

**The European Union In The Palestinian West Bank:
Searching For Balance Between Human Rights And Nature**

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List of abbreviations

CFSP - Common Foreign and Security Policy

EEAS - European External Action Service

EU - European Union

ENI - European Neighbourhood Instrument

ENP - European Neighbourhood Policy

IDF - Israeli Defense Forces

PA - Palestinian Authority

UDHR - Universal Declaration of Human Rights

WHO - World Health Organization

1 Introduction

“It is our collective responsibility to work towards a more peaceful, secure and prosperous world for present and future generations. The EU, together with its Member States, will continue to strengthen partnerships, to uphold and promote international law and fundamental rights, to support peace and democracy, to stand side-by-side with people in need all over the world.”

- Federica Mogherini, April 2019

The above quote provides a glimpse into the European Union’s grand ambitions for its place in the world. The means by which to accomplish these is one of the latest products of European integration: the framework of Common Foreign and Security Policy (CFSP). Its mission: to project the EU’s interests and values on the global stage (EEAS, “Creation of the EEAS” 2016). To the outside, the EU presents itself - and is sometimes perceived - as a normative power that designs its foreign policy around five core values: peace, liberty, democracy, human rights and the rule of law (Manners 2002; 242). Yet, recently another major global challenge has appeared which requires the EU’s attention: climate change. The EU has recognised this as a problem, and expressed its commitment to address environmental degradation in its foreign policy as well¹. But environmental action is a relatively uncharted territory for the EU, and therefore several problems could be expected to arise on the implementation side. In this research I focus on one of these challenges in particular, namely how to divide scarce natural ‘resources’², such as water, between the human species and the ecosystem? Especially because the conservation of water bodies in water-scarce regions could be contrary to fulfilling the human right of access to water. This dilemma reflects fundamental tensions between human rights aspirations and environmental concerns, and illuminates the relevance to examine how the EU currently balances and prioritises its environmental efforts and human rights aspirations in

¹ In 2018, the European Commission vowed that 25% of the funding within the 2021-2027 Multiannual Financial Framework should be ‘climate action related’ (Jones, et al. 2018).

² The quotation marks are intended to prevent unconscious enforcement of anthropogenic ideas of human species’ superiority that regards parts of nature solely or predominantly in service human interests.

practice. The present research looks at how the EU manages these tensions in its approach to water-scarcity in the Palestinian West Bank area. The analysis consists of two separate, yet interlinked, parts: firstly, I look at the EU's effectiveness in achieving its overall objectives in Palestine, using the concept of policy coherence. Secondly, I examine the position of human rights aspects and environmental concerns within specific foreign aid programmes regarding water-scarcity in the West Bank, and explore how the EU addresses tensions between these normative values. Hereby I am primarily interested in the rationale that underlies the EU's normative ideas on water-scarcity. In the discussion I center more elaborately on the necessity for the EU to address these tensions regarding water-scarcity in the West Bank, and outline some of the available ideas on how to approach the tensions. Overall, the main research question that the thesis aims to answer is: in what manner do human rights and environmental concerns inform EU foreign policy vis-à-vis the West Bank?

The findings of this research suggest that the EU has not been particularly successful in establishing foreign policy coherence that balances its various normative objectives in the West Bank. This is partly related to the lack of political progress on achieving a final solution to the Israeli-Palestinian conflict - which constitutes the EU's main objective, moreover to the EU's inability to change its policy approach accordingly. The EU's effectiveness to achieve its main goal could be detrimental to its success in other policy areas, because normative objectives are often framed within the EU's overall goal³. Furthermore, despite the fact that human rights objectives constitute an important part of the EU's international identity (Smith 2014; 120), the findings of this research indicate that the EU has been especially ineffective in achieving its general human rights objectives in the West Bank. With regards to water-scarcity, it is doubtful that the EU can achieve its normative objectives as well. The water-related projects are based on a narrow (primarily technical) interpretation of environmental conservation, and largely disregards the intersection between human rights and the ecosystem. Therefore, it is possible that its efforts with regards to water-scarcity are predominantly symbolic, or serve other interests that are largely

³ For example, the EU often legitimizes projects on water by referring to it as a final-status issue ("EU-PA Action Plan" 2013; 4).

unrelated to human rights and environmental concerns. I substantiate these presumptions with empirical data collected from official EU documents, and the findings of prominent scholars in the field of EU foreign policy and the Israeli-Palestinian conflict.

1.1 Literature review

This section provides the context of the overall research: such as a short overview of the political situation of the West Bank, and of the existing academic debates on water scarcity, particularly in conflict areas.

1.1.1 Political context of the West Bank



Source: OCHA 2012

First, it is important to note that this section provides only a brief overview of information that is relevant for the topic of water scarcity in the West Bank, and can by no means do justice to the multifaceted and complex political realities of the area. The West Bank is part of the Palestinian Territories, and has been occupied by Israel since 1967. Most of the EU's water-related actions in the West Bank take place in so-called Area C⁴. This rural area comprises sixty per cent of the West Bank, and accommodates approximately 300,000 Palestinians

⁴ This term stems from the Oslo Accords of 1994 that divided the West bank in three subsequent categories: area A comprising the major cities, area B covering towns and smaller municipalities, and area C for the remaining rural areas. Area A would be under full Palestinian control, area B would be partly controlled by the newly established Palestinian Authority (PA) and Israel, whereas area C would be fully governed by Israel (Britannica 2018). The accord further provided a 15 year transition period - divided into three phases of five years - after which the PA would have complete rule over the entire West Bank (B'tselem 2019; Britannica 2018).

(European Union, “Annual Action Programme” 2016; 3). At the same time, most of the natural ‘resources’ of the Occupied Palestinian Territories are located here (European Union, “Annual Action Programme” 2018; 5). Israeli settlement activities in Area C are widespread, which is possible because - and simultaneously one of the reasons why - the transition of power to the Palestinian Authority never took place despite Israel and the Palestinian Authority’s pledges at Oslo (B’tselem 2019; United Nations 2019).

The contemporary situation in which Area C has remained under Israeli control not only affects the daily lives of Palestinians, but has repercussions on the implementation of the EU’s policy in the area as well. For example, obtaining permits for constructions in area C is extremely difficult for Palestinians and international actors alike, and Israel’s regularly demolishes ‘unpermitted’ constructions - such as private and community buildings, and basic infrastructure (European Union, “Action Fiche” 2012; 1). Despite this - or precisely because, Palestine receives notable attention within EU foreign policy: the area hosts a Special Representative⁵, and various EU foreign policy instruments are employed here (European Commission, “Palestine*” 2019). Specifically, the European Neighbourhood Policy (ENP) is an essential component to EU foreign policy in Palestine, because the bulk of EU support to Palestine - approximately €300 million per year - is channelled through the European Neighbourhood Instrument (ENI) (ibid.). For the Palestinian Authority the EU’s investments continue to be of significant importance: currently the EU is one of the biggest international funders of projects in the area, and is indispensable for local development now that the United States has moved to cut its aid to the Occupied Palestinian Territories entirely (Knell 2019).

Water is another matter that is not easily discussed among the two competitors: just like most areas of the Middle East, the West Bank has few natural water ‘resources’. Within academia the West Bank case might be one of the most cited examples of how water scarcity affects those who depend on these

⁵ Since last year the position is held by Susanna Terstal (Consilium 2018).

water 'resources'. In the future climate change is extremely likely to aggravate water-scarcity⁶, which makes research on the topic increasingly relevant.

1.1.2 Perspectives on water-scarcity

Generally, water-scarcity is approached from three different angles: security, human rights and an environmental perspective. Although the first is closely related to the theoretical lens of Realism, the latter two could be classified as normative interests. Throughout the thesis these perspectives are elaborated on, and their internal relations are explained.

Firstly, in the realm of security, debates linger on the idea that water scarcity could be an important factor to the eruption of conflict. Missiroli observes that unregulated exploitation of natural 'resources', such as water, is an underlying cause of conflict (2015; 50). Regarding the Israeli-Palestinian conflict as well, some scholars have argued that the competition over water from the Jordan River was a main cause of the Six-Day/June war in 1967 (ESCWA 2013; 194). The same link between drought and unrest has been identified in other cases, such as the civil wars in Syria and Yemen in 2011 (Gleick 2014; Weiss 2015), and this has led to debates on whether future wars could be fought over water rather than oil. It seems therefore hardly surprising that in climate change scenarios freshwater 'resources' feature as a contributing factor to difficulties facing the human species. As Campbell et al. describe: "Efforts to design a solution to the Israeli-Palestinian struggle will be abandoned for the indefinite future because of a collective conclusion that the problem of sharing water supplies must be regarded as permanently intractable. War between Israel and Jordan over access to water is conceivable" (2007; 76). However, Campbell et al.'s observations may be slightly exaggerated, and at present there is no academic consensus on this theory. Other evidence indicates that, at a state level, cooperative events take precedence over the instances of conflict between riparian states (Zawahri 2010; 125). Therefore, the possibility that the

⁶ During the last half of the 20th century the Levant region has witnessed an increase in the amount of warm days and a decrease in the amount of cold days (Zhang 2005), and "climate change models predict a further increase in the frequency and duration of severe droughts in the eastern Mediterranean as an ongoing result of climate change" (Hoerling, et al. (2011) as quoted in Weinthal, et al. 2015; 294).

securitisation of water could serve as a political tool in the conflict, rather posing a genuine threat, cannot be entirely ruled out. Within the present research these debates serve primarily to contextualise EU foreign policy vis-à-vis Palestine, and are then not explicitly discussed further.

Another way in which water 'resources' in the West Bank have been discussed in academic literature is through a human rights lens. At the heart of the concept of 'human rights' is the assumption that there is a common essence to all living human beings that entitles them to certain basic rights (Headley 2007), which enable the full development of "human qualities, intelligence, talents and conscience and to satisfy spiritual and other needs" (United Nations 1987; 4). In 2010, access to water and sanitation was officially recognized as a human right by the UN General Assembly, yet Palestinians receive below the World Health Organisation's recommended minimum daily domestic consumption of 100 litres of water per person per day (Koek 2013). The political situation in which Israel is largely in control of the water distribution aggravates water scarcity for Palestinians. Some scholars argue that Israel's water sovereignty is used as a colonial tool, and is therefore the main obstacle for achieving access to water for Palestinians (Al-Shalalfeh 2017). This indicates that exploring the human right of access to water entails more than just measuring the presence of water 'resources', and that its fulfilment depends on the political situation and power-dynamics.

A third way of describing the situation in the Lower Jordan River Basin is from an ecological perspective. Although the condition of the general ecosystem in the Basin enforces the importance of the two discussions described earlier, the ecological situation itself should be considered a separate issue, according to environmental scholars. Their recommendations range from 'damage-control' of human impact, to considering the intrinsic value of the ecosystem in decision-making on water use. Their claims are supported by evidence showing that the ecological situation of the Jordan Valley has significantly deteriorated over the last sixty years (Kool 2015). According to Kool, this could be linked to extensive water diversion from the Jordan river, which combined with the construction of water infrastructure upstream, has resulted in a significantly low annual outflow (at maximum 100 MCM a year) into the Dead Sea (Kool 2015; 44). This then

contributes to the retreat of the Dead Sea, the surface level of which is dropping at around 1 meter per year (Connolly 2015). In addition, the quality of the Jordan River's water has decreased significantly due to inflow of untreated wastewater (Kool 2015; 44). The overall situation has had negative consequences for wildlife: primarily migratory birds and its habitats have been affected, but there has been damage to vegetation as well (Kool 2015; 47).

One helpful approach regarding ethical questions on water scarcity is 'intergenerational justice' theory. Intergenerational justice is roughly defined as the idea that there is a responsibility of current generations to prevent damage to future generations, or at least keep it to a minimum. Supporters of this idea argue that the fulfilment of human rights depends on a healthy economic system, which in turn depends on a habitable planetary environment. Therefore, future humans should inherit an environment that is supportive of these needs (Shue 2011; 298). Based on Federica Mogherini's words quoted at the beginning of this thesis, it appears that the European Union is concerned with the future generations of this planet as well. However, whether the EU is able to translate these words into deeds could be subject of debate.

Generally, the present thesis refers to two main areas of tension. The first tension is rooted in the underlying assumptions of human rights and environmental perspectives, specifically in regards to the position of the human species within the broader ecosystem. Whereas human rights is associated with anthropocentric⁷ ideas that prescribe certain privileges and obligations to the human species with regards to nature⁸, environmentalist theory renounces this idea and aims to redefine the position of humans within the ecosystem. The second area of tension is between long-term and short-term interests. Specifically the question of how to balance the interests of current generations with those of future generations would have to be resolved in water policy. Although some human rights scholars argue that environmental human rights would inherently contain an aspect of intergenerational justice (Hiskes 2009; 124), the long-term is undoubtedly an essential component to environmental approaches.

⁷ Anthropocentrism is generally used to describe a system of ideas that places the human animal species above other forms of life (Krebbber and Boddice 2011).

⁸ At the heart of the concept of 'human rights' is the assumption that there is a common essence to all living human beings that entitles them to certain basic rights (Headley 2007).

At present, limited research has been done into the consequences of these conceptual tensions for the implementation of policy, and it would be difficult to predict in what ways they manifest in practice, because the policy framework of environmental protection is relatively underdeveloped compared to that of human rights. However, within the present research I consider that addressing these tensions is an essential component to policy on water-scarcity, and I hope that my observations can contribute to this field of research, and spark interest for further exploration.

1.2 Methodology

The present thesis is primarily a descriptive research in which the argument is built inductively. I base my study of EU foreign policy primarily on the ENP, because its cross-sectorial character offers a suitable lens through which to explore the coherence between various normative values. Hereby I examine primary sources, such as papers from the ENP - e.g. Annual Action Programmes - and identify the stated objectives and proposed means of achievement. This is particularly useful to obtain a picture of how the EU presents its human rights and environmental considerations. These findings are then contrasted with secondary, academic sources that explore the congruence between the EU's rhetoric and actions. This helps to identify the EU's motivation and overall objective of its interventions in the area. In absence of reliable sources on the EU's performance on water-specific projects in the West Bank, the findings are primarily based on secondary literature that reflects on the EU's broader interests, and its effectiveness in achieving its overall objective in the area. The works of experts on the topic of EU foreign policy in general – e.g. Karen Smith, Christopher Hill and Michael Smith, and regarding EU policy vis-à-vis the Israel-Palestine conflict – e.g. Martin Beck, Nathalie Tocci, Neve Gordon and Anders Persson - have been valuable. Their assessment of the European External Action Service (EEAS) lack of efficacy could serve as a compensation for the lack of available secondary sources that analyse EU water specific projects in the West Bank. The indicators on which the analysis relies are direct references to 'human rights' (specifically the right of access to water) and 'the environment' (including mentions of climate change, sustainability etc.), and inclusion of long-term prospects and effects of the action on the area. Furthermore, the way in which objectives are formulated and framed within overall foreign policy goals provide useful clues as to the prioritisation within the EU's normative framework. The selected period for analysis of EU efforts is the last decade (2008-2018) which represents an expansion and formalisation of EU foreign policy, including the establishment of the EEAS.

1.2.1 Relevance of the research

The case of water-scarcity in the Palestinian West Bank has been selected by considering two factors. Firstly, whether the studied phenomenon – i.e. water-scarcity – appeals to aspects of human rights, and to aspects of the environment, and by assessing whether tensions between the two objectives arise. Secondly, the research relevance is related the level in which the subject of study is considered of value in the context of where it occurs. The implications of the research findings are mostly related to the EU's approach to environmental issues.

The first can be considered to apply, because water is one of the conditions for life on this planet, and situations of scarcity have an impact on all living entities. Ethical questions regarding division are, therefore, inevitable. For example, human rights advocates argue that each individual of the human species is entitled to a certain amount of fresh water for domestic use, whereas environmentalists stress a broader perspective that considers the importance of water for the health of the entire ecosystem. Thus, the EU is required to make a choice between the various perspectives or develop their own methodology to balance the various interests, because a perfectly balanced solution does not yet exist. An important factor here is the level of horizontal coherence – the degree to which the EU's external actions are compatible and preferably mutually reinforcing (Smith 2014; 64). Smith argues that despite recent efforts - most notably the Lisbon Treaty that created the EEAS - this coherence is not yet self-evident (2014; 65). Also with regards to the ENP one should be careful in assuming that coherence has been achieved, on the contrary: the ENP is widely regarded as incoherent by academics⁹, as well as by other EU institutions like the Court of Auditors (2014).

Furthermore, water is considered of major importance for the political situation, too: water in the West Bank region is a central topic of discussion within peace-talks, and a shortage could impact the area's stability. Therefore, the EU has probably funded water-related projects in the West Bank even before water was officially recognized as a human right and climate mitigation gained a more prominent spot on the EU's agenda. This indicates that the EU has other

⁹ See for example Elena Korosteleva's assessment of the ENP in her book "The Eastern Partnership Initiative: A New Opportunity for Neighbours?" (2011)

interests as well for investing in water in the West Bank, and therefore the case might provide information on how the EU relates normative values to its strategic political interests. Ultimately, complex political contexts could also serve as a test for the EU's normative character: which values are upheld, which are compromised, and which are abandoned altogether? Chapter 3 works towards answering this question.

This research could contribute to debates on the state of coherence within the EU's foreign policy framework. Inefficient policy is a waste of money, and Palestine is the largest long-term recipient of EU aid¹⁰ (European Commission, "Palestine*" 2019): the potential gains for the EU when it improves its policy coherence - which is an important step to achieve effectiveness (Hill, et al. 2017) - could be significant. Therefore, if the EU is aiming to resolve tensions between various policy objectives and enhance the coherence, the larger recipients provide more financial incentive. However, one should also be aware that because of the unique political situation in the West Bank, the outcomes of this research cannot automatically be applied to other countries within the EU foreign policy framework.

In addition, it is highly likely that tensions between human rights objectives and climate goals can be observed in EU foreign policy vis-à-vis the West Bank, and will intensify in the near future. The EU has consistently been investing in projects that aim to achieve a "viable democratic Palestinian state" (European Parliament 2014; 2), and enhancing the human rights of Palestinians has been an important component to its programmes. Yet, recently the EU has expressed its commitment to international climate mitigations, most notably by ratifying the Paris Agreement (European Commission, "Paris Agreement" 2017), which implies that environmental aspects will become increasingly important.

Therefore, the implications of this research relate mostly to the EU's long-term ability to address the negative effects of climate change. In the short-term tensions between human rights and environmental concerns in current EU

¹⁰ Note that Palestine might not be the biggest recipient if EU emergency funds are included. For example, the 'EU Regional Trust Fund in Response to the Syrian Crisis' that was created in light of the Syrian conflict and the resulting refugee crisis, amounts to over a billion of euros in order to prevent spillover in Jordan and Lebanon (ERTF, "Our Mission" 2015).

foreign policy vis-à-vis the West Bank could indicate a lack of awareness on the topic.

1.2.2 Outline and research questions

The research is divided in three subsequent chapters. The first chapter looks at the EU as an international actor in general, and explores the concept of policy coherence, specifically in regards to EU foreign policy in Palestine. The second chapter focuses on the issue of water scarcity in the West Bank, and considers what position human rights and environmental concerns occupy within the ENP framework. The third chapter constitutes the discussion, and serves primarily as a theoretical exercise to substantiate the importance for policy-makers to address tensions between human rights and environmental concerns by highlighting the implications for complex political situations, such as the West Bank, in which realist considerations are likely to take the upper hand. Furthermore, it explores some of the available ideas on how to reconcile these two normative values, especially within conflict areas like Palestine.

Main question: In what manner do human rights and environmental concerns inform EU foreign policy vis-à-vis the West Bank?

Sub-questions:

1. In what ways does the concept of policy coherence help to understand EU foreign policy in Palestine?
2. What is the position of human rights and environmental concerns on water-scarcity within current ENP vis-à-vis the Palestinian West Bank?
3. In what ways does the situation in the West Bank require EU involvement on water-scarcity?
4. What is the state of academic debate on addressing tensions between human rights and environmental concerns?

2 The European Union in international context

This chapter explores the concept of policy coherence as an indicator of the EU's effectiveness as an international actor, and sets the stage for the later discussion of EU foreign policy vis-à-vis the West Bank. Furthermore it provides context in which to interpret EU policy documents, because its stated policy objectives and the size of financial investments alone present little evidence regarding the effectiveness of implementation. In the context of the present research I argue that enhancing policy coherence is a necessary step in achieving human rights and environmental objectives regarding water-scarcity. Even though the hypothesis that EU foreign policy coherence equals effective performance has been refuted, inconsistencies have shown to exert a negative impact on the outcomes of policy (Hill, et al. 2017; Thomas 2012). Most notably, consistency has been identified as a major factor in the EU's credibility in international relations (Smith 2014; 208), and affects the influence of the EU's normative demands (Smith 2001; 193).

The discussion of policy coherence is hardly a new one: since the early stages of EU foreign policy (around 1970), the EU has struggled to improve and maintain its policy coherence, and manage its diverging interests. But most academic research has focussed on procedural aspects of policy coherence rather than conceptual aspects (Nilsson, et al. 2012) that constitute the core of my research. Before I elaborate on conceptual coherence, I provide a short overview of the available ideas on the other aspects of coherence, because all dimensions "are inherently interlinked" (Hill, et al. 2017; 131).

Policy coherence can refer to an external EU dimension - that assesses whether the EU treats third countries within its foreign policy in an equal manner (Smith 2014; 64) - or an internal EU dimension. Subsequently a subdivision is made between vertical coherence and horizontal coherence (Smith 2014; 64-65). Vertical coherence entails that the member states' national foreign policy conforms to EU consensus (ibid.). Achieving vertical coherence has been a major challenge for the EU, because for a long time foreign policy remained primarily the responsibility of the individual member states, and arguably still is because

many Member States are reluctant to transfer authority to the EU (Hocking and Spence 2016; 28). The EU's strategy to improve vertical coherence has been through pursuing increased European integration in the field of foreign policy. For example, the emergence of a common foreign security policy came after the EU was confronted with its own failure to respond to the war in former Yugoslavia (Politics, "Common Foreign Security Policy" 2012). The EU's intention to do better was instilled in the Lisbon Treaty¹¹, but despite its promise it has not (yet) been effective to resolve the inconsistencies of EU foreign policy. In practice the EU's policy decisions are still frequently contravened by individual member states, because they are "unwilling to align their bilateral agendas and programmes with those of the EU" (Cameron 2012; 146). As I discuss in the next section (2.1), vertical coherence in EU foreign policy vis-à-vis Palestine is far from achieved, and impacts the effectiveness of EU policy significantly.

Horizontal coherence, on the other hand, describes the way in which the various foreign policy areas and objectives are compatible, or mutually reinforcing (Smith 2014; 64). In general scholars have observed in EU foreign policy that a significant gap exists between the EU's rhetoric and policy (Smith 2014; Tocci 2009). A main obstacle to achieving horizontal coherence is the fact that the EU pursues a wide range of policy objectives without applying a specific order (Smith 2014; 120). Prioritisation of policy objectives is a necessary tool to support justified trade-offs within EU-third country relations (Donnelly 1982; 591–592). With regards to human rights, the EU has made attempts to increase the horizontal coherence by declaring that human rights concerns will be integrated in all external actions (European Council, "EU strategic framework" 2012). However, a critical evaluation on whether yet another policy document and statement has been enough to yield successes in practice is still pending. The question of balancing normative values of human rights and environmental concerns can, therefore, be considered within this aspect, and constitute the content dimension (Hill, et al. 2017; 131).

Moreover, the concept of policy coherence could enhance the understanding of the EU as a relatively young actor on the global stage that has

¹¹ This treaty gave birth to the position of the High Representative of the Union for Foreign Affairs and Security Policy (HR), and the European External Action Service (EEAS) in 2014.

yet to fully develop in its role. Firstly, the Union is distinguished from other international players, mostly sovereign states, because of its mandate that depends on the approval of the EU Member States (Persson 2017; 1416). Therefore, whenever a compromise has been reached, coherence has to ensure a unified voice on the matter (Hill, et al. 2017; 131), otherwise these decisions lose their value. Secondly, the pursuit and promotion of the core normative values, and specifically human rights, has gradually become an important facet to the EU's international identity and reputation (Smith 2014; 120). Additionally, it relies on soft-power tools¹² to achieve these values, i.e. political and economic means rather than military (Persson 2017; 1416), which require multi-level coordination in order to be effectively employed.

When inconsistencies persist in EU foreign policy, general questions can be raised as to whether the EU and its member states are truly committed to the core values. The current foreign policy framework is easily undermined to accommodate the EU's or its member states' specific strategic interests in a third country and dismiss ethical considerations. This does not mean that the EU is entirely amoral. Surely the investment of time and money towards achieving these objectives indicates that there must be at least some level of genuine interest for the EU and member-states (Smith 2014; 208). Yet, when the EU's foreign policy objectives conflict with member states' national interests, member states decide more often than not in favour of their own interest (Smith 2014; 206). The member states reluctance to make sacrifices for common EU policy is an important factor to the general weakness of EU foreign actions in which "decisions are often the lowest common denominator compromises" (ibid.). The fact that inconsistency persists in EU foreign policy signifies that the EU, and thus its member states too, are likely to regard the core normative values inferior to key interests. The way in which the EU addresses the tensions between human rights and environmental objectives could be considered as a part of the EU's general struggle to manage inconsistencies in its foreign policy framework.

¹² This is characteristic to the EU's international approach within the post-Cold War period, which sparked the term 'normative power' (Gerrits 2009).

2.1 European Neighbourhood Policy in Palestine

In this section I look more closely at EU foreign policy objectives with regards to Palestine, and identify some inconsistencies. The ENP's overall objective is to perpetuate a stable 'neighbourhood' by building on common interests, and to avoid divisions between the EU and its neighbouring countries by strengthening the "prosperity, stability and security" (European Commission, "European Neighbourhood Policy" 2016). Hereby, the EU presents four main areas of focus: good governance, democracy, rule of law and human rights (ibid.). The provision of aid is one of the key strategies to enhance the EU's normative values, and is often preferred over coercive measures such as sanctions or military missions (Smith 2014; 109). The ENP vis-à-vis Palestine formally serves the EU's peace-aspirations regarding the Israeli-Palestinian conflict. The EU's vision of an ideal solution to the conflict is the so-called 'Two-State solution', which should be "on the basis of the 1967 borders, with Jerusalem as the capital of both states, with the secure State of Israel and an independent, democratic, contiguous and viable Palestinian State living side by side in peace and security, on the basis of the right of self determination and full respect for international law" (European Parliament, "Achieving Two-State solution" 2017; 2).

Overall, the EU legitimizes its continued investment to resolving the conflict as "fundamental for Europe's own security", and a "strategic priority" (Miller 2011; 9). The same rhetoric reverberates in Mogherini's most recent statement when she announced additional humanitarian assistance to Palestine: "(...)we Europeans know very well that this money is an investment in security for the Palestinians, for the Israelis, for the region and for ourselves" (EEAS 2019). However, it can be disputed to what extent a potential escalation of the conflict has direct impacts on EU security, and the EU does not elaborate on what the consequences of a hypothetical retreat of financial aid would be. Compared to more direct 'threats' to the EU - such as migration flows from neighbouring Syria or the Sahel - Palestine still seems to receive a disproportionate amount of funds. Some scholars speculate that the security motive is directed to EU internal threats instead, and is rooted in a fear that a collapse of (the prospects of) a Palestinian state would alienate and radicalise European Muslims (Miller 2011; 9).

Regarding horizontal coherence some discrepancies appear as well, in the sense that its financial investments lack the reinforcement of diplomatic and political capital. Even though formally the EU is part of 'the Quartet', i.e. a group of "representatives from nations that support a two-state solution" (Biscop 2010; 8),¹³ its role in the process is chiefly that of major funder to the Palestinian Authority which the EU has been eager to take up after the signing of the Oslo Accords in 1994¹⁴. Notwithstanding these substantive financial contributions, the EU has not been granted a formal participatory role in the US led peace-process nor has the Union been particularly vocal in expressing a critical opinion to the process (Miller 2011; 9, Tocci 2009; 398). From the perspective of an outsider this seems odd. However, this phenomenon could be explained in two ways. Firstly, it reflects a lack of vertical coherence. The Israeli-Palestinian conflict is a topic that fundamentally divides EU member states (Keukeleire and Delreux 2014 ; 18), and this has shaped a diplomatic impasse on the development of ENP vis-à-vis Palestine. Therefore, the member-states consider the Union's mere symbolic role in the peace-process useful as a "repository for shared ethical concerns", but they make sure that the EU's mandate ends where their core national interests begin (Hyde-Price 2006; 223). A second explanation for this 'no questions asked'-policy would be that the EU allows the US to take the main stage regarding the peace-negotiations, as a favour that serves to foster transatlantic relations (Persson 2018; 319-320, Tocci 2009; 398). Palestine would then be a tool within the EU's wider interest in international relations rather than a goal in and of itself.

However, scholars have identified some positive results of EU foreign policy in Palestine. In addition to sustaining the Palestinian Authority, the EU has also moved the Palestinian case forward by putting it on the international political agenda (Beck 2017; 61), and shifting international discourse on 'a Palestinian State' (Persson 2017; 1425). But these are only minor successes compared to the EU's ambitious main objective, and so far the EU has been unable to close the gap between ideological achievements and the achievements on the ground. In fact, the situation has even deteriorated to such extent that "a

¹³ The other three members are the UN, Russia and the US (Biscop 2010; 9)

¹⁴ Over the last 25 years, the EU has consistently provided 50-55 percent of the PA's total funding (Miller 2011; 9)

Palestinian state is probably less likely to materialize today than at any point since the Oslo peace process began in 1993” (Persson 2017; 1425). Therefore, if the EU is unable to close the gap between rhetoric and practice, and address basic inconsistencies in its foreign policy, it not only risks wasting more resources in the West Bank, but also harms its own credibility in international relations (Smith 2012, 208).

3 EU foreign policy on water-scarcity

In this chapter I explore the ways in which the European Union integrates human rights and environmental concerns regarding the issue of water-scarcity in the Palestinian West Bank. In particular, I examine the way in which certain normative values within EU policy vis-à-vis Palestine take precedence over others, and if and how mutual tensions are managed and addressed by the EU. The data studied in this chapter indicates, however, that prioritisation hardly takes place, and furthermore normative objectives seem to primarily serve a symbolic role. These findings conform general observations of EU foreign policy which identified a significant gap between rhetoric and practice.

The empirical evidence within this chapter is collected from a selected group of official EU policy papers, primarily global strategy and joint strategy papers¹⁵, Single Support Framework, (multi-)annual action plans, but also council conclusions and press statements. These sources could generally provide understanding of what the EU presents as its motivation and objectives for its interventions in and cooperation with Palestine¹⁶. Additionally, I explore in what ways human rights and environmental concerns are integrated in the policy framework at the hand of concrete examples from the policy documents; such as direct references to the human right of access to water and terminology related to 'the environment', such as climate change and sustainability. In general, I observed that the EU's policy documents contain a variety of ambitious words that relate to both human rights as well as environmental aspects, yet overall they lack a definition¹⁷. Without such specification it is difficult to understand in what

¹⁵ 'Joint programming' is what the EU describes as the process of planning bilateral government to government development cooperation by EU development partners working in a third country (European Commission, "Joint Programming" 2016).

¹⁶ This is the official term used in EU documents, and is typically accompanied by the note that "this designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue" (ENP 2016). In the context of the EU's foreign policy I adopt the same term and accessory meaning in reference to the Palestinian Authority as the representatives of the Occupied Palestinian Territories.

¹⁷ For example, the EU states that it aims to achieve its objective "by provision of adequate sustainable means for the access to and the utilisation of land and water" (European Union, "Annual Action Programme" 2016; 15), yet it does not specify 'adequate' nor 'sustainable'.

ways the EU aims to address issues of water-scarcity in its programmes. Therefore, I contend that the EU policy does not fit with either the human rights or the environmental approach, and moreover the ways in which the EU references these normative values is overall too vague to interpret properly. Furthermore, long-term effects of its action programmes remain unaddressed, which is another indication that the EU has interests in Palestine beyond human rights and environmental concerns. This observations that the EU's concerns for the environment does not extend far beyond rhetorical references might serve as a basis for further research into the practical implications of ENP water programmes. The general question that this chapter addresses is: what is the position of human rights and environmental concerns on water-scarcity within current ENP vis-à-vis the Palestinian West Bank?

3.1 Effectiveness of EU foreign policy vis-à-vis Palestine

In the previous chapter I have identified some overall gaps in EU policy coherence, which impact the effectiveness of the EU's approach to Palestine. However, more factors to EU effectiveness would have to be considered in order to properly contextualise EU water policy in the West Bank. Understanding the nature of EU involvement in the area is hereby important for the subsequent contemplation of the EU's progress at the political front, and the progress that has been made towards achieving its overall goal (i.e. to achieve Palestinian self-determination by means of a two-state solution). There is a convincing argument to be made that, despite the EU's own value-based claims, there are unstated motives which contradict and counteract the EU's stated objective: to achieve the 'Two-State solution'. Moreover, it is difficult to establish whether genuine concerns for ending the conflict constitute the base of its policy approach or that its financial investments and programmes serve other strategic interests. Therefore, I argue that water projects - and thereby, too, their underlying normative values - are what Mearsheimer calls a "second-order concern", and could easily be discarded in favour of the Union's core-interests (2001: 46–47). A few observations indicate what the core-interests could be that take precedence over the stated objective, and in what ways they influence the application of water policy.

A first observation could be explained by realist accounts of great powers' interest in the stability of their external environment (Hyde-Price 2006; 222). Within the ENP the EU views water scarcity and climate change as a threat multiplier and root cause of conflict¹⁸. This framing of water-scarcity as a security issue fits with general observations that security enjoys a central position within the CFSP, being listed as the first priority (Mogherini 2016; 9, 18), that security considerations take precedence over other objectives also becomes apparent

¹⁸ In the early stages of the EU's CFSP framework the EU stated that competition for water would expedite unrest and migration (Solane 2003; 5). In November 2018 the Council reiterated this statement by declaring that, in light of the world's growing population and climate change, it is committed to "ensure sustainable access to safe water, achieving sustainable water management, and preventing scarcity", because "water is a prerequisite for human survival and dignity and a fundamental basis for the resilience of both societies and the environment" ("Water Diplomacy").

through the use of rhetoric¹⁹. In addition, security is also presented as a precondition of development (Solane 2003; 2, 5), and serves to legitimise of the interconnectedness between (water) development projects and security issues in its policy framework.

The EU's interest in stability is no secret. Yet, the EU is unlikely to proclaim how it compromises on its normative 'core-values' in favour of this goal. Tocci observed that in the case of the West Bank the EU turns a blind eye to repressive policy and human rights violations, because it yields short-term stability (2009; 398). This applies to all involved parties in the conflict: the PA, which functions is the primary executioner of ENI programmes²⁰, also has a long record of human rights violations (Toameh 2014). In addition to the EU's compromising behaviour concerning the democratic character of the Palestinian Authority, the Union is ignorant as well to the causes of ever-slimmer growing prospects of Palestinian statehood (Tocci 2009; 389).

The EU's trust in the Oslo process has seemingly blinded them to the discrepancy between its interpretation of the process, and the motives of the two main actors involved. Whereas the EU invested in the Oslo process because of its belief that it is a means to achieve Palestinian self-determination, for Israel it served as a cover to legitimize its occupational policy, and for the PA apparent commitment to the 'peace' process was one of the few options to ensure institutional survival (Beck 2017; 65). This has led to the current situation in which both Israel, and - to a lesser extent - the PA benefit from the status quo in which the two-state solution is neither abandoned nor advanced - but still the EU continues to invest large sums of money in a policy of no change²¹ (Manners 2018; 321).

In relation to the EU's projects on water, the Union recognizes itself that political progress is a condition to the fulfilment of the potential of its

¹⁹ "Our Union is under threat (...) terrorism and violence plague North Africa and the Middle East, as well as Europe itself." (Mogherini 2016; 7).

²⁰ With few exceptions, the PA functions as indirect manager of the ENI programmes in the West Bank that are based on the Palestinian Authority's national plans as well (EEAS, "West Bank" 2016). Furthermore, the allocation of funds seems to follow a semi-automatic process in which the grants are awarded without call for proposals.

²¹ "EU will continue to support greater independence and sovereignty for the PA over its affairs" (European External Action Service, "Single Support Framework" 2014; 6)

humanitarian aid assistance (Lazarou 2016; 10, European Union 2010; 21), and that the lack of control over land and water makes Palestinians increasingly reliant on this humanitarian aid (European Parliament 2014; 13). Moreover, Israel's occupational practices²² impede local development, and even cause de-development of the area (European Parliament 2014; 13). Current policy disregards the power asymmetry between the two parties and neglects the aspect of the deprivation of human rights of Palestinians (Beck 2017; 63-66). Yet, the EU still aims to address the Palestinian lack of access to land and water by sustaining the exact conditions that has created this separation in the first place; the occupation. The Oslo agreements - that lay at the heart of the ENP objectives in Palestine - have intensified the separation, because they allowed Israel to effectively transfer all responsibility for the Palestinian people to the PA, while preserving its own control over Palestinian land and natural 'resources' (Gordon 2008; 30). The current EU approach implies a paradox in which the occupation's ending is a condition to the two-state solution, yet at the same time the success of the very projects in the West Bank that aim to achieve favourable conditions for such a solution relies on cooperation with the occupying power Israel.

One should note, however, that despite the fact that the concept of self-determination is a recurring feature within ENP vis-à-vis Palestine, it generally does not include a clear definition or specification of what type of self-determination the EU regards as desirable in the Palestinian case. But since the EU is prone to follow international standards, one can assume that the EU adheres to a generally recognised notion of self-determination: "the right of a people to determine its social, political, economic and cultural status" (Collins 1980; 144). Particularly the latter two conditions are intimately related with the land, and therefore, if the EU truly aims to achieve Palestinian self-determination it would have to employ policies that effectively reconnect the Palestinian people with Palestinian land. According to Huber, this can only be achieved by a strict non-recognition of the occupation (2011). Therefore, the least one would expect is that effective policy regarding occupied territory would include some steps with

²² Israel hardly provides any permits to Palestinians and international actors for constructions in area C. In addition, the Israeli Defence Forces (IDF) regularly demolish 'unpermitted' constructions - such as private and community buildings, and basic infrastructure (European Commission, "Action Fiche" 2012; 1).

regards to the occupying power, but in its West Bank policy the EU portrays the situation as if it is powerless and has no means to influence Israel's behaviour. This notion does not reflect the reality: certainly the EU as the biggest economic trading block in the world, and moreover the first trading partner to Israel (European Commission, "Israel Trade" 2019), would be able to exert a leverage effect.

Thus, a paradoxical situation becomes apparent in which, on the one hand, everything about the ENP is political: it serves to enhance international relations, both directly the relationship with EU neighbours as indirectly with the US (as we identified in chapter 2.1), and functions as expression of collective ethical values for the member-states. On the other hand, however, the ENP neglects essential political aspects of the West Bank, such as the occupation, and compensates for this by providing technical aid, and employing normative rhetoric. In such a highly politicized society, such as the West Bank (Tartir 2018; 377), it would be naive to expect that such actions without political backing could achieve the stated objectives. Moreover, the EU's interventions maintain the status quo, and have therefore become part of the problem (Tartir 2018; 376). In the next section I discuss in more detail in what way this is expressed in specific projects on water-scarcity in the West Bank.

3.2 Water scarcity in the Palestinian West Bank



Source: Reuters 2018

With regards to the Palestinian West Bank, water scarcity constitutes in theory an important part of the EU's general policy as well, because the EU recognises water as a crucial part of peace negotiations²³. Yet, water projects are not aimed at solving some of the more fundamental problems of water scarcity for Palestinians - rather they would "contribute to Palestinian sovereignty" (European Commission, "Action fiche" 2011; 36) through primarily economic development. Overall the following pattern of reasoning emerges from the ENP documents: the EU considers water projects primarily as a means to improve the agricultural sector, which in turn serves the general socio-economic development of the West Bank (European Commission 2008 - 2011, 2014-2018). Furthermore, the EU considers this development as an essential component to solving the Israeli-Palestinian conflict. This section analyses the position of normative human rights and environmental values amidst the EU's predominantly economic approach to water-scarcity, primarily at the basis of observations from EU official documents.

²³ The EU acknowledges water as a detrimental component, i.e. 'final status' issue ("EU-PA Action Plan" 2013; 4).

3.2.1 Agricultural development projects in the West Bank

First of all, it is important to note that none of the water-related projects throughout the studied period 2008-2018 have as the main objective the improvement of the human right of access to water or to contribute to a healthy ecosystem in the West Bank. In the instances that these normative values are mentioned, they chiefly serve an accessory goal. To illustrate, in April 2019 the contemporary HR Federica Mogherini creates a rhetorical link between the human right of access to water and agriculture by stating: "Palestinians are not just facing a severe shortage of drinking water but also limited quantities for agricultural use" (European External Action Service 2019). The notion that water for agricultural purposes is for the EU of similar importance as water for domestic purposes (e.g. drinking) is supported by the fact that despite reports of water shortage for Palestinians (Barbati 2013; Estrin 2016), most of the EU water-related actions throughout the studied period are related to the agricultural sector rather than aimed directly at improving the availability of water for domestic uses (European Commission 2008 - 2011, 2014-2018).

From an agricultural point of view, these projects are certainly urgent in the face of climate change, and without innovation it could become impracticable within a decade (Kaminer, et al. 2019). However, I argue that it remains essential to assess critically what other interests play a role in EU policy decision, besides the normative values and socio-economic arguments that have been formulated as the basis of agricultural projects. One of these interests could be the EU's high domestic demand for agricultural products. Incidentally, this is reflected in data on Palestinian exports as well, as currently most of its export to the EU consists of agricultural produce (European Commission, "Palestine Trade" 2019). Agricultural innovation, such as wastewater management and irrigation techniques, is essential in order to increase the agricultural production (Barceló and Petrovic 2011; 188).

Of course there are benefits for the ecosystem as well: for example, wastewater treatment would counteract the raw domestic pollution that is usually disposed into the environment and generates heavy infiltration and pollution of natural water 'resources' (Barceló and Petrovic 2011; 237).

Moreover, wastewater networks would contribute to reducing fresh water use, because crops will be watered from recycled water rather than water suitable for domestic use, and furthermore it would enhance effective reuse, which will preserve groundwater from pollution (European Commission, “Action fiche” 2011; 34). Therefore, the EU is not necessarily incorrect when it states that these technical projects would, in theory, contribute to the access of water for Palestinians²⁴. However, I argue that the EU’s economic approach to water-scarcity is not the best way to effectively ensure both human rights and environmental goals, and that its policy could even interfere with its stated normative values. I provide three arguments to support this claim.

Firstly, even though environmental factors are mentioned in EU policy, the programmes seem primarily constructed around the ‘human factor’, and ecological issues would merely provide a backdrop to the instigation of the actions. An example of this humanocentric approach is the 2010 programme which describes as one of the goals of its water projects is to increase the ‘number of farms’ that practise “irrigation through rain-harvested water” (European Commission, “Action fiche” 2010; 19). Even though the expected result - saving water- is beneficial to the environment as well as to the human species, the method of measurement provides mostly an indication of the welfare of the farmer as a result of more efficient water use, and to a lesser extent the impacts on the environment in terms of total surface area. This is amplified by the fact that the land in the Jordan Valley has increasingly become fragmented²⁵, which means that the size of agricultural holdings has grown smaller. Therefore, aiding a certain number of farmers would have less impact on the total surface area (Cappellazzi 2015; 2).

Secondly, even though the projects are normatively framed, the EU fails to address the inner tensions between human rights and environmental concerns. In the long-term it is highly disputable whether investment in a water intensive

²⁴ In one of the EU’s action fiches, the EU outlines as its motivation to achieve the World Health Organisation’s minimum of water availability for Palestinians: according to its own estimates at the time of writing, Palestinians living in the West Bank had on average around 70 litre/capita/day, of which 180,000 received even less than 25 litre/capita/day (European Commission, “Action fiche” 2011; 34).

²⁵ This is a result of a combination of the Palestinian inheritance system and Israeli land confiscation policies (Cappellazzi 2015; 2).

sector like the agricultural sector²⁶, would be the most sensible policy in water-scarce contexts such as the West Bank. Yet, in addition to its lack of critical reflection on the long-term impacts of the development of the agricultural sector, the Union does not reflect on its role in relation to the problem of water scarcity either. Instead, the EU (unconsciously) enforces anthropocentric accounts of human mastery of nature by offering a technical solution to an environmental problem. Hereby, from an environmental point of view, it aims to solve a problem by the same mentality that has caused it in the first place. Gare argues that the problem of ecological destruction is deeply intertwined with the current capitalist system that has undermined people's capacity to consider themselves in broader perspective, and consecutively understand the impact of individual actions on the ecosystem (2018; 220-223). In the West Bank too, humans' modern lifestyles and subsequent water use - particularly those practiced in Israeli settlements²⁷ - do not reflect the arid region in which they are located. Historically²⁸, Bedouin semi-nomad tribal lifestyles comprised a main part of society (Frantzman and Kark 2008), and were known for their expertise of adjusting their water consumption to the seasonal availability of water in the territory (Wolf 2000). The increasingly settled and urbanised society in the West Bank cannot be ignored as one of the factors of water scarcity. Therefore, when the EU employs a primary technical approach, the actual root of the problem - unsustainable water use - remains unaddressed (Gare 2018; 220).

From the human rights perspective, the EU's approach is mainly alleviating the symptoms of the water-scarcity situation rather than addressing the root causes. Here, the violation of human rights of Palestinians as a result of the occupation is one root cause of water-scarcity, which technical aid without targeted political action is unable to address. Still, for the EU these agricultural projects are substantiated by citing the positive socio-economic developments it could yield in the short-term. However, the impact of these investments is not highly significant: the agricultural sector only accounts for no more than 5% of

²⁶ Globally, the agricultural sector accounts for approximately 70 percent of the world's potable water use (Nestor 2013).

²⁷ Settlers consume up to six times the amount of water used by the Palestinian population (Kaminer, et al. 2019)

²⁸ Referring primarily to the time pre-1800: during the late-Ottoman period and British Mandate Bedouin have been increasingly forced to settle and urbanise (Frantzman and Kark 2008; 6-10).

the total GDP of Palestine (Dobricic 2013; 26). Therefore, it might be worth exploring alternative options for economic development that could contribute to the long-term health of the ecosystem. One option could be to invest more in supporting traditional semi-nomadic lifestyles, like the Bedouin community: this could be equally beneficial to the local economy, and puts significantly less stress on available water 'resources' (Abdelnour, et al. 2012; 3).

In short, it becomes unclear from the EU policy documents how it aims to pursue its normative objectives. Although water-related projects correspond indirectly to certain aspects of the environment or human rights, a closer look reveals contradictions between the stated (normative) objectives and its proposed course of action. This confirms observations from the previous chapter that EU favours other interests - such as avoiding a confrontation with Israel. Moreover, it neglects one of the main root causes of Palestinians' human rights deprivation - the occupation, and is ignorant to the long-term effects of its policy in the face of climate change. These points are discussed in more detail within the next chapter.

4 Discussion

The final presents a more in-depth discussion regarding the necessity for the EU to address tensions between human rights and its environmental objectives in the West Bank. I contend that whereas in theory the involvement of the EU in Palestine and its work on water scarcity is valuable, in practice it would need adjustments to accommodate the consequences of climate change on human rights and the environment. In the second part, I elaborate on the tensions between human rights and environmental concerns, and draw ideas from academic literature on how to address these. Specifically, I look at how the framework of intergenerational justice could prove to be helpful for policy-makers. The present discussion is not aimed to present concrete recommendations that can directly be applied to foreign aid policy, rather this exercise serves to stimulate debates on the issue and hopefully spark further research.

4.1 The West Bank: A call for norm-based EU policy

In the previous chapters I have analysed the EU's policy in Palestine, particularly concerning water scarcity. The current situation of water-shortage is costly for both the Palestinians as well for the ecosystem of the West Bank, and with climate change adding to the water-stress it is particularly important that this issue is addressed. In this section I take a human rights perspective and an environmental perspective to respond to the question in what ways the situation in the West Bank requires EU involvement on water-scarcity. Hereby I consider the added-value of an external player for the issue, and its ability to compensate (in theory) for the existing gap of water governance in the West Bank. Moreover, I argue that, although it has become clear that current EU policy needs improvement - particularly regarding its coherence, there are certain aspects of human rights and the environment that could benefit from the EU's involvement.

4.1.1 Human rights perspective

A first argument in favour of EU involvement is actually more an argument against the status quo: the current situation lacks an effective and fair water governance structure, which obstruct the fulfilment of the human right of access to water. Although, from a human rights perspective, formally there is no responsible entity to ensure that everyone has "access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use" (United Nations 2010), informally the State is appointed to secure human rights. This is part of the virtue-based approach in which the formal recognition of a human right is mostly expressed as "a way of encouraging the international community and governments to enhance their efforts to satisfy basic human needs" (United Nations 2010). This means that even though the UN prescribes that the rights-holders (i.e. every living being belonging to the human species) can claim their rights, and duty-bearers (i.e. the State) should guarantee these rights (United Nations 2010), the nature of the Universal Declaration of Human Rights (UDHR) itself is non-binding, and therefore, the protection of human rights relies mostly on the virtue of the duty-bearers (Boot 2017; 39-72). Yet, the capability of a state to fulfil this duty is depends on several factors – such as institutional

strength and cooperation on transboundary water bodies, both of which are negatively affected in the case of Palestine. Firstly, I substantiate the impact of government effectiveness on fulfilling the human right to access to water by drawing on two cases: Cape Town and Yemen. In both instances authorities were faced with a significant drought, but whereas in the first case the municipality was successful in addressing the situation (Olivier 2018; 26-27), the (lack of) Yemeni government's policy has led to a worsened water-crisis, and arguably contributed to the eruption of violence.

Cape Town 2017: when the so-called 'Day Zero'²⁹ approached, the municipality decided to place restrictions on water for all inhabitants of the city in order to prevent the availability of water for domestic use sinking below the World Health Organisation (WHO) recommended minimum ("Day Zero" 2019). Therefore, the municipality deliberately employed access hurdles as a tool to lower water consumption. These measures were successfully able to scale down domestic water use by over 50 per cent ("Day Zero" 2019). 'Water demand management' strategies, as exemplified by the Cape Town case, could be expected to become more relevant in light of on-going climate change: eventually, reducing water consumption may become inevitable in water-scarce environments, and offer a considerably cheaper option than other solutions such as desalination plants (Olivier 2018; 26).

Yemen, on the other hand, is located in one of the most water deficient areas in the world where, over the last half a century, the accessibility of water has dramatically worsened. This is often linked to population growth and climate change related weather events such as higher temperatures or less predictable rainfall, yet the lack of regulation has been a significant contributor to the situation (Varisco 2019). During the 1960s and 1970s the use of motorized drills to access water proliferated, and resulted in large scale unregulated, unsustainable pumping from underground aquifers some of which even contain fossil water (Worth 2009). As a result of the excessive drainage the water tables have dropped in some areas by over a 1000 metres (IRIN news 2012). The current tragic situation in which violent events have damaged or destroyed

²⁹ A popular reference to the situation in which the water level of the major water supply dams to Cape Town would fall below 13.5 per cent (Poplak 2018).

essential water infrastructure in Yemen (Clifford and Triebert 2016), leaves little hope for achieving the human right of access to water.

Although the situation in the West Bank is certainly not as dire (yet) as the Yemeni case, the lack of effective governmental regulation is here, too, a major threat to Palestinians' access to water, and sustainability. This can be attributed to the military rule of Israel which has left Palestinians with little control over their land, and therefore they have trouble to take on water projects as well (Kaminer, et al. 2019).

Secondly, the lack of positive cooperation between Israel and the Palestinian Authority on the shared water 'resources' are an obstacle to the fulfilment of the human right of access to water. If states are unsuccessful in resolving these situations, this could culminate in a 'tragedy of the commons'; when individual actors act according to self-interest in their use of a shared and unregulated resource, and as a result collectively deplete that resource (Hardin 1968). In the current international system of states one way to overcome the tragedy of the commons is to negotiate agreements on common 'resources'. But even in absence of these agreements states would have, according to some human rights scholars, a moral obligation "not to act in a way that might have a negative effect on the enjoyment of human rights in other states", because "water supplies naturally overlap and cross borders" (Hausmann 2003). Such virtuous behaviour comes at short supply in the water-scarce West Bank, and also the water agreements that are in place have been insufficient to establish equitable cooperation on shared water bodies (Hussein, et al. 2018; 2).

Thus, in absence of positive conditions regarding the PA's ability to regulate the use of water, and their lack of effective cooperation with Israel, one could argue that the involvement of an external party could benefit the human rights conditions in the area. However, the failure of a state-actor to fulfil its human right duty do not guarantee a moral legitimization of external involvement: hereby the intentions of the external actor should be taken into

account as well, because past experiences has proved that the virtue-based approach to the human rights framework is vulnerable to potential abuse.³⁰

4.1.2 Environmental perspective

With regards to environmental concerns, the answer as to whether or not the involvement of an external party can be legitimized depends on which specific environmental perspective one takes. General environmental approaches renounce economic discourse that considers nature as capital for human activity, and any damage to the environment as a result of human use as ‘externalities’ (Raymond, et al. 2013; 536). Yet, a redefinition of the relationship between the human species and the ecosystem can take roughly four forms. A first option is what Raymond et al. have identified as the ‘closed-loop’ metaphor in which all impacts of human activities on the ecosystem, negative as well as positive³¹, are considered (2016; 537-538). This idea is the closest to economic notions of the environment: not only because the ‘closed-loop metaphor’ allows for quantification of the environment, but also in the sense that it implies that humans are entitled to use the ecosystem as long as it is within the limits of ‘sustainability’ (Raymond, et al. 2016; 538). A second metaphor is the idea of ‘stewardship’, which presupposes a moral obligation to take care of nature. This idea can be traced back to Judeo-Christian traditions in which stewardship³² was interpreted as a divine order that charged the human species with the ‘care’ for nature (Suzuki 1985; 00:07:01 - 00:07:15). This implies an asymmetrical power-dynamic, and a unilateral exchange of services, which disregards the ‘care’ by nature for the human species. The third metaphor, the web-of-life metaphor, takes another step away from anthropocentrism, and argues that because the human species is a part of the ecosystem, we have a responsibility to understand

³⁰ In the post-Cold War era human rights-based narratives have sometimes even served to legitimize war – most notably the United States’ interventions in Iraq, Afghanistan, Libya and Syria (Dixon 2017).

³¹ Some of the positive effects that the human species has are restoration, conservation and enhancement (Raymond, et al. 2016; 538)

³² This is based on verse 1:26 of the Book of Genesis, often translated as: “And God said, Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.” (Third Millennium Bible)

the consequences of our actions on the broader system (Raymond et al. 2016; 540). Finally, the last metaphor encompasses the full integration of nonhuman entities within the 'community'. The concept of ecocultural-community requires that non-human entities should be treated as a part of the community (2016; 540). This interpretation of environmental management is characteristic to indigenous lifestyles where spiritual, physical and social ties to nature are a significant part to their culture. In the next section I discuss a concrete example of how environmental protection at the basis of the "eco-cultural metaphor" has resulted in the legal protection of a river in New Zealand.

So, these perspectives do not necessarily provide a clear mandate for an international actor to be involved in Palestine. The above-exploration of environmental perspectives reflect broadly on the way the human species, and by extent international actors too, interacts with the ecosystem. Most importantly they prescribe that any involvement should go beyond an exclusively economic understanding of nature. Hereby the same reasoning as applied previously to the human rights perspective would apply here as well; when the status quo is harmful for the ecosystem, external involvement might improve environmental conditions. In the case of Palestine, an argument could be made that EU involvement could benefit indigenous Bedouin lifestyles, which is currently restricted as a result of the occupation.

4.2 Overcoming the tensions

An important part of achieving this objective is for the EU to improve the (horizontal) coherence in its policy framework, and address the tensions between human rights and environmental concerns regarding water. In the previous chapter I have identified some of the contradictions and weaknesses of current ENP on water in the West Bank - particularly how the EU is unable to demonstrate how its programmes pursue its stated normative objectives. These tensions arise at the conceptual level – i.e. underlying ideas on the position of the human species within the wider ecosystem, and on the implementation side. The latter is closely related with questions of water division, particularly in the context of water-scarce regions like the West Bank.

Regarding the human right of access to water; its implementation in practice of is difficult to measure. In the UDHR there is no specification of what amount of water is considered a ‘basic right’, and thus qualifies for protection. Because not all domestic uses for water would apply for the consideration of basic rights - e.g. swimming pools - some quantitative measure would therefore appear useful. Policymakers commonly reference the World Health Organisation (WHO)’s recommendation of a minimum daily domestic consumption - 100 litres water per person per day - as a baseline (Koek 2013). Yet, hereby no indication is given regarding the conditions of resource of this portion. For example, in the West Bank the Jordan River has largely dried up: should one then divert the last drops of remaining water to serve the inhabitants of the West Bank? If it is up to environmentalists, the answer is probably negative: for environmental justice adherents, the wellbeing of nature could be regarded as an end in and of itself, and could imply as well that it has a ‘right’ to be itself (Williams 2013; 273). This is a fundamental idea within the field of environmental justice, which aims at condemning the human impact on the environment (Ahmad 2017). Therefore, the Jordan River would have to be protected in the above-described situation. Two cases in which rivers obtained legal personhood, in India and New Zealand³³,

³³ It should be noted that this comparative analysis does not apply beyond the specific outcome of these court cases; this section is in service of the general argument of the thesis, and should in no

demonstrate how environmental notions have been transferred into the mainstream judiciary system in order to ensure environmental protection.

It is important to note that in neither case there was a legal precedent of environmental protection, and the results were achieved through interpretation of cultural laws. In the first case, Indian jurisprudence allows deities to be legal entities, therefore this law could be extended to the Gangu and Yamuna rivers which are regarded as holy in Hindu tradition (Ahmad 2017). New Zealand, on the other hand, has integrated some indigenous rights within their legal system, and because the Maori people consider the Te Awa Tupua river as their ancestor, thus part of their tribe, the court was forced to grant legal personhood to the river (Roy 2017). The outcome of these cases is highly promising from an environmental perspective, because it allows a legal framework for protection and conservation of a natural entity. However, a main weakness of environmental justice is the question of reciprocity, namely who is responsible and what are the legal consequences when the river inflicts harm upon the human species in cases of drought and flood (Ahmad 2017)? Therefore, more research into the implementation of environmental justice approaches, which include aspects of reciprocity, could significantly contribute to the general viability of environmental perspectives.

4.2.1 Intergenerational justice

The human rights and the environmental approach would be particularly difficult to reconcile in water-scarce situations. Whereas the human rights approach appropriates the water of a water body to the inhabitants in the area and disregards the health of this water source, an environmental justice approach disregards the human needs and dependency on the water body. One helpful approach to address this tension is the concept of intergenerational ecological justice. The intergenerational ecological justice approach states that the use of the environment by living members of the human species ends where the rights of human generations that have yet to be born begins (Hiskes 2009; 124). Therefore, the intergenerational ecological framework contains elements of both

way be interpreted as claims on the similarities between the legal systems of New Zealand and India.

the human rights framework and environmental concerns., Here however, due to the fact that in practice this framework would entail conservation of the contemporary environment, I will consider the intergenerational ecological justice approach primarily in light of environmental perspectives.

Another distinct feature to the intergenerational ecological justice framework is that it focuses on the rights of collectives - i.e. generations - rather than those of individuals (Hiskes 2006; 93) as is the case with 'mainstream' human rights. This notion of collective rights poses a challenge to current understandings of human rights: thus far the only 'group right' that has received widespread recognition throughout the international community has been protection from genocide or ethnic cleansing (Hiskes 2009; 123). The relative novelty of the concept of collective rights has inspired scholars to contemplate ways in which the implementation could be enhanced. These scholars argue that generally it could be expected that societies with a higher communal sense would be more capable of considering future generations as part of their community, and hence able to apply the intergenerational justice approach to environmental rights (Gewirth 1996). In addition, political scientists argue that it could enhance the feasibility of the framework if states would protect "the future generations of (every)one's own community, rather than of all future persons" (Hiskes 2009; 124).

Applied to the concept of water one could consider Brown Weiss' third main principle of environmental conservation for future generations³⁴: each generation shall "provide its members with equitable rights of access to the legacy [of resources and benefits received] from past generations . . . and conserve this access for future generations" (Brown Weiss 1990; 43-45). Regarding freshwater this could be directly applicable to the use of underground aquifers, and indirectly relevant to the diversion of surface water bodies, as their water is an important factor in the recharge of underground aquifers (Oskin 2018). Hereby Brown Weiss' interpretation of the concept of 'equity' - fairness - is of significant importance, because otherwise the current generation would only be

³⁴ According to Brown Weiss the three main principles for each generation to provide for the next are: conservation of ecological options, conservation of the quality of the planet and conservation of equitable resource access (1990; 40-45).

limited in its extraction from (unsustainable) water 'resources' by the amount that is needed to sustain the basic needs of the next generation, and adhere an unsustainable lifestyle.

However, the intergenerational ecological justice framework still requires more academic research, specifically into the implementation. One of the issues that would benefit from more research is in what ways Hiskes' practical suggestion - that each state should primarily take responsibility for their "own (unborn) people" - merges with cosmopolitan ideas, and how to prevent this idea aggravating competition over (shared) natural 'resources'. The water in the West Bank is already divided unequally along the lines of ethnicity and citizenship (Zana Agha in Kaminer, et al. 2019); how can the framework of intergenerational justice serve prevent further escalation of political tensions? I think that part of the answer could be to look beyond anthropocentric accounts, and re-examine the relationship between the human species and nature, especially in 'resource'-scarce regions. The question of how to adapt the environment to sustain the human species is simply not enough to answer the challenge of climate change. Therefore, the Bedouin lifestyle in the West Bank could serve as an example of how human life could be balanced and adapted to its environment instead.

5 Conclusion

This research set out to explore in what manner normative values of human rights and environmental concerns inform EU foreign policy on the topic of water-scarcity in the West Bank. The findings of this research suggest that human rights and environmental values regarding water are not direct policy objectives, but rather framed within the EU's main objective in Palestine: to achieve the Two-State solution. This is problematic for two reasons: firstly, the normative objectives of human rights and environmental concerns do not receive the consideration that is needed to establish effective policy towards either of the two goals. For example, when the EU proposed to increase Palestinians access to water by recycling water from the agricultural sector, it might indirectly preserve water for domestic use, yet the EU fails to address a more fundamental issue in which Israel blocks access from the West Bank's water 'resources'. Furthermore, from an environmental point of view, it makes little sense that the EU stimulates the most water-intensive economic sector in a water-scarce region, whereas other economic activities, such as those practiced by the Bedouin, would address the more structural problems of water-scarcity - the level of water consumption.

Secondly, considering the few successes the EU has had so far towards achieving its main goal, and the little policy changes that have been made since the onset of the Oslo Accords, one could wonder whether such policy that hardly corresponds with the current political realities could be effective. The concept of policy coherence has been helpful to identify some of the EU's weaknesses in this regard, such as the deep divisions amongst Member States (vertical coherence), and a lack of diplomatic and political enforcement of the EU's rhetorical claims (horizontal coherence).

Yet, despite the significant attention that these aspects of coherence would require in order to enhance the EU's effectiveness, I have argued that the content dimension of coherence is worth considering, too. Specifically where tensions between human rights and environmental concerns arise, critical reflection is required in order to arrive at effective policy that can withstand the challenges of climate change. The interests of future generations would be a good starting point in overcoming such tensions. And, referring to the quote at the beginning of the

thesis, in rhetoric the EU seems to have already adopted this idea. Hopefully it would be able to close the gap with practice in this regard, too.

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