority of the Israeli army. It constitutes 60% of the territory of the West Bank, comprising land resources, access to aquifers and all the main highways.

The segregation is also haughty and contemptuous ("those people are irresponsible" ... is an oft repeated mantra of some Israeli authorities), harassing and humiliating (the passage of checkpoints is rendered more stringent or more relaxed without warning) or even violent (the suppression of demonstrations regularly results in fatalities ...).

Hence it definitely constitutes a "new apartheid".

Water plays a special role in the conflict between Palestinians and Israelis; indeed it may be said to constitute the "5th component" of the Oslo Accords. The Oslo Declaration of 13 September 1993 recognises the Palestinians' rights to water in the West Bank. The Taba Interim Agreement of 28 September 1995 provides for the sharing of water pending the signing of a permanent agreement. However, the sharing is incomplete: it is applicable only to the aquifers; the Jordan River is excluded, since the Palestinians no longer have access to it. Moreover, the Agreement freezes the previous usage situation and distributes only the quantity of water that remains available, i.e. 78 cubic metres of the Eastern Aquifer. It is therefore highly unfavourable to the Palestinians, who exploit only 18% of the aquifers, i.e. 10% of the water available within the territory.

It is therefore difficult to see how what has become a fully fledged "water conflict" can be resolved in the absence of a global political settlement.

What are the characteristics of this "water conflict"? In "hydrological" terms, it concerns primarily the River Jordan, which combines all the components that are likely to trigger a "water crisis". Since the

beginning of the conflict, from war to war, Israel's "territorial expansion" has been comparable, whether one likes it or not, to "water conquests" encompassing both rivers and aquifers.

And the fact is that water in the Middle East has become more than a resource: it is now a weapon.

To understand the nature of this "weapon" serving the "new apartheid", it should be noted, for example, that the 450,000 Israeli settlers in the West Bank use more water than the 2.3 million Palestinians.

The multiple manifestations of this phenomenon also include the following:

- when a drought occurs, priority is given to settlers in breach of international law;
- the wall makes it possible to control access to underground water sources and prevents Palestinians from drawing water in the "buffer zone" in order to facilitate the flow of water westwards;
- the "wells" dug spontaneously by Palestinians in the West Bank are systematically destroyed by the Israeli army;
- in Gaza water reservoirs were targeted by Israeli bombs in 2008-2009;
- and as zones A and B do not constitute a single whole but are broken up into enclaves surrounded by Israeli settlements, by roads reserved for settlers and by zone C, this state of affairs impedes the development of effective infrastructure for a reliable water supply and for the discharge of wastewater. Most Palestinians live in zones A and B, but the infrastructure on which they depend is located in or crosses through zone C. The movement of Palestinians within zone C is restricted or prohibited; the Israeli army rarely authorises construction or other development work. Several examples may be cited of water purification facilities planned by the Palestinian Water Ministry and "blocked" by the Israeli administration.

The Israelis blame the Palestinians for the existence of uncontrolled wells that are responsible for excessive pumping and aquifer salinisation. They mention Gaza as an example, since the aquifer there is gradually being lost. They also complain about the lack of water treatment. Only 31% of Palestinians are connected to the system. But the Committee has approved only 50% of Palestinian projects, with enormous delays, and such authorisation must then be followed by administrative authorisation for zone C. The appropriation of resources by the settlements and by the route of the wall is another negative factor. The fact that the aquifers are overexploited is beyond doubt.

The Israelis invoke the theory of prior appropriation in support of their rights and are totally opposed to joint water management, adopting a security-based approach. Israel proposes solutions, some of which have interesting dimensions, but it reserves water resource control for itself. The mission gained the impression that the country would prefer to abandon the aquifers, ceasing to develop desalination procedures, than to lay the basis for shared management. There will be no water sharing without a political settlement to the issue of land sharing.

Yet a Joint Water Committee was established by the Oslo II Accords. Its competence with respect to all water-related issues relates only to Palestinians in the territory of the West Bank. Hence it is not a shared management body, still less one providing for a shared basin. Furthermore, it operates on the basis of consensus, which gives de facto veto power to Israel.