

The Politics of Transboundary Water Resources

*A Case Study of EU Policy Regarding Transboundary Water Interaction in the
Occupied Palestinian Territories*

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Preface

This thesis is my final research project for the master program Middle Eastern Studies at Leiden University. The past one and a half year have been both academically and personally challenging, but I am grateful for having been able to complete this program. I very much enjoyed the informal setting of the classes, during which I got to witness and contribute to many interesting discussions about the history, international relations and political economy of the MENA region. The different academic backgrounds of the students involved in the program created a very encouraging environment to further develop my own interests in these fields.

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Abstract

The aim of this thesis is to assess the role of the European Union in transboundary water relations between Israel and the Occupied Palestinian Territories (OPT) since the Oslo II Accords, and in particular the extent to which EU policy is reinforcing Israel's position regarding the shared water resources. The research shows that EU policy contributes towards the further consolidation of Israeli control over Palestinian resources, an important aspect of the occupation which undermines the possibility of the emergence of a viable Palestinian state. The research is based on Marxist views of political economy, arguing that power relations play a determining role in the way in which transboundary water interaction takes place between Israel and the OPT. Using the framework of hydro-hegemony and Steven Lukes three dimensions of power, the analysis shows that there is a discrepancy between EU rhetoric and practice which results in the EU sustaining Israel's hydro-hegemony.

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1. Introduction

When Israel started its occupation of the West Bank and the Gaza Strip in 1967, the Israeli army also took control over the transboundary water resources and infrastructure. Transboundary water interaction between Israel and the Occupied Palestinian Territories (hereafter OPT) has been regulated to some extent by the Oslo II Accords which were signed in 1995, but in reality the treaty has further consolidated Israeli control over Palestinian access to water ‘to a level which neither meets their needs nor constitutes a fair distribution of shared water resources.’¹

The resulting disparity in access to water between Israelis and Palestinians is truly staggering. Water consumption by Israelis is at least four times that of Palestinians living in the OPT. Palestinians consume on average 73 litres of water a day per person, which is well below the World Health Organization’s (WHO) recommended daily minimum of 100 litres per capita. In many herding communities in the West Bank, the water consumption for thousands of Palestinians is as low as 20 litres per person a day, according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). By contrast, an average Israeli consumes approximately 300 litres of water a day.²

Apart from the effects of Israeli water control on the standard of living of the Palestinians, Israeli control over shared water resources limits the possibilities for economic development. The Palestinian economy is based on agriculture and small-scale industry.³ Without economic development, the OPT cannot increase its level of autonomy which ultimately prevents the emergence of a viable Palestinian state. Due to the broader consequences of the occupation for the Palestinian economy the OPT has been dependent on donors, of which the European Union is the largest provider of external assistance. According to the European Commission, ‘in line with the goal of a two-state solution, EU efforts aim at promoting greater Palestinian control, autonomy and capacity to exercise responsibility to prepare for future statehood.’⁴

¹ ‘‘The Occupation of Water,’’ Amnesty International, November 29, 2017, <https://www.amnesty.org/en/latest/campaigns/2017/11/the-occupation-of-water/>

² Amnesty International, ‘‘The Occupation of Water.’’

³ Simone Klawitter, ‘‘Water as a Human Right: The Understanding of Water Rights in Palestine,’’ *International Journal of Water Resources Development* 23, no. 2 (2007): 306.

⁴ ‘‘Palestine*,’’ European Neighbourhood Policy and Enlargement Negotiations, European Commission, accessed on May 18, 2020, https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/palestine_en

1.1 Research question, hypothesis and structure

The aim of this thesis is to examine the role of the European Union in transboundary water relations between Israel and the OPT since the Oslo II Accords. More specifically, guided by Mark Zeitoun and Jeroen Warner's theory on hydro-hegemony and Steven Lukes' three dimensions of power, the analysis provides a comprehensive answer to the following research question: *To what extent has EU policy regarding transboundary water interaction between Israel and the OPT reinforced Israel's hydro-hegemony?*

The main hypothesis is that EU policy regarding issues of water in the OPT is not in accordance with the EU's rhetoric of supporting the two-state solution. Rather, EU policy ultimately contributes towards the further consolidation of Israeli control over water, which results in a deepening of the colonization of Palestinian land. This discrepancy can be explained through an analysis of the particular relationship between Israel and the EU.

As for the structure of the thesis, the second chapter consists of a review of the relevant academic literature on hydropolitics and describes the theoretical framework on which the research is based. The research is predominantly guided by Mark Zeitoun and Jeroen Warner's concept of hydro-hegemony and Steven Lukes' three dimensions of power. The third chapter consists of the contextual background of the case study, namely the relationship between Israel and the EU. Subsequently, the fourth chapter explains the issue of water between Israel and the OPT by paying attention to the historical background of power dissimilarities. The fifth chapter is an analysis of Israel's discourse regarding the issue of shared water resources with the Palestinians on the basis of policy documents by the Israel Water Authority. The sixth chapter analyses EU policy and explains the discrepancy between EU rhetoric and practice. The seventh chapter then provides an answer to the research question.

1.2 Methodology and limitations

The research can be characterized as a case study. The methods chosen to carry out the research are a review of the available academic literature and an analysis of primary sources. The primary sources used for this research include the Oslo II Accords, 'The Parliamentary Committee of Inquiry on the Israeli Water Sector, Report' (State of Israel, 2002), 'The Issue of Water between Israel and the Palestinians' (Israel Water Authority, 2009), 'The Water Issue

Between Israel and the Palestinians. Main Facts' (Israel Water Authority, 2012), 'Israel Water Sector, Regional Cooperation' (Israel Water Authority, 2015), the 'EU-Palestine Action Plan' (EU, 2013) and the 'European Joint Strategy in Support of Palestine 2017-2020, Towards a democratic and accountable Palestinian State' (EU, 2017).

For the analysis of the Israeli discourse on the matter, the analysis of the primary sources has been limited by the availability of documents published in English due to my lack of knowledge of Hebrew, the official Israeli language used for government communication. It is very likely that the Water Authority published more relevant documents, whose inclusion in the analysis would have resulted in a more complete analysis. However, the documents used for this analysis have been written for an international audience specifically, among which the international donor community. Cascao has explained how in the case of Egypt, the Egyptian government uses different types of discourses for different audiences regarding its water issues.⁵ Therefore, the documents published in English by Israel are particularly relevant in this case. For the purpose of this thesis, the Israeli discourse on the water issue provides the basis for a comparison with EU policy. Throughout the analysis, attention has been paid to the ways in which the issue of water access for the Palestinians is being portrayed as well as how the relationship with the Palestinian Authority (hereafter PA) is being characterized when it comes to water management, in the context of the Joint Water Committee in particular.

For the analysis of the Israeli discourse, attention has been paid to what extent the Israel Water Authority has made use of securitizing moves, knowledge construction and sanctioning the discourse. These discursive tactics will be explained further in the following chapter. In order to avoid one of the most important pitfalls when analysing data, namely that 'analysts project their own political biases and prejudices onto their data and analyse them accordingly', my own research has been substantiated with secondary literature.⁶

1.3 Contribution to the field

The research contributes towards the broader academic field of hydropolitics as well. This thesis draws upon Marxist theories of political economy, arguing that power relations play a

⁵ Mark Zeitoun and Jeroen Warner, 'Hydro-hegemony – a framework for analysis of trans-boundary water conflicts,' *Water Policy* 8 (2006): 448.

⁶ Jan Blommaert and Chris Bulcaen, 'Critical Discourse Analysis,' *Annu. Rev. Anthropol.* 29 (2000): 455.

determining role in the way in which transboundary water interaction takes place. The research will take the Oslo agreements as a starting point rather than an outcome, to contribute to the growing body of literature which moves away from the excessive focus on international treaties as solutions to water conflicts.

As such, it takes on a 'critical' approach to the issue. As has been explained by Jan Selby, critical forms of knowledge are 'oriented towards structural explanations, and out of that critique, assuming the social world to be a historically constituted structured totality that must be understood and explained as such.'⁷ By explaining the discrepancy between EU rhetoric and practice, the case study shows that the position of the EU cannot be attributed to Israel's discursive ideational alone. Due to the particular relationship between Israel and the EU, EU policy is predominantly influenced by Israel's bargaining power. The fact that the EU partly perpetuates Israel's discourse is merely an effect of Israel's bargaining power. By perpetuating Israel's discourse, EU policy is ultimately directed towards sustaining Israel's hydro-hegemony.

⁷ Jan Selby, *Water, Power and Politics in the Middle East: The Other Israeli-Palestinian Conflict* (Tauris, 2004), 9.

2. Literature review and theoretical framework

2.1 *Hydropolitics*

In the field of political science and international relations there is a growing body of academic literature on transboundary water interaction, also referred to as transboundary water management or transboundary water conflict/cooperation. The entire body of literature is often named ‘hydropolitics’.⁸ Due to the time and scope, the following literature review does not provide a complete overview of the existing literature but merely highlights the academic debate as well as the important works which are relevant for this thesis. To this date, there is no grand theory which explains transboundary water relations.⁹ In attempts of answering the question of whether the need to share water resources results in either conflict or cooperation between states, researchers have therefore generally adopted one of the following four main approaches.

The first approach could be described as the realist approach. The researchers who rely upon realist theories argue that increasing water scarcity inevitably results in conflicts between states or even in so-called ‘water wars’.¹⁰ This argument is predominantly based on Malthusian notions of conflict. Thomas Malthus was a prominent researcher in the field of political economy who held the view that increasing population growth and environmental issues would ultimately lead to conflict between states over natural resources.¹¹ This view is not exclusive to academics; in recent years the argument has been frequently adopted by politicians and international institutions as well. For example, both former Secretary Generals of the UN Ban Ki Moon and Kofi Annan have argued that water may be a cause for war in the future.¹²

Shlomi Dinar has argued that river water is likely to stimulate war over resources between states.¹³ Critics of this approach point to the lack of empirical evidence to support this theory.¹⁴ Mark Zeitoun has further explained why wars over water have been absent so far. He points

⁸ Naho Mirumachi, *Transboundary Water Politics in the Developing World* (Abingdon: Routledge, 2015), 18.

⁹ Naho Mirumachi, *Transboundary Water Politics in the Developing World*, 18.

¹⁰ Shlomi Dinar and Ariel Dinar, *International Water Scarcity and Variability: Managing Resource Use Across Political Boundaries* (University of California Press, 2016), 17.

¹¹ Paula Hanasz, ‘Understanding water cooperation and conflict,’ Global Water Forum, last modified on December 2, 2013, <https://globalwaterforum.org/2013/12/02/understanding-water-cooperation-and-conflict/>

¹² Shlomi Dinar and Ariel Dinar, *International Water Scarcity and Variability*, 17.

¹³ Shlomi Dinar, ‘Water, Security, Conflict, and Cooperation,’ *SAIS Review* 22, no. 2 (2002): 234.

¹⁴ Mark Zeitoun, *Power and water in the Middle East: the hidden politics of the Palestinian-Israeli water conflict* (London: Tauris, 2008), 3.

towards the economic and strategic value of water (which is less than oil or natural gas), the availability of 'virtual water' and the power asymmetry that is often present between the states or entities involved.¹⁵ Most of the water available to a state is always used for the production of food, and its economic value is dependent on the value of the food it produces. The economic value of oil and natural gas is much higher, since it has a larger strategic importance. Oil and natural gas can be used for security purposes, whereas water cannot.¹⁶ Virtual water is a concept introduced by Tony Allan, referring to the amount of water it takes to produce a product such as for example wheat. When a state imports wheat, it obtains virtual water in the global trading system. This virtual water is 'politically stress free', compared to producing the food domestically with water coming from shared water resources. According to Allan, the availability of virtual water allows politicians to let water disputes with their neighbours remain largely unresolved.¹⁷ Due to the differences in power between the states or entities involved, Zeitoun has argued that 'infinitely weaker states 'know their place' in their regional neighbourhood which further contributes to why it is not likely that water conflicts will result in water wars.'¹⁸

The second, and arguably most popular approach in the academic literature is the liberal institutionalist approach. Liberal institutionalists focus on the function of (international) institutions and in particular on their potential role in enlarging stability among states in the international system. Similar to the realists, they argue that transboundary water interaction easily results in conflict between riparian states. However, their view is that building adequate institutions can help to manage shared water resources in a cooperative manner. For instance, in his introduction to *Water Security in the Middle East. Essays in Scientific and Social Cooperation*, Jean Axelrad Cahan has noted that 'a consensus seems to exist that what is most needed are institutions that are responsible for basin-wide areas and that can sustain their activities during times of political or economic crisis.'¹⁹ In the same volume, Neda A. Zawahri argues that interstate commissions that are charged with the management of shared water

¹⁵ Mark Zeitoun, *Power and water in the Middle East: the hidden politics of the Palestinian-Israeli water conflict*, 3-4.

¹⁶ Ibid, 3.

¹⁷ Tony Allan, 'Watersheds and problemsheds: explaining the absence of armed conflict over water in the Middle East,' *Middle East Review of International Affairs* 2, no.1 (March 1998), <https://web.archive.org/web/20061127104256/http://meria.idc.ac.il/journal/1998/issue1/jv2n1a7.html>

¹⁸ Mark Zeitoun, *Power and water in the Middle East: the hidden politics of the Palestinian-Israeli water conflict*, 4.

¹⁹ Jean Axelrad Cahan, 'Water Security in the Middle East: A Role for the Social Sciences and Humanities,' in *Water Security in the Middle East. Essays in Scientific and Social Cooperation*, (Anthem Press, 2017), 5.

resources should be given more capabilities.²⁰ They also emphasize the role of international treaties in resolving transboundary water conflicts.²¹ For instance, in *Management of Shared Groundwater Resources: The Israeli-Palestinian Case with an International Perspective*, Aaron Wolf has argued that ‘despite the inherent difficulties, treaties are not only the best representation of local needs and settings, but they also carry the highest priority in international law.’²² These arguments however dismiss the fact that treaties are a product of negotiations between parties who often possess unequal power. Because the most powerful party has a better position during the negotiation process, it can use the treaty as a means to institutionalize the current beneficial status quo. Once in effect, the treaty can then be used as leverage over the weaker party.²³

The third approach, the Environmental Peacebuilding theory, argues the exact opposite of the realist approach; it focusses on the ways in which the environment (including increasing water scarcity) can foster peace instead of resulting in wars. The theory is based on two different concepts. The first concept entails the use of the environment as ‘one possible linking element between parties to a conflict to foster peace in an area of protracted conflict’.²⁴ The theory is that the environment transcends individual interests and among other things creates a shared collective identity. The second concept is based on the idea that conflicts over scarcity, of water for instance, can be resolved through the common management of natural resources.²⁵ This second concept is in line with the liberal institutionalist approach.

However, in his book chapter *Hydro-Apartheid and Water Access in Decolonizing Palestinian Political Economy* (2014) Clemens Messerschmid’s arguments contradict the findings of the Environmental Peacebuilding theory. He has argued that in the case of trans boundary water allocation in Israel-Palestine the language of climate change has been adopted to shift the focus

²⁰ Neda A. Zawahri, ‘Adapting to climatic variability along international river basins in the Middle East,’ in *Water Security in the Middle East. Essays in Scientific and Social Cooperation*, (Anthem Press, 2017), 146.

²¹ Jean Axelrad Cahan, ‘Water Security in the Middle East: A Role for the Social Sciences and Humanities,’ 10.

²² Aaron T. Wolf, ‘From Rights to Needs. Water Allocations in International Treaties,’ in *Management of Shared Groundwater Resources: The Israeli-Palestinian Case with an International Perspective*, (Springer Netherlands, 2001), 149.

²³ Mark Zeitoun and Jeroen Warner, ‘Hydro-hegemony – a framework for analysis of trans-boundary water conflicts,’ 447.

²⁴ EcoPeace / Friends of the Earth Middle East. ‘Environmental Peacebuilding Theory and Practice. A Case Study of the Good Water Neighbours Project and In Depth Analysis of the Wadi Fukin / Tzur Hadassah Communities.’ (January, 2008), accessed on May 11, 2020, https://ecopeaceme.org/uploads/publications_public93_1.pdf, 12.

²⁵ EcoPeace / Friends of the Earth Middle East. ‘Environmental Peacebuilding Theory and Practice,’ 12.

from the fact that the central problem is political rather than environmental in nature. This way, the environment serves as a justification to preserve the status quo instead of making a contribution to solving the conflict.²⁶ Messerschmid has argued that these water ‘myths’, as created by Israel, result in misguided donor interventions. According to him, Palestinians should ‘engage in a battle over public opinion, both domestically and internationally, by critiquing the myths of ‘scarcity’ and ‘cooperation’, and exposing the reality of Israel’s hydro-apartheid.’²⁷ As we will see, scarcity of water specifically is used by Israel to securitize the issue of sharing water with the Palestinians in an attempt to legitimize denying Palestinians access to adequate amounts of water.

The fourth and last approach originates from the London Water Research Group, residing at King’s College London. Their approach to transboundary water interaction is based on the Gramscian notion of cultural hegemony and Marxist views of political economy.²⁸ The scholars affiliated with this group are critical of the analysis of international treaties when it comes to shared water resources and argue that one cannot speak about cooperation ‘under circumstances of constrained conflict, or instances where cooperation of one party more closely resembles tokenism, or where cooperation is simply at the technical level.’²⁹ They warn for against ‘discursive mask’ of cooperation. In ‘How soft power shapes transboundary water interaction’, Jeroen Warner, Mark Zeitoun and Naho Mirumachi have stated that in most cases the interaction between states can be characterized as a mix of cooperation and conflict. Moreover, they argue that ‘representatives of hydro-hegemony can deny there being conflict and appear magnanimous, while knowing full well the odds are stacked in their favour.’³⁰ In *Transboundary Water Politics in the Developing World*, Naho Mirumachi has studied the cases of the Ganges River basin, the Orange-Senqu River and the Mekong waters. On the basis of these case studies, she has argued that one must look beyond the conceptualizations of cooperation and conflict available in political science and international relations, and focus on

²⁶ Clemens Messerschmid, ‘Hydro-Apartheid and Water Access in Israel-Palestine: Challenging the Myths of Cooperation and Scarcity,’ in *Decolonizing Palestinian Political Economy. De-development and Beyond*, ed. Mandy Turner and Omar Shweiki (Palgrave Macmillan, 2014), 62.

²⁷ Clemens Messerschmid, ‘Hydro-Apartheid and Water Access in Israel-Palestine: Challenging the Myths of Cooperation and Scarcity,’ 67-71.

²⁸ Jean Axelrad Cahan, ‘Water Security in the Middle East: A Role for the Social Sciences and Humanities,’ 10.

²⁹ Mark Zeitoun, *Power and water in the Middle East: the hidden politics of the Palestinian-Israeli water conflict*, 8.

³⁰ Jeroen Warner, Mark Zeitoun and Naho Mirumachi, ‘How soft power shapes transboundary water interaction,’ Global Water Forum, last modified on June 3, 2013, <https://globalwaterforum.org/2013/06/03/6928/>, 2.

the discursive process through which shared waters become political instead.³¹ Zeitoun and Warner have developed an alternative framework to analyse transboundary water interaction, which highlights hidden conflict. Based on this framework of hydro-hegemony, Paula Hanasz has similarly argued that ‘an arrangement understood as ‘cooperative’ from the hydro-hegemon’s perspective may conceal its more destructive effects such as cementing an inequitable status quo.’³²

Shared water resources in the MENA region have also been a frequent subject of analysis for researchers assigned with the task of assessing and building theories regarding transboundary water interaction. Israel and the OPT are no exception; based on the approach of the London School there are, for instance, the important works of Miriam Lowi, Jan Selby, Mark Zeitoun and Clemens Messerschmid.

In *Water and Power. The Politics of a Scarce Resource in the Jordan River Basin* (1993), Miriam Lowi has researched the history of the interaction between these actors regarding the Jordan River basin highlighting its security dimensions.³³ She has argued that the riparians of the Jordan River basin have always regarded their dispute as a dimension of the broader Israeli-Palestinian conflict.³⁴ Moreover, by looking at the Jordan River basin as well as other international river basins she has found that cooperative arrangements only exist when they are either advocated or imposed by the hegemon.³⁵ This observation leaves questions as to how ‘cooperative’ these arrangements are in practice.

With his book *Water, Power & Politics in the Middle East. The other Israeli-Palestinian conflict* (2004), Jan Selby gives an analysis of the breakdown of the Oslo process in 2002 through the lens of Israeli-Palestinian water politics.³⁶ According to Selby, ‘it is not possible to explain water conflicts, either in the Middle East or elsewhere, except in relation to broader structures and relations of politics and political economy’.³⁷ Moreover, in his article ‘Cooperation, Domination and Colonisation: The Israeli-Palestinian Joint Water Committee’,

³¹ Naho Mirumachi, *Transboundary Water Politics in the Developing World*, 134.

³² Paula Hanasz, ‘Understanding water cooperation and conflict,’ Global Water Forum, last modified on December 2, 2013, <https://globalwaterforum.org/2013/12/02/understanding-water-cooperation-and-conflict/>

³³ Mirjam Lowi, *Water and Power. The Politics of a Scarce Resource in the Jordan River Basin* (Cambridge University Press, 1993), 2.

³⁴ Mirjam Lowi, *Water and Power. The Politics of a Scarce Resource in the Jordan River Basin*, 197.

³⁵ *Ibid*, 199-200.

³⁶ Jan Selby, *Water, Power and Politics in the Middle East*, 5.

³⁷ *Ibid*, 6.

Selby has analysed the record of the JWC. He has come to the conclusion that the JWC is not just an instrument through which Israel is able to restrict and contain Palestinian demands, but 'it has also facilitated Israel's expansionist territorial and settlement interest within the West Bank, including through the conferral of formal PA approval on the expansion of settlement infrastructure.'³⁸

Mark Zeitoun has noted that his book builds upon the thesis of 'domination dressed up as cooperation' which has been introduced by Selby.³⁹ In *Power and water in the Middle East. The hidden politics of the Palestinian-Israeli water conflict* (2008), he has researched the power dynamics that have shaped the water conflict between Israel and the Palestinian Authority from the wake of the Oslo peace process up until the end of 2005, concluding that the 'extreme imbalance in power between the two sides permits a highly asymmetric outcome'.⁴⁰

Moreover, in the article *Misrepresenting the Jordan River Basin* (2015), Clemens Messerschmid and Jan Selby have analysed the *Inventory of Shared Water Resources in Western Asia*, which was written by the UN Economic and Social Commission for West Asia (ESCWA), an organization of Arab states. Their conclusion is that Israel's hegemonic hydro-political narrative is being reproduced by the ESCWA.⁴¹ The part in the report which discusses the Jordan River basin overestimates the role of Israel as a contributor and the other riparians as exploiters. The research furthermore shows that the part on the Jordan River basin includes several technical errors as well. Messerschmid and Selby have argued that one of the reasons that ESCWA could have reproduced these Israeli narratives is 'ESCWA's and the Middle East's integration into, and dependence on, Western-dominated circuits of knowledge production.'⁴² Western academics and institutions rely mostly upon Israeli representations when it comes to shared water resources. This thesis will demonstrate that this is true for the European Union as well.

³⁸ Jan Selby, 'Cooperation, Domination and Colonisation: The Israeli-Palestinian Joint Water Committee,' *Water Alternatives* 6, no. 1 (2013): 21.

³⁹ Mark Zeitoun, *Power and water in the Middle East: the hidden politics of the Palestinian-Israeli water conflict*, 14.

⁴⁰ *Ibid*, xiv.

⁴¹ Clemens Messerschmid and Jan Selby, 'Misrepresenting the Jordan River Basin,' *Water Alternatives* 8, no. 2 (2015): 258.

⁴² Clemens Messerschmid and Jan Selby, 'Misrepresenting the Jordan River Basin,' 274.

2.2 Hydro-hegemony and three dimensions of power

In the social sciences and humanities, theory primarily serves to ‘explain a puzzle or a paradox where there is some aspect of the behaviour of individuals, groups or social institutions for which a simple explanation is not apparent.’⁴³ The paradox central to this thesis is why the European Union is reinforcing Israel’s position regarding the water resources it shares with the Palestinians, while rhetorically supporting a two state solution. In light of the Israeli-Palestinian conflict, challenging Israel’s control over water would be more in accordance with the European position of supporting the two-state solution. As has been explained in the introduction, Israeli control over Palestinian access to water is a fundamental part of the occupation which has an effect on the standard of living of the Palestinians and puts limits on the possibilities for economic development. Supporting a two-state solution in this respect would thus require the EU to assist the OPT in obtaining greater control over its water resources. Throughout the thesis, the analytical concepts of Mark Zeitoun and Jeroen Warner’s hydro-hegemony and Steven Lukes’ three dimensions of power provide the theoretical framework which allows us to understand this paradox.

The framework of hydro-hegemony relies on the Gramscian concept of hegemony, which will be briefly discussed here first.⁴⁴ Antonio Gramsci was the General Secretary of the Italian Communist Party and was sentenced to prison by the Fascist regime in 1926.⁴⁵ While he was imprisoned he wrote *Quaderni del carcere* (Prison notebooks), which has provided political theorists with the foundation of his theory on hegemony. Originally, Gramsci’s concept of hegemony was based on domestic politics and intended to explain the relationship between the state and civil society. Gramsci was the first to argue that civil society is not ruled by force alone, but through a combination of force and ideas – coercion and consent?. Apart from using force, the rulers are able to impose their world view on society in order to obtain their willing consent for the continuation of their particular form of rule.⁴⁶ In Gramsci’s view, especially intellectuals play a large role in this process since they ‘extend the world view of the rulers to

⁴³ Susan Strange, *States and Markets* (Continuum London, 1988), 11.

⁴⁴ Jeroen Warner, Mark Zeitoun and Naho Mirumachi, ‘How soft power shapes transboundary water interaction,’ *Global Water Forum*, last modified on June 3, 2013, <https://globalwaterforum.org/2013/06/03/6928/>, 2.

⁴⁵ Thomas R. Bates, ‘Gramsci and the Theory of Hegemony,’ *Journal of the History of Ideas* 36, no. 2 (April – June, 1975), 351.

⁴⁶ Thomas R. Bates, ‘Gramsci and the Theory of Hegemony,’ 351.

the ruled, and thereby secure the ‘‘free’’ consent of the masses to the law and order of the land.’⁴⁷

Robert Cox is one of the political theorists who has further developed Gramsci’s theory in order to extend it from the relationship between the state and civil society and make it applicable to international relations as well. In short, his influential neo-Gramscian perspective on hegemony in international relations entails ‘an expression of widely-based consent supported by material resources and institutions.’⁴⁸ For instance, our current international system based on neoliberalism is sustained by international institutions such as the World Trade Organization, the World Bank and the United Nations. This view is distinctive from the conventional realist perspective on hegemony, according to which the establishment and maintenance of hegemony is solely based on economic and military power.⁴⁹

Although the term ‘hydro-hegemony’ has been in use since the 1990s, Mark Zeitoun and Jeroen Warner have further conceptualized it and developed a framework which allows researchers to ‘examine the dynamics of hegemony operational at the river basin level.’⁵⁰ The basis of their framework is that Zeitoun and Warner consider power as the determining factor to understand transboundary water relations between states.⁵¹ The ways in which the concept of power should be understood in international relations remains a large topic in academic debates.⁵² Filippo Menga has made a very useful contribution to the framework arguing that hegemony should be at the centre of the structure instead of power. According to Menga, the relationship between power and hegemony is as such that power can be considered as the means to achieve and maintain hegemony, rather than viewing power as an end in itself.⁵³ This thesis relies on Menga’s definition of hydro-hegemony as ‘the success of a basin riparian in imposing a discourse, preserving its interests and impeding changes to a convenient status-quo.’⁵⁴

⁴⁷ Thomas R. Bates, ‘‘Gramsci and the Theory of Hegemony,’’ 353.

⁴⁸ Filippo Menga, ‘‘Reconceptualizing hegemony: the circle of hydro-hegemony,’’ *Water Policy* 18, no .2 (2016): 412.

⁴⁹ Filippo Menga, ‘‘Reconceptualizing hegemony: the circle of hydro-hegemony,’’ 411.

⁵⁰ Mark Zeitoun and Jeroen Warner, ‘‘Hydro-hegemony – a framework for analysis of trans-boundary water conflicts,’’ 436.

⁵¹ Filippo Menga, ‘‘Reconceptualizing hegemony: the circle of hydro-hegemony,’’ 415.

⁵² Mark Zeitoun and Jeroen Warner, ‘‘Hydro-hegemony – a framework for analysis of trans-boundary water conflicts,’’ 442.

⁵³ Filippo Menga, ‘‘Reconceptualizing hegemony: the circle of hydro-hegemony,’’ 414.

⁵⁴ *Ibid*, 417.

Zeitoun, Warner and Menga rely on the three dimensions of power as identified by Steven Lukes: material power, bargaining power and ideational power.⁵⁵ Material power, also frequently referred to as ‘hard power’, refers to the material capacity to persuade the other into doing something against its will.⁵⁶ Bargaining power is the ‘ability to control the political agenda and to create barriers that would impede certain issues to be discussed.’⁵⁷ Lukes’ ideational power, based on Gramsci’s view on ruling through the imposition of ideas, is considered by Zeitoun and Warner as ultimately decisive in achieving and maintaining hydro-hegemony. Menga has argued that although it indeed appears that this is the case, the different dimensions of power can be more or less important depending on the specific basin and the specific actors involved.⁵⁸

Based on these three dimensions, Zeitoun and Warner have further distinguished several water resource control strategies through which hydro-hegemony can be achieved and maintained.⁵⁹ While the framework is designed to explain inter-basin relations, it also pays attention to the role international actors play. The fact that these water resource control strategies can be used effectively by the more powerful riparian is because international law has not been sufficiently developed regarding this matter. The chapter which discusses Israel’s water policy will illustrate this further. Moreover, in order to successfully use these strategies, the more powerful riparian can draw upon ‘coercive resources’, such as international support.⁶⁰ At the same time, one of the outcomes of hydro-hegemony is that (international) donors often comply with the existing power asymmetries.⁶¹ According to Zeitoun and Warner ‘the efforts of the international water community are thus steered away from the injustice and inequity endured by the non-hegemonic states towards reinforcement of the *status quo* and perpetuation of the established discourse.’⁶² Through international support, international actors thus play a role in achieving hydro-hegemony and once it is achieved, they also help sustaining it.

⁵⁵ Filippo Menga, ‘Reconceptualizing hegemony: the circle of hydro-hegemony,’ 405-407

⁵⁶ Ibid, 405.

⁵⁷ Ibid, 406.

⁵⁸ Ibid, 416.

⁵⁹ Mark Zeitoun and Jeroen Warner, ‘Hydro-hegemony – a framework for analysis of trans-boundary water conflicts,’ 435.

⁶⁰ Mark Zeitoun and Jeroen Warner, ‘Hydro-hegemony – a framework for analysis of trans-boundary water conflicts,’ 446.

⁶¹ Ibid, 454.

⁶² Ibid.

This thesis focusses mostly on the effects of Israel's hydro-hegemony. To illustrate how the European Union plays a role in enforcing Israel's position regarding its control over water, it is shown that the European Union partly perpetuates Israel's established discourse on water. Therefore, it is first examined how Israel has made use of what has been defined by Zeitoun and Warner as 'hegemonic compliance-producing mechanisms': securitization, knowledge construction and sanctioned discourse. Securitization entails the framing of a certain issue in terms of security, which subsequently allows a state to take exceptional measures which would otherwise not be considered legitimate.⁶³ Knowledge construction has been explained by Feitelson as 'a normative delimitation separating the types of discourse perceived to be politically acceptable from those that are deemed politically unacceptable at a specific point in time.'⁶⁴ Through this process, one type of discourse is ultimately heard above the others: the sanctioned discourse, which is constructed by the most powerful side.⁶⁵

But to fully grasp the European Union's role, we must also consider the particular relationship between the European Union and Israel. While the European Union is perpetuating Israel's discourse on water, ideational power alone is not sufficient in explaining why this is the case. According to Lukes, 'it is important to understand that power in its more overt one- and two-dimensional forms has all kinds of three-dimensional effects.'⁶⁶ While hard power is absent from the relationship, the European Union and Israel do share various security and economy related interests. Being aware of these aspects of the relationship is necessary for a more complete understanding of how Israel's hydro-hegemony is able to continue to function with the help of international actors. This will be the subject of the next chapter, providing the contextual background to the case study.

⁶³ Mark Zeitoun and Jeroen Warner, 'Hydro-hegemony – a framework for analysis of trans-boundary water conflicts,' 448.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Steven Lukes, *Power, Second Edition: A Radical View* (Palgrave Macmillan, 2005), 121-122.

3. Israel and the European Union – A special relationship

This chapter explains the relationship between Israel and the EU in terms of economic, strategic and scientific ties. Considering these dimensions of the relationship is important for our understanding of EU policy since all of these dimensions, albeit to a different extent, have an impact on EU policy-making regarding the Israeli-Palestinian conflict.

EU-Israel relations date back to the early years of the European Economic Community (hereafter EEC), which was established in 1958. During these years, formal relations were predominantly based on economic cooperation. During the 1960s and 1970s, the EEC and Israel signed several economic agreements that would prepare for a free trade area, among which most importantly the Free Trade Agreement of 1975.⁶⁷ In November 1995, this agreement was replaced with a new trade agreement following the Oslo process. In December 1994, the European Council had declared that ‘Israel on account of its high level of economic development should enjoy special status in its relations with the EU on the basis of reciprocity and common interest.’⁶⁸ The statement came in reaction to the Oslo negotiations, which were initially applauded internationally as a significant step forward in finding a resolution to the Israeli-Palestinian conflict. According to the European Commission, today Israel is the country with the closest links to EU programmes.⁶⁹ On the EU website it has been further stated that Israel and the EU ‘both share the same values of democracy, respect for freedom and rule of law and are committed to an open international economic system based on market principles.’⁷⁰

3.1 *The EU’s megaphone diplomacy*

At the same time, the EU has remained vocal about the ongoing Israeli occupation and the continued building of illegal settlements, particularly since it has become clear that the Oslo process has failed. In response, Israel has frequently criticized the EU for its so-called megaphone diplomacy. This has led to the fact that the diplomatic relationship between the EU

⁶⁷ Benedetta Voltolini, ‘Lobbying in EU foreign policy-making towards the Israeli-Palestinian conflict: Exploring the potential of a constructivist perspective’ PhD diss., The London School of Economics and Political Science, 2013), 135.

⁶⁸ Joel Peters, ‘Europe and the Israel-Palestinian peace process: the urgency of now,’ *European Security* 19, no. 3 (2010): 515.

⁶⁹ Bruno Oliveira Martins, ‘Interpreting EU-Israel relations: a contextual analysis of the EU’s Special Privileged Partnership proposal,’ *Cambridge Review of International Affairs* 29, no. 1 (2016): 152.

⁷⁰ ‘Israel and the EU,’ Delegation of the European Union to Israel, accessed June 6, 2020, https://eeas.europa.eu/delegations/israel/1337/israel-and-eu_en

and Israel is often being described as tense. The congratulatory message for the new Israeli government by EU foreign policy chief Josep Borell in May 2020 is one of the latest examples illustrating this tension. In his message, Borell warned Israel to refrain from its plan for the illegal annexation of the Jordan Valley, which is located in the West Bank and is therefore part of Palestinian territory. The Israeli state has been planning the annexation, starting in July 2020, to further extend its formal occupation over Palestinian land. Lior Haiat, spokesperson of the Israeli Foreign Ministry, responded to Borell that ‘this ‘megaphone diplomacy’ is not a substitute for intimate diplomatic dialogue and will not advance the role the EU is seeking to fulfil.’⁷¹

3.2 Refraining from sanctions

Despite its frequent outspoken messages regarding Israel’s continuous breaches of international law, up until today the EU has however always refrained from imposing sanctions as a means to influence Israel’s behaviour towards the OPT.⁷² Ultimately, the EU’s actions have remained rhetorical. They should therefore only be regarded as symbolic since they effectively have no meaningful impact on the lives of the Palestinian people. Apart from financially supporting the Palestinians, the EU chooses not to endanger its relationship with Israel in order to end the occupation. As Bichara Khader has explained, the EU is ‘contenting itself with providing financial help to the Palestinians in the absence of a lasting solution.’⁷³

Further institutionalization of the ‘special’ status of Israel had long been formally put on hold since Israel’s Operation Cast Lead and the economic embargo it imposed on the Gaza Strip since 2008.⁷⁴ The issue was first brought up again by the EU in 2013 when it proposed a ‘Special Privileged Partnership’ to both Israel and the future state of Palestine on the condition that a final status agreement would be negotiated.⁷⁵ Adopting a broader perspective on the multifaceted relationship between Israel and the EU however helps us to understand why the

⁷¹ Raphael Ahren, ‘‘After EU’s warnings against annexation, Israel slams ‘megaphone diplomacy’,’’ *Times of Israel*, May 19, 2020, <https://www.timesofisrael.com/after-eus-warnings-against-annexation-israel-slams-megaphone-diplomacy/>

⁷² Dimitris Bouris, ‘‘The European Union’s Role in the Palestinian Territory after the Oslo Accords: Stillborn State-building,’’ *Journal of Contemporary European Research* 6, no.3 (August 2010): 387.

⁷³ Bichara Khader, ‘‘The European Union and the Palestinian question (1957-2014): the performance-expectation gap,’’ *Revista di Studi Politici Internazionali* 81, no. 3 (2014): 338.

⁷⁴ Sharon Pardo and Joel Peters, *Israel and the European Union: A Documentary History*, (Lexington Books, 2012), 323.

⁷⁵ Oliveira Martins, ‘‘Interpreting EU-Israel relations: a contextual analysis of the EU’s Special Privileged Partnership proposal,’’ 151.

relationship with Israel is nevertheless being perceived as ‘special’ by the EU, in spite of whether Israel reaches an agreement with the Palestinians.

3.3 *Strategic ties*

As has been explained by Christopher May, when one group provides for the security of another ‘they may in the process acquire advantages in the production or consumption of wealth and special rights or privileges in that society.’⁷⁶ The relationship between the EU and Israel is not guided by hard power, but by what Lukes has defined as soft ‘bargaining power’. The level of cooperation between the EU and Israel regarding security related matters is as such that the EU views Israel as one of its most important allies in the Middle East. As an example, in 2017 the EU bought Israeli defence equipment for a total of 1.8 billion dollars.⁷⁷ But Israel’s security related value goes beyond arms trade alone; there are many other ways in which the Israeli state plays an important geopolitical role in enlarging European internal security. For instance, the EU is closely cooperating with Israel in the field of intelligence in order to prevent terrorists from carrying out planned attacks in Europe.⁷⁸

One key issue on the EU’s policy agenda over the last years has been migration. In order to prevent new waves of mass migration towards Europe, the EU has an interest in enlarging the stability of states in the Middle East. Migration towards Europe has been a consequence of several popular uprisings in the MENA region which started in 2001 and are commonly being referred to as the Arab Spring. In the case of Syria for example, the demonstrations have led to a civil war which caused many Syrians to be forced to flee towards Europe.

According to Toby Greene and Jonathan Rynhold, in recent years the EU has increasingly valued Israel as a strategic ally in the Middle East because of the growing instability of several countries in the region.⁷⁹ Israel has proven to be of strategic importance in this respect because of its military partnership with Egypt and Jordan. To Egypt especially, Israel is providing military support to assist the Egyptian state in combatting jihadist terrorism.⁸⁰

⁷⁶ Christopher May, ‘‘Strange fruit: Susan Strange’s theory on structural power in the international political economy,’’ *Global Society* 10, no. 2 (1996): 178.

⁷⁷ Toby Greene and Jonathan Rynhold, ‘‘Europe and Israel: Between Conflict and Cooperation,’’ *Survival. Global Politics and Strategy* 60, no. 4 (2018): 103.

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*, 91.

⁸⁰ *Ibid.*, 102.

Moreover, the EU and Israel have a common interest in preventing Iran from expanding its influence in the region.⁸¹ Since the Iranian Revolution in 1979, Iran has been competing with Saudi Arabia over regional leadership. Western states, and most predominantly the United States, have imposed sanctions on the Iranian state in response to its nuclear program. The Israeli government especially regards Iran's nuclear capabilities as a direct threat to the existence of the Israeli state. This can for instance be illustrated by Israeli prime minister Netanyahu's speech before the UN General Assembly in 2014, in which he compared Iran to Islamic State in order to urge the member states to intensify their sanctions against the regime.⁸² In fact, the EU is mostly concerned with Iran because of its alliance with Russia. Since the illegal annexation of the Crimea in 2014 and growing suspicions of Russia trying to influence western politics, the EU perceives Russia's rising influence as a threat to its internal stability as well.

Considering the potential spill over of regional conflicts, the EU's financial assistance to the OPT is also partly based on the idea that violent resistance to the Israeli occupation could eventually have consequences for the security of EU member states as well. At the same time however, the foregoing illustrates that because of its military strength and resources Israel is a much larger strategic partner than the Palestinian Authority. When considering the relationship between Israel and the EU, one therefore cannot dismiss their shared interests in terms of security.

3.4 Economic ties

As has been referred to already in the introduction of this chapter, the economic ties between Israel and the EU are important to consider as well. In their statement in 1994, the European leaders referred to Israel's 'high level of economic development.'⁸³ When it comes to trade in goods, the EU and Israel's shared commitment regarding 'an open international economic system based on market principles' has resulted in the fact that the EU is Israel's largest trading partner. According to the European Commission, in 2017 EU exports of goods to Israel had a

⁸¹ Greene and Rynhold, 'Europe and Israel: Between Conflict and Cooperation,' 103.

⁸² Haaretz, 'Transcript of Benjamin Netanyahu's Address to the 2014 UN General Assembly' (version September 29, 2014), <https://www.haaretz.com/israel-news/1.618308> (November 8, 2017).

⁸³ Pardo and Peters, *Israel and the European Union: A Documentary History*, 187.

total value of 21,4 billion euros and EU imports amounted to 14,7 billion euros.⁸⁴ Apart from the signing of a new aviation agreement in 2013, integration in the field of trade in financial services between the EU and Israel on the other hand remains limited.⁸⁵

The fact that both the EU and Israel have a market economy which largely focusses on technological development, also referred to as knowledge-based economies, is mainly reflected in the large number of multinational associations and institutions which hold their offices in Israel nowadays. Bruno Oliveira Martins has argued that political decisions are not only made through formal political institutions, but also through social systems that are created through economic cooperation. As has been explained by Martins, the intensive level of economic cooperation between Israel and the EU is ‘fundamental for sustaining the relationship when political problems escalate.’⁸⁶

Following the Oslo process, Israel and the EU signed a new trade agreement in November 1995, entering into force in 2000.⁸⁷ According to Sharon Pardo and Joel Peters, the new trade agreement did not impose any conditions on Israel to end the occupation.⁸⁸ The only issue has been regarding the principles of the rules of origin, which define ‘whether a particular product originates in one of the countries party to a free trade agreement, and hence whether the exporter is entitled to tariff concessions granted under the free trade agreement.’⁸⁹ In 2019, the European Court of Justice ruled that products made in the illegal Israeli settlements should be labelled as such as they do not originate from the state of Israel, and will therefore not fall under the trade agreement.⁹⁰ As has been explained by Neve Gordon and Sharon Pardo however, ‘the application of the ROO has had no tangible impact on this industry, on the Israeli economy as a whole, or even the settlement project in particular.’⁹¹ This is because companies operating from the settlements have used different strategies to avoid the measures, such as using other

⁸⁴ ‘‘Countries and regions: Israel,’’ European Commission, last modified April 23, 2020, <https://ec.europa.eu/trade/policy/countries-and-regions/countries/israel/>

⁸⁵ Arie Reich, ‘‘The European Neighbourhood Policy and Israel: Achievements and Dissappointments,’’ *Journal of World Trade* 49, no. 4 (2015): 633.

⁸⁶ Oliveira Martins, ‘‘Interpreting EU-Israel relations: a contextual analysis of the EU’s Special Priviledged Partnership proposal,’’ 158.

⁸⁷ Pardo and Peters, *Israel and the European Union: A Documentary History*, 187.

⁸⁸ *Ibid*, 188.

⁸⁹ *Ibid*, 189.

⁹⁰ Court of Justice of the European Union, *Perscommuniqué nr. 140/19*, Luxembourg, November 12, 2019.

⁹¹ Neve Gordon and Sharon Pardo, ‘‘The European Union and Israel’s Occupation: Using Technical Customs Rules as Instruments of Foreign Policy,’’ *The Middle East Journal* 69, no. 1 (2015): 75.

companies to transport the goods or falsely labelling the goods as produced in Israel.⁹² Again, this is a measure which only contributes to what is often named the EU's 'normative power'; in reality, the economic stakes are too high to formulate policies which would effectively force Israel to change its politics.

3.5 *Scientific ties*

As the only non-European country, Israel has been a part of the EU's Framework Programme for Research and Technological Development since 1996.⁹³ According to Arie Reich, 'Israel's special status in these programmes is the result of its high level of scientific and research capability and the dense network of long-standing relations in scientific and technical cooperation between Israel and the EU.'⁹⁴

The EU measures taken regarding the most recent R&D programme called 'Horizon 2020', with an estimated budget of around 80 billion euros, illustrate how much the EU values Israel's contribution in this field. Leading up to the programme, the EU for the first time prohibited that any funds would go to projects located in the occupied territories. Similar to the measures taken regarding the rules of origin of Israeli goods, this measure was mainly rhetorical since it had little effect on the granting of funds for research. Arie Reich has explained that in practice, only Ariel University is now prohibited to apply for funding as a result of the measure, since it is the only university outside of the 1967 border. This has not made a real difference, because Ariel university had never been permitted to apply for any of the programmes before either.⁹⁵

According to Rory Miller, even though diplomatic relations between the EU and Israel have been increasingly tense over the last few years, cooperation in R&D has thus not been affected but merely increased instead.⁹⁶ Miller has argued that this shows that Israel has been able to 'separate its political relations from its economic relations with the EU – something that successive Israeli governments since the 1970s have sought to achieve.'⁹⁷ However, in fact the exact opposite is true; Israel's shared security interests, together with its value as a market

⁹² Gordon and Pardo, 'The European Union and Israel's Occupation: Using Technical Customs Rules as Instruments of Foreign Policy,' 84.

⁹³ Reich, 'The European Neighbourhood Policy and Israel: Achievements and Dissappointments,' 636.

⁹⁴ Ibid.

⁹⁵ Ibid, 638.

⁹⁶ Rory Miller, 'Troubled Neighbours: The EU and Israel,' *Israel Affairs* 12, no. 4 (2006): 658.

⁹⁷ Miller, 'Troubled Neighbours: The EU and Israel,' 658.

economy and its significant contribution to science and technology related EU programmes constitute important factors which influence EU policy-making. Therefore, EU policy regarding the issue of water between Israel and the OPT cannot be regarded as an isolated issue, but should be considered in this light as well. The different dimensions sustaining EU-Israel relations together provide for Israel's bargaining power regarding the EU when it comes to the Israeli-Palestinian conflict. The following chapters will show that Israel's bargaining power has resulted in the fact that EU policy regarding transboundary water resources in the OPT complies with the existing power asymmetry.

4. The issue of water in the Israeli-Palestinian conflict



Figure 1: Basin formations and water levels in the Coastal aquifer and the Mountain aquifers⁹⁸

⁹⁸ Mark Zeitoun, Clemens Messerschmid, and Shaddad Attili, "Asymmetric Abstraction and Allocation: The Israeli-Palestinian Water Pumping Record," *Ground Water* 47, no. 1 (January-February 2009): 148.

This chapter discusses the lack of a fair access to shared water resources for the Palestinians in the West Bank and the Gaza Strip as part of the broader Israeli-Palestinian conflict. The chapter consists of an overview of the current situation, followed by an explanation through the analysis of the historical power dissimilarities between Israel and the Palestinians. The analysis starts out with a brief historical background regarding the beginning of the Israeli occupation as a result of the Six-Day War of 1967, during which Israel took control over all the shared water resources. This historical background allows us to understand the existing power dynamics between the two parties leading up to the Oslo negotiations and how this significant difference in power became manifested during these negotiations. It will be argued that the agreements laid down in the Oslo Accords should be viewed as the outcome of a process of negotiations determined by this unequal power relationship.

Up until today, transboundary water interaction between Israel and the West Bank is regulated under the Oslo II Interim Agreement of 1995 (hereafter Oslo II). The research will show that Oslo II effectively institutionalized Israel's control over water, including through the creation of the Joint Water Committee (hereafter JWC), which has been detrimental to Palestinian access to the resource.⁹⁹ Throughout the analysis it will become clear that the effects of Oslo II on transboundary water resources should be seen as an example of what has been argued by Adam Hanieh, namely that 'Oslo presented itself as the ideal tool to fortify Israel's control over Palestinians and simultaneously strengthen its position within the broader Middle East. There was no contradiction between support for the "peace process" and deepening colonization – the former consistently worked to enable the latter.'¹⁰⁰

This chapter thereby focusses on an important tactic deployed by Israel to sustain its hydro-hegemony; the signing of treaties as a means to maintain the status quo.¹⁰¹ According to Zeitoun and Warner, treaties which reflect existing inequalities can be used by the stronger party to gain leverage over the weaker party thus resulting in a tool for domination.¹⁰² Together with Israel's deployment of discursive tactics, which will be the subject of the next chapter, the following

⁹⁹ Lama Arda and Subhabrata Bobby Banerjee, "Governance in Areas of Limited Statehood: The NGOization of Palestine," *Business & Society*: 8.

¹⁰⁰ Adam Hanieh, "The Oslo Illusion," *Jacobin*, April 21, 2013, <https://jacobinmag.com>

¹⁰¹ Mark Zeitoun and Jeroen Warner, "Hydro-hegemony – a framework for analysis of trans-boundary water conflicts," 447.

¹⁰² *Ibid.*

analysis provides the background on the basis of which we can examine the role of the EU in sustaining Israel's hydro-hegemony through its donor assistance regarding the OPT.

4.1 Access to water for the Palestinians living in the Gaza Strip

As has been mentioned above, transboundary water interaction between Israel and Gaza has not been regulated by Oslo II. For this reason and because Israel treats the West Bank and Gaza as two distinct territories, the situation in Gaza will be discussed here separately. According to Jan Selby, this lack of regulation has resulted in the fact that 'the one Palestinian territory which is incapable of being water resource self-sufficient – because of its low resource base combined with dense refugee population – is effectively compelled to be just that.'¹⁰³ According to a recent publication by the World Bank, the amount of water available for domestic consumption in Gaza is 89 liters per capita per day (lcd), while the benchmark minimum set by the World Health Organization (WHO) is 100 lcd.¹⁰⁴

The transboundary water resource underlying parts of the Gaza Strip is the Coastal Aquifer. Israel unilaterally manages the parts of the Coastal Aquifer regarding Israeli territory, while the PA is responsible for the management of water regarding the area in Gaza under its control. Because Israel is the upstream riparian to the Coastal Aquifer, extraction by Israel has consequences for the supply available to the Palestinians.¹⁰⁵ The lack of regulation means that the PA effectively has no authority to limit Israel's increase of using water from the resource.¹⁰⁶ Because the Coastal Aquifer is the only source of water for the Palestinians living in Gaza, they have resorted to over-extraction of the resource. This over-extraction has resulted in the fact that 90-95% of the water supply in Gaza has now become unsuitable to drink because it has been contaminated by seawater intrusion and sewage pollution.¹⁰⁷ Because there is not enough water available through the Coastal Aquifer, another coping strategy used by the population is

¹⁰³ Jan Selby, "Cooperation, Domination and Colonisation: The Israeli-Palestinian Joint Water Committee," *Water Alternatives* 6, no. 1 (2013): 5.

¹⁰⁴ World Bank. "Securing Water for Development in West Bank and Gaza." Accessed on June 10, 2020, <http://documents.worldbank.org/curated/en/736571530044615402/pdf/WP-P157979-Securing-Water-for-Development-in-West-Bank-and-Gaza-PUBLIC.pdf>, 2.

¹⁰⁵ Amnesty International. "Troubled Waters – Palestinians Denied Fair Access to Water." Accessed on June 10, 2020, <https://www.amnesty.org/download/Documents/48000/mde150272009en.pdf>, 14.

¹⁰⁶ Jan Selby, "Cooperation, Domination and Colonisation: The Israeli-Palestinian Joint Water Committee," *Water Alternatives* 6, no. 1 (2013): 5.

¹⁰⁷ "The Occupation of Water," Amnesty International, November 29, 2017, <https://www.amnesty.org/en/latest/campaigns/2017/11/the-occupation-of-water/>

to buy water which comes from unregulated wells and is being desalinated by private desalination plants or at home. Amnesty International has noted however that this water may still be contaminated.¹⁰⁸ Because of these issues, the current situation in Gaza is being described as a ‘water crisis’.¹⁰⁹ Since Israel’s blockade on Gaza, which started in 2007 when Hamas was elected as the Palestinian leadership party, the situation has become even worse because Israel is denying supplies necessary for water management to enter the territory. Apart from that, Israel denies the transfer of water from the West Bank to Gaza as well.¹¹⁰

4.2 Access to water for the Palestinians living in the West Bank

The transboundary water resources of the West Bank are the Jordan River and the Mountain aquifer. The Mountain aquifer is the collective name for the North Eastern, Eastern and Western aquifers.¹¹¹ Since the start of the Israeli occupation over the West Bank, the Palestinian population has been denied access to the Jordan River, which leaves the Mountain aquifer as the only shared water resource.¹¹² The following table by Amnesty International shows how water allocation from transboundary water resources has been regulated under Oslo II (in million cubic metres per year):

¹⁰⁸ Amnesty International. ‘‘Troubled Waters – Palestinians Denied Fair Access to Water.’’ Accessed on June 10, 2020, <https://www.amnesty.org/download/Documents/48000/mde150272009en.pdf>, 30.

¹⁰⁹ Ibid, 29.

¹¹⁰ Ibid, 31.

¹¹¹ Jan Selby, ‘‘Cooperation, Domination and Colonisation: The Israeli-Palestinian Joint Water Committee,’’ *Water Alternatives* 6, no. 1 (2013): 5.

¹¹² Amnesty International. ‘‘Troubled Waters – Palestinians Denied Fair Access to Water.’’ Accessed on June 10, 2020, <https://www.amnesty.org/download/Documents/48000/mde150272009en.pdf>, 12.

SHARED WATER RESOURCES Allocation as codified in the Oslo Accords ⁵³			
MOUNTAIN AQUIFER	Estimated potential ⁵⁴	ISRAEL	PALESTINIANS
	679MCM/Y	483 MCM/Y	118 MCM/Y (+78 for future needs)
Distributed as follows:			
WESTERN Aquifer:	362MCM/Y	340 MCM/Y	22 MCM/Y
NORTH-EAST Aquifer:	145MCM/Y	103 MCM/Y	42 MCM/Y
EASTERN Aquifer:	172MCM/Y	40 MCM/Y	54 MCM/Y (+ 78 for future needs, as above)
JORDAN RIVER	The Oslo Accords contain no provisions allowing access by Palestinians to any of the Jordan River water resources		

Figure 1: Shared Water Resources. Allocations as codified in the Oslo Accords¹¹³

As has been noted by Clemens Messerschmid, Israeli future needs have not been specified in the agreements, ‘which in effect has meant that they are unlimited.’¹¹⁴ On the other hand, Palestinian future needs have been specified at 78 MCM. Currently, the amount of water available for domestic consumption for Palestinians in the West Bank is around 60-70 lcd. According to Amnesty International, the amount of water available is so low due to leakages which are difficult to fix because of ‘the restrictions on Palestinians’ movements and other obstacles imposed by Israel, including the requirement that permits be obtained from the Israeli army for even small development projects.’¹¹⁵ Israel allows the PA to extract 20% of what has been determined as the estimated potential of the Mountain Aquifer, which has been around 113.4 MCM in 2016.¹¹⁶ At the same time, World Bank data shows that Israel has allocated 664 MCM of water from the Mountain Aquifer for Israeli use in 2011 (Israeli data from 2016 was

¹¹³ Amnesty International. ‘‘Troubled Waters – Palestinians Denied Fair Access to Water.’’ Accessed on June 10, 2020, <https://www.amnesty.org/download/Documents/48000/mde150272009en.pdf>, 24.

¹¹⁴ Clemens Messerschmid, ‘‘Hydro-Apartheid and Water Access in Israel-Palestine: Challenging the Myths of Cooperation and Scarcity,’’ 66.

¹¹⁵ Amnesty International, p. 13. Amnesty International. ‘‘Troubled Waters – Palestinians Denied Fair Access to Water.’’ Accessed on June 10, 2020, <https://www.amnesty.org/download/Documents/48000/mde150272009en.pdf>, 13.

¹¹⁶ Ibid.

not available).¹¹⁷ According to the World Bank, for additional water the Palestinians have to rely on buying bulk water from Israel's national water company Mekorot. This has left the Palestinian Water Authority (PWA) increasingly in debt to Israel.¹¹⁸ Apart from these issues, Israel's policy of encouraging the building of settlements is constituting a threat to Palestinian access to water as well. In March 2012, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) has published a document on this issue. According to the OCHA, in recent years Israeli settlers have increasingly successfully adopted methods of intimidation as well as the erection of fences in order to take over water springs belonging to Palestinian privately owned land.¹¹⁹

Regarding shared water resource management of the Mountain Aquifer, article 40 of Oslo II provided the legal basis for the creation of a Joint Water Committee. On the basis of principle 11 of this article, the JWC was created with its function 'to deal with all water and sewage related issues in the West Bank.' Principle 13 further states that 'The JWC shall be comprised of an equal number of representatives from each side.' Most importantly, principle 14 states that 'All decisions of the JWC shall be reached by consensus, including the agenda, its procedures and other matters.'¹²⁰ Through these principles, Oslo II has created the impression that trans boundary water interaction between Israel and the Palestinian Authority can be characterized as cooperative. Several authors and institutions have however argued that in reality, this form of 'cooperation' more closely resembles domination. For instance, Jan Selby has analysed the record of the JWC during the period 1995-2008. He has shown that in practice, 'the Palestinian Authority has been compelled to lend its formal approval to the large-scale expansion of Israeli settlement water infrastructures, activity which is both illegal under international law and one of the major impediments to Palestinian statehood.'¹²¹ In its sector note from April 2009 on Palestinian water development, the World Bank has similarly concluded that 'the JWC does not function as a 'joint' water resource governance institution

¹¹⁷ World Bank. 'Securing Water for Development in West Bank and Gaza.' Accessed on June 10, 2020, <http://documents.worldbank.org/curated/en/736571530044615402/pdf/WP-P157979-Securing-Water-for-Development-in-West-Bank-and-Gaza-PUBLIC.pdf>, 4.

¹¹⁸ Ibid, 4-5.

¹¹⁹ OCHA, 'How dispossession happens: the takeover of Palestinian water springs by Israeli settlers,' published on March 19, 2012, <https://www.ochaopt.org/content/how-dispossession-happens-takeover-palestinian-water-springs-israeli-settlers-march-2012>

¹²⁰ United Nations Security Council, 'Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip,' September 28, 1995, annex 3.

¹²¹ Jan Selby, 'Cooperation, Domination and Colonisation: The Israeli-Palestinian Joint Water Committee,' *Water Alternatives* 6, no. 1 (2013): 1.

because of fundamental asymmetries – of power, of capacity, of information, of interests – that prevent the development of a consensual approach to resolving water management conflicts.’’¹²² Moreover, the World Bank report states that ‘‘Israel has de-facto maintained predominance over the allocation and management of West Bank water resources.’’¹²³ Additionally, when projects are intended for Area C of the West Bank (60% of the territory), they require additional approval from the Israeli Civil Administration because this area falls under Israeli authority.¹²⁴

4.3 Historical background

At the beginning of the 1960s, both Egypt under the leadership of Gamal Abd al-Nasser and the Ba’ath party in Syria attempted to use the Palestinian cause to claim leadership over the Arab world.¹²⁵ Despite their competition, they formed a military pact together with Jordan. Increasing tensions between Egypt, Syria and Jordan on one side and Israel on the other led to a confrontation between Syria and Israel in the Golan Heights in April 1967. Provocations by Syria resulted in retaliation by the Israeli army, upon which Nasser reoccupied the Sinai Peninsula. A few days later, on June 5, Israel decided to launch a pre-emptive war on its Arab neighbours. Due to the fact that Israel could make use of superior western arms, the war only lasted six days after which Israel occupied the Sinai Peninsula, the West Bank, Gaza Strip as well as East Jerusalem.

Israel’s Military Orders of 1967 have provided the foundation for the current situation in the OPT. By imposing Military Order No. 92, Israel took control over all the water resources in the territories. Subsequently, Military Order No. 158 imposed a permit system, entailing that water sector development of any kind should first be subjected for approval by the Israeli army.¹²⁶ In

¹²² The World Bank. *West Bank and Gaza. Assessment of Restrictions on Palestinian Water Sector Development*. (Washington, DC: World Bank, 2009), ix.

¹²³ The World Bank. *West Bank and Gaza. Assessment of Restrictions on Palestinian Water Sector Development*. (Washington, DC: World Bank, 2009), 33.

¹²⁴ The World Bank. *West Bank and Gaza. Assessment of Restrictions on Palestinian Water Sector Development*. (Washington, DC: World Bank, 2009), 53.

¹²⁵ Peter Malcontent, *Nederland, Israël & Palestina. Een open zenuw*. (Boom – Amsterdam, 2018), 63.

¹²⁶ Clemens Messerschmid, ‘‘Hydro-Apartheid and Water Access in Israel-Palestine: Challenging the Myths of Cooperation and Scarcity,’’ 55.

1982 the Israeli army was replaced by the Israeli Civil Administration, but the Military Orders remained in effect.¹²⁷

In 1973, on the Jewish holiday Yom Kippur, Egypt and Syria started a new war against Israel to recapture the territories gained by Israel during the Six-Day War.¹²⁸ Israel won the war without losing any of the occupied territories, aided by military support from the United States and the Netherlands. Over the course of the 1960s, a close relationship between Israel and the United States had already begun to form.¹²⁹ In the aftermath of the Yom Kippur war, the United States desired to take a central role in solving the Middle East conflict.

4.4 The Oslo process

The first significant initiative to this end were the Madrid talks. These negotiations were initiated by the United States and cosponsored by the Soviet Union, who organized a peace in Madrid in 1991 between the state of Israel and a Palestinian-Jordanian delegation. The PLO was not allowed to take part in these negotiations, because the United States had previously suspended their contacts with the organization as a result of the use of violence on the Palestinian side. The Madrid talks failed to produce any meaningful results towards a peace accord however. The main reason for the failure of the Madrid talks was the fact that the Palestinian delegates refused to give up their position that a Palestinian state would be one of the outcomes of the negotiations. The Israeli delegates on the other hand were not prepared to recognize the right of self-determination of the Palestinian people. Moreover, the Palestinian delegates demanded that the Israeli settlements would be addressed as well as the future status of East Jerusalem, which is recognized as occupied territory under international law. The Israeli negotiators were afraid that addressing these issues would result in too much domestic opposition.¹³⁰

Because the Madrid talks did not appear to be fruitful, Israel and the PLO started a separate process of negotiations in December 1992 which were free from American involvement. These negotiations were the beginning of the Oslo process and took place in and around Oslo between

¹²⁷ Clemens Messerschmid, ‘‘Hydro-Apartheid and Water Access in Israel-Palestine: Challenging the Myths of Cooperation and Scarcity,’’ 55.

¹²⁸ Peter Malcontent, *Nederland, Israël & Palestina. Een open zenuw*, 79.

¹²⁹ Charles D. Smith, *Palestine and the Arab-Israeli Conflict. A History with Documents* (Boston: Bedford/St. Martin’s, 2017), 275.

¹³⁰ Charles D. Smith, *Palestine and the Arab-Israeli Conflict. A History with Documents* 419-421.

December 1992 and August 1993.¹³¹ According to Daniel Lieberfeld, even besides their military, diplomatic, and economic advantages, Israel had a considerable better position in the negotiations during this process than the PLO. Based on the memoirs of several high-placed officials involved in the negotiations, Lieberfeld has argued that the PLO sought direct talks with Israel because it was at a risk of financial collapse. At the same time, Hamas was gaining more support among the Palestinian people in Gaza and the West Bank which undermined the PLO's legitimacy. As a result of these issues, recognition by Israel and the United States was perceived by the PLO as a crucial strategy to be able to survive as an organization. At the same time, the Israeli government was in favour of direct talks with the PLO because they wanted to prevent Hamas, from gaining more power as well.¹³² They were also aware of the difficult position the PLO found itself in; Shimon Peres, the foreign minister of Israel at the time, noted in his memoirs that "The reports from Oslo indicated that the PLO was in serious difficulties, both financial and political, and the time was therefore right for Israel to clinch a deal with the organization."¹³³ Both parties were interested in keeping the negotiations a secret to prevent loss of domestic support and the possibility of opponents undermining the process. Moreover, organizing the negotiations in secret meant that they could avoid close scrutiny by the media and therefore did not have to "grandstand and speak mainly for the benefit of domestic audiences."¹³⁴

This considerable difference in power between the two parties explains the outcome of the negotiations. The first tangible result of the Oslo process were the letters of mutual recognition, which were signed in September 1993 by Yitzhak Rabin as the prime minister of Israel and Yasir Arafat as the chairman of the PLO. As has been explained by Charles D. Smith, there was no "mutual" recognition in practice. Yasir Arafat signed an agreement which stated that the PLO formally recognized the state of Israel and that it would now denounce the use of violence in its charter. On the Israeli side, Yitzhak Rabin only recognized the PLO as the political representative of the Palestinian people however.¹³⁵ With his letter, Israel did not recognize the

¹³¹ Charles D. Smith, *Palestine and the Arab-Israeli Conflict. A History with Documents* (Boston: Bedford/St. Martin's, 2017), 435-439.

¹³² Daniel Lieberfeld, "Secrecy and "Two-Level Games" in the Oslo Accord: What the Primary Sources Tell Us," *International Negotiation* 13, (2008): 135.

¹³³ Ibid.

¹³⁴ Ibid, 136-138.

¹³⁵ Charles D. Smith, *Palestine and the Arab-Israeli Conflict. A History with Documents*, 436.

Palestinian right to self-determination and neither did they promise a Palestinian state during the process of negotiation.

The second outcome of the Oslo process was the Declaration of Principles (DoP), which had been conditional upon the signing of the letters of mutual recognition. Concerned with its domestic constituency, the Israeli representatives had made sure that the most pressing issues were excluded from the agreement: the status of East Jerusalem, Israeli settlements, Palestinian statehood, territorial borders, the question of return of the Palestinian refugees.¹³⁶ The issue of trans boundary water resources was left out of the negotiations as well. Instead, this declaration provided the basis for the creation of the Palestinian Authority (then referred to as the Palestinian Interim Self-Government Authority). The idea was that this organization would become the governing body of the Palestinian people in Gaza and the West Bank for a transitional period of no more than five years.¹³⁷ By laying down the PA's governing authority in an international agreement both Israel and the PLO wanted to limit the influence of Hamas, which would consequently be left with no legal basis to represent the Palestinian people.¹³⁸

It was further decided that permanent status negotiations would begin within three years after the election of the Palestinian Authority.¹³⁹ One of the consequences for the Palestinian territories was that immediately after the DoP, the European Union released an aid package for the Palestinian people in Gaza and the West Bank. After the signing of Oslo II, in December 1996 this was followed by the Euro-Mediterranean Interim Association Agreement on Trade and Cooperation between the European Commission and the Palestinian Authority.¹⁴⁰

If one looks at the immediate consequences of Oslo I it becomes clear that signing this agreement had a lot more benefits for the Israeli side however. Oslo I was initially welcomed internationally as a turning point in the Israeli-Palestinian conflict. The agreements were regarded as a meaningful step towards what would ultimately result in the two-state solution whereby an autonomous state of Palestine would be able to peacefully co-exist with the state

¹³⁶ Charles D. Smith, *Palestine and the Arab-Israeli Conflict. A History with Documents*, 436-438.

¹³⁷ Ibid.

¹³⁸ Daniel Lieberfeld, "Secrecy and "Two-Level Games" in the Oslo Accord: What the Primary Sources Tell Us," *International Negotiation* 13, (2008): 135.

¹³⁹ Charles D. Smith, *Palestine and the Arab-Israeli Conflict. A History with Documents*, 437.

¹⁴⁰ Joel Peters, "Europe and the Israel-Palestinian peace process: the urgency of now," *European Security* 19, no. 3 (2010): 515.

of Israel, despite the fact that the reality of the agreements was a lot different. Following the signing of the Oslo Accords, Arab governments lifted their boycotts and started economic and political relations with Israel. Jordan and Israel signed an official peace accord in 1994, whereby Israel also granted Jordan a ‘special role’ regarding the permanent status negotiations over Jerusalem. Western governments were less reluctant to invest in the Israeli economy, no longer afraid of Arab boycotts.¹⁴¹ According to Joel Peters the EU welcomed the Oslo Accords, ‘seeing it as a vindication of the principles and policies they had been advocating throughout the previous decade.’¹⁴² The EU had urged Israel to include the PLO in any future negotiation process and had advocated for a just resolution, including that ‘the Palestinian people be allowed to exercise fully its rights to self-determination.’¹⁴³ While this was not the case with the Oslo Accords, for Israel it nevertheless meant that the government could sign a new trade agreement with Europe, because the European heads of state now declared that Israel ‘should enjoy special status in its relations with the EU on the basis of reciprocity and common interest.’¹⁴⁴

The permanent status negotiations were concluded in September 1995, when the PLO and the Israeli government signed the Oslo II Interim Agreement. The negotiations leading up to the agreement and the agreement itself were met with a lot of resistance on both sides. This time, the negotiations focussed on all the issues which were left out of the DoP, among which the issue of shared water resources.¹⁴⁵ Oslo II was intended to serve as an interim agreement until permanent status negotiations would lead to the Permanent Status Agreement. The preamble to Oslo II stated that these negotiations should start not later than May 4, 1996.¹⁴⁶ In 2000, the permanent status negotiations at Camp David however failed and the Second Intifada broke out.¹⁴⁷ As a consequence of this, many of the principles of the interim agreement are still in place today. At the same time, the Israeli occupation over Palestinian territory has remained and Israel has continued with its policy of encouraging the building of settlements. Therefore Oslo II is now frequently regarded as a failure.¹⁴⁸

¹⁴¹ Adam Hanieh, ‘The Oslo Illusion,’ *Jacobin*, April 21, 2013, <https://jacobinmag.com>

¹⁴² Joel Peters, ‘Europe and the Israel-Palestinian peace process: the urgency of now,’ *European Security* 19, no. 3 (2010): 514.

¹⁴³ *Ibid.*, 513.

¹⁴⁴ *Ibid.*, 515.

¹⁴⁵ Charles D. Smith, *Palestine and the Arab-Israeli Conflict. A History with Documents*, 445-446.

¹⁴⁶ United Nations Security Council, ‘Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip,’ September 28, 1995, 8. <https://peacemaker.un.org/israelopt-osloII95>

¹⁴⁷ Charles D. Smith, *Palestine and the Arab-Israeli Conflict. A History with Documents*, 482.

¹⁴⁸ Adam Hanieh, ‘The Oslo Illusion,’ *Jacobin*, April 21, 2013, <https://jacobinmag.com>

International donors remain committed to supporting the ‘peace process’ however and base their policies and funding on the principles set out by this agreement. International development aid towards the OPT significantly increased after Israel and the PLO signed the Oslo Agreements. Similarly, the number of NGOs working in the OPT grew dramatically and became largely dependent on conditional international funding.¹⁴⁹ Regarding transboundary water interaction, this means that in practice funding is allocated on the basis of JWC approval. The result of this conditional international funding is that the Palestinian Authority as well as Palestinian NGOs can no longer challenge the political and economic status quo.¹⁵⁰ According to Lama Arda and Subhabrata Bobby Banerjee, ‘the Oslo Accords transformed the politics of anti-colonial struggle to a developmental aid regime and consequent normalization of occupation.’¹⁵¹

¹⁴⁹ Lama Arda and Subhabrata Bobby Banerjee, ‘Governance in Areas of Limited Statehood: The NGOization of Palestine,’ *Business & Society*: 8.

¹⁵⁰ Clemens Messerschmid, ‘Hydro-Apartheid and Water Access in Israel-Palestine: Challenging the Myths of Cooperation and Scarcity,’ in *Decolonizing Palestinian Political Economy. De-development and Beyond*, ed. Mandy Turner and Omar Shweiki (Palgrave Macmillan, 2014), 67-68.

¹⁵¹ Lama Arda and Subhabrata Bobby Banerjee, ‘Governance in Areas of Limited Statehood: The NGOization of Palestine,’ *Business & Society*: 27.

5. Sharing water resources with the Palestinians – The Israeli discourse

The focus of this chapter is Israel's discourse on water and the water resources it shares with the OPT. Using my own discourse analysis accompanied by secondary literature, the following part discusses the discursive tactics employed by Israel as the hydro-hegemon: securitizing moves, knowledge construction and sanctioning the discourse. This strategy can be considered successful once other actors take over the hegemon's discourse, consequently allowing the most powerful actor, in this case Israel, to maintain the status quo of controlling the shared water resources.

Three documents on the matter published by the Israel Water Authority (hereafter Water Authority) have been used to examine the ways in which the issue of water is being portrayed as well as how the relationship with the Palestinian Authority is being characterized regarding transboundary water management, in the context of the JWC in particular. The first document is titled 'The Issue of Water between Israel and the Palestinians'. It was published by the Water Authority in March 2009 and presented as 'a policy paper, prepared at the request of the Water Authority by a group of independent experts.'¹⁵² The second document by the organization is a presentation prepared by Israel for the 7th edition of the World Water Forum which took place in 2015 in South Korea, titled 'Israel Water Sector. Regional Cooperation'. The last document is a presentation named 'The Water Issue Between Israel and the Palestinians. Main Facts', published by the Water Authority in February 2012. The publications were chosen on the basis of their accessibility and due to the specific position the Water Authority holds among other Israeli institutions and ministries involved in the water sector. Before the analysis, it is therefore necessary to provide some background information on the creation of the Water Authority.

5.1 *The Israel Water Authority*

As stated on the official website of the Israeli government, since its establishment in 2007 the Water Authority is the professional government entity in the water and sewage sector under

¹⁵² State of Israel, Water Authority, *The Issue of Water between Israel and the Palestinians*, March, 2009. <http://water.gov.il/Hebrew/ProfessionalInfoAndData/2012/22-Water-Issues-Between-Israel-and-the-Palestinians.pdf> (accessed March, 2020), 1.

which the management and supervision authorities are unified.¹⁵³ The Water Authority was established following the report of a parliamentary inquiry. In June 2001, the Knesset (the legislative body of the Israeli state) decided upon a parliamentary committee of inquiry to investigate the Israeli water sector. One year later, this committee issued a report in which they advocated setting up a central authority in the field of water. According to the committee, different ministries are involved in the Israeli water sector; most notably the Ministry of Finance, the Ministry of Defence and the Ministry of Foreign Affairs.¹⁵⁴ The committee has noted that especially the Ministry of Foreign Affairs has played a large role in regional cooperation activities, “not always in full cooperation with the other factors in the economy, that deal with the water issue.”¹⁵⁵ One can conclude from this that the internal Israeli water discourse is not homogenous, due to the different interests of the different ministries. This conclusion is shared by Feitelson, who has argued that the water discourse has become particularly fragmented over the last decade.¹⁵⁶ For instance, according to the committee the Ministry of Finance has acted on ‘narrow accountancy principles, that do not take into consideration non-economic interests, such as ideology or foreign policy interests.’¹⁵⁷ Stemming from the years before the creation of the Israeli state, for many Israeli’s water has an ideological value as well. From the Zionist perspective, control over water resources was regarded as necessary in relation to future state-building efforts. According to Feitelson, agriculture was seen by the Zionists as ‘an element for increasing the productivity and changing the employment base of the Jewish people, and contributing to nation building by creating closer links between the recently arrived new immigrants and their ancient homeland.’¹⁵⁸ This Zionist perspective on water remained particularly influential until the 1967, after which Israel

¹⁵³ ‘The Water Authority,’ Gov.il, The government services and information website, last modified July 4, 2018.

¹⁵⁴ State of Israel, The Parliamentary Committee of Inquiry on the Israeli Water Sector, *Report*, by MK David Magen. Jerusalem: 2002, <http://www.knesset.gov.il/committees/eng/docs/englishwater.pdf> (accessed April, 2020), 45-48.

¹⁵⁵ State of Israel, The Parliamentary Committee of Inquiry on the Israeli Water Sector, *Report*, by MK David Magen. Jerusalem: 2002, <http://www.knesset.gov.il/committees/eng/docs/englishwater.pdf> (accessed April, 2020), 47.

¹⁵⁶ E. Feitelson, ‘Implications of shifts in the Israeli water discourse for Israeli-Palestinian water negotiations,’ *Political Geography* 21 (2002): 293.

¹⁵⁷ State of Israel, The Parliamentary Committee of Inquiry on the Israeli Water Sector, *Report*, by MK David Magen. Jerusalem: 2002, <http://www.knesset.gov.il/committees/eng/docs/englishwater.pdf> (accessed April, 2020), 46.

¹⁵⁸ E. Feitelson, ‘Implications of shifts in the Israeli water discourse for Israeli-Palestinian water negotiations,’ *Political Geography* 21 (2002): 300.

took control over all the shared water resources.¹⁵⁹ But even today, the agricultural lobby in Israel remains strong and often conflicts with the Ministry of Finance.¹⁶⁰

In spite of the the Israeli water sector being internally divided, the establishment of the Israel Water Authority created the image that a politically neutral position is possible when it comes to issues of water. The committee proposed that ‘‘the authority should be incorporated, and not subject to any Ministry, and its function should be to manage, regulate and direct the water sector, on the national and regional levels, in accordance with the instructions of the Water Authority Law that will be enacted, with the policy of the Government and the recommendations of the Water Council as constituted. The Authority will be headed by a professional in the sphere of water, who does not represent any particular interest in the water sector, and who will be appointed by the Government.’’¹⁶¹ With this proposal the committee essentially advocated for the Israeli government to adopt a more technical perspective on the water issue. By focussing on technological and economic inefficiencies, as well as mismanagement, the new Water Authority could present a view which largely denies how in reality the issue is determined by the uneven and unequitable distribution of wealth, power and resources.¹⁶² The following analysis is based on the assumption that today the Water Authority represents the dominant external Israeli discourse on water and will show that the discourse indeed fails to adequately represent the political reality.

5.2 *Water as a scarce resource*

In the Israeli discourse, water is presented as a scarce resource. For example, in the introduction of the policy paper it can be read that ‘most countries in the Middle East suffer from an ongoing shortage of water. The situation is felt most acutely in Israel, Jordan and the Palestinian Authority, and is worsening due to the decrease in useable water reserves as a result of pollution

¹⁵⁹ Zeitoun, Messerschmid, and Attili, ‘‘Asymmetric Abstraction and Allocation: The Israeli-Palestinian Water Pumping Record,’’ 149-150.

¹⁶⁰ State of Israel, The Parliamentary Committee of Inquiry on the Israeli Water Sector, *Report*, by MK David Magen. Jerusalem: 2002, <http://www.knesset.gov.il/committees/eng/docs/englishwater.pdf> (accessed April, 2020), 63-64.

¹⁶¹ State of Israel, The Parliamentary Committee of Inquiry on the Israeli Water Sector, *Report*, by MK David Magen. Jerusalem: 2002, <http://www.knesset.gov.il/committees/eng/docs/englishwater.pdf> (accessed April, 2020), 80.

¹⁶² Jan Selby, *Water, Power and Politics in the Middle East: The Other Israeli-Palestinian Conflict*, 39-40.

and climatic changes, as well as population growth and the rising demand of water.’¹⁶³ Similarly, the first slide of the presentation for the 7th World Water Forum in 2015 emphasizes the shortage of water in the region. The slide compares water withdrawal as a percentage of the total amount of water available in the world between 1995 and 2025. Moreover, it is mentioned that ‘45% of the world population will be living in countries chronically short of water by 2050. In the Middle East it is a well known reality!’¹⁶⁴ Samer Alatout has however shown that water scarcity has only been the dominant Israeli discourse since the 1950s, serving as a justification for Israel’s policies regarding access to water for the Palestinians. According to Alatout, before the creation of the Israeli state ‘the initial politicization of water in Zionist context enrolled a narrative of abundance rather than scarcity.’¹⁶⁵ Although it is true that environmental factors play a role in water issues in the Middle East, scarcity thus easily serves as a justification for certain policies while in reality it is far from the determining factor.

The fact that water is being presented as a scarce resource creates room for the issue of water to be constructed as a matter of security, which is considered a securitizing move. This is visible in the Israeli discourse as well, where allocating more water to one party is being equalled to water loss for the other party. In the policy paper, there are several instances where water allocation to the Palestinians is being described as ‘at the expense of’ Israel. One example can be found in the chapter *Water rights as perceived by the Palestinians*, which concludes that ‘The Palestinians are clearly endeavouring to arrive at solutions that will be primarily at the expense of Israel, which is suffering from severe water scarcity and is making intensive efforts to bring about efficient and responsible utilization of its scarce natural resources.’¹⁶⁶ Moreover, the Palestinian position is being explained in short by the Water Authority as ‘Give us (Israel to the Palestinians) all the fresh water we need for the present and the future, take (Israel from the Palestinians) the wastewater that we generate, and desalinate seawater in place of the water

¹⁶³ State of Israel, Water Authority, *The Issue of Water between Israel and the Palestinians*, March, 2009. <http://water.gov.il/Hebrew/ProfessionalInfoAndData/2012/22-Water-Issues-Between-Israel-and-the-Palestinians.pdf> (accessed March, 2020), 1.

¹⁶⁴ State of Israel, Water Authority, *Israel Water Sector. Regional Cooperation*, 7th World Water Forum 2015, <http://water.gov.il/Hebrew/ProfessionalInfoAndData/2012/06-Israel%20Water%20Sector%20-%20Regional%20Cooperation.pdf> (accessed March, 2020).

¹⁶⁵ Samer Alatout, ‘Bringing Abundance into Environmental Politics: Constructing a Zionist Network of Water Abundance, Immigration, and Colonization,’ *Social Studies of Science* 39, no. 3 (June 2009): 365.

¹⁶⁶ State of Israel, Water Authority, *The Issue of Water between Israel and the Palestinians*, March, 2009. <http://water.gov.il/Hebrew/ProfessionalInfoAndData/2012/22-Water-Issues-Between-Israel-and-the-Palestinians.pdf> (accessed March, 2020), 28.

we are taking from you.’¹⁶⁷ Another example relates to the northern and eastern basin of the Mountain Aquifer, to which resources the Water Authority claims that Israel has a ‘natural right’. According to Fröhlich, invoking the term ‘rights’ can be considered a securitizing move, because ‘if my rights are threatened, my self-determination is in danger.’ This results in the idea that exclusive control over the resources is necessary in order to secure Israel’s water rights.¹⁶⁸

Using a discourse which emphasizes that water is a scarce resource ultimately creates a zero-sum game when it comes to water allocation. The observation that the Israeli discourse on water focusses on water scarcity is shared by Messerschmid, who has further argued that this type of discourse results in the belief that the way in which water is being allocated in the region is largely beyond Israeli control.¹⁶⁹ As has already been described in the previous chapter, Israel has been able to institutionalize the unequal distribution of water between Israel and the OPT based on this rationale. Zeitoun, Messerschmid and Attili have however shown that in fact Israel is very much in control when it comes water allocation and groundwater abstraction, since it is able to use a double standard in order to maintain minimal levels of Palestinian water consumption. On the one side, in Israel ‘the flows are competed for internally by the farmers for crops, water resource managers, the Ministries of Infrastructure and Finance, and environmental groups’.¹⁷⁰ When it comes to the Palestinians however, Israel only regards their needs under economic arrangements.¹⁷¹

Based on interviews with Israeli water experts, Fröhlich has further argued that the experts identify themselves as part of the academic community and often accuse Israeli politicians for securitizing water while viewing themselves as de-securitising actors.¹⁷² The documents by the Water Authority nevertheless show that experts in the field of water can be securitizing actors

¹⁶⁷ State of Israel, Water Authority, *The Issue of Water between Israel and the Palestinians*, March, 2009. <http://water.gov.il/Hebrew/ProfessionalInfoAndData/2012/22-Water-Issues-Between-Israel-and-the-Palestinians.pdf> (accessed March, 2020), 28.

¹⁶⁸ Christiane J. Fröhlich, ‘Security and discourse: the Israeli-Palestinian water conflict,’ *Conflict, Security & Development* 12, no. 2 (2012): 133-134.

¹⁶⁹ Clemens Messerschmid, ‘Hydro-Apartheid and Water Access in Israel-Palestine: Challenging the Myths of Cooperation and Scarcity,’ in *Decolonizing Palestinian Political Economy. De-development and Beyond*, ed. Mandy Turner and Omar Shweiki (Palgrave Macmillan, 2014), 62.

¹⁷⁰ Zeitoun, Messerschmid, and Attili, ‘Asymmetric Abstraction and Allocation: The Israeli-Palestinian Water Pumping Record,’ 156.

¹⁷¹ Ibid.

¹⁷² Christiane J. Fröhlich, ‘Security and discourse: the Israeli-Palestinian water conflict,’ *Conflict, Security & Development* 12, no. 2 (2012): 131.

as well. The foregoing examples of securitizing moves distinguished in the documents together with the fact that the policy paper is being presented as written by independent experts is an illustration of Gramsci's view regarding the role of intellectuals in extending the discourse of the rulers on to those who are ruled. In this case, the experts play a large role in perpetuating the discourse that access to water for the Palestinians should be limited on the basis of water scarcity, resulting in the idea that this knowledge is commonsensical.

Following from this, it is mentioned in the policy paper that the solution of giving the Palestinian Authority more control over the shared water resources is 'utterly unacceptable.'¹⁷³ Deeming one solution in the conflict unacceptable by experts should be characterized as constructed knowledge, which has been explained by Feitelson as 'a normative delimitation separating the types of discourse perceived to be politically acceptable from those that are deemed politically unacceptable at a specific point in time.'¹⁷⁴ The main argument is thus that due to the scarcity of water, Israel cannot allow the Palestinians to exercise more control over the shared water resources. Deeming this solution as unacceptable is based on the rationale that one who would propose such a solution denies the fact that water is a scarce resource.

5.3 Future needs of the Palestinians

When it comes to water management between Israel and the Palestinian Authority, the Water Authority often refers to Oslo II as the basis for mutual obligations. In the policy paper, Oslo II is being described as a 'practical, imaginative and just agreement.'¹⁷⁵ In the presentation titled *The Issue of Water between Israel and the Palestinians – Main Facts*, which was published in February 2012, Oslo II is used as a starting point to describe the relationship between the two actors. The agreement is mainly referred to as a means to show that Israel has fulfilled (and even exceeded) its obligation of providing the amount of water which was specified as the estimated needs of the Palestinian people. In the presentation it is stated that 'Israel has made available approximately 70 MCM/year of water to the Palestinians in the West Bank during the

¹⁷³ State of Israel, Water Authority, *The Issue of Water between Israel and the Palestinians*, March, 2009. <http://water.gov.il/Hebrew/ProfessionalInfoAndData/2012/22-Water-Issues-Between-Israel-and-the-Palestinians.pdf> (accessed March, 2020), 30.

¹⁷⁴ E. Feitelson, 'Implications of shifts in the Israeli water discourse for Israeli-Palestinian water negotiations,' *Political Geography* 21 (2002): 298.

¹⁷⁵ State of Israel, Water Authority, *The Issue of Water between Israel and the Palestinians*, March, 2009. <http://water.gov.il/Hebrew/ProfessionalInfoAndData/2012/22-Water-Issues-Between-Israel-and-the-Palestinians.pdf> (accessed March, 2020), 1.

interim period, even though the Water Agreement allocates a much smaller quantity of only 23.6 MCM/year (for the West Bank).’ Similarly, it is noted that Israel exceeds its obligation to supply water to the Palestinians in Gaza by 21 MCM/year.¹⁷⁶ What is downplayed however is that at the same time, Israel has violated Oslo II by over abstracting 260 MCM/year for Israeli use alone.¹⁷⁷

Zeitoun has termed the Israeli discourse on transboundary water management with the Palestinians as a ‘Needs, not Rights’ discourse.¹⁷⁸ According to Zeitoun, ‘the pragmatic attitude of proponents of the *Needs, not Rights* discourse can be encapsulated as follows: ‘there is not enough water for all of us, so let’s not talk about water rights. Let’s cooperate to make the best of the situation.’¹⁷⁹ In both of the presentations as well as the policy paper which were used for this analysis, the Water Authority states that Palestinian water rights are being recognized, but will be negotiated in the permanent status agreement. But with the current political climate of continued occupation, and Israeli plans for the formal annexation of the Jordan Valley, permanent status negotiations are not expected to take place anytime soon.

Besides this statement, the Israeli discourse can indeed be characterized as one of Palestinian needs instead of rights. However, based on the policy paper it seems that this position is justified by the Water Authority by referring to international law rather than water scarcity. The experts address the frequently heard reference to Palestinian water rights, arguing that ‘it should be noted that this term is not defined under international law, although it is assumed that the intention is to refer to the rights of States under the rules and principles referred to above.’¹⁸⁰ The position thus appears to be that since there is no autonomous Palestinian state, the Palestinian people have no legitimate right to water. Simone Klawitter has noted that the right to water has also been recognized as a human right in the International Covenant on Economic,

¹⁷⁶ State of Israel, Water Authority, *The Water Issue Between Israel and the Palestinians. Main Facts*, February, 2012, <http://water.gov.il/Hebrew/ProfessionalInfoAndData/2012/21-Water-Issues-between-Israel-and-Palestinians-Main-Facts.pdf> (accessed March, 2020).

¹⁷⁷ Zeitoun, Messerschmid, and Attili, ‘Asymmetric Abstraction and Allocation: The Israeli-Palestinian Water Pumping Record,’ 156.

¹⁷⁸ Mark Zeitoun, *Power and water in the Middle East: the hidden politics of the Palestinian-Israeli water conflict* (London: Tauris, 2008), 75.

¹⁷⁹ Mark Zeitoun, *Power and water in the Middle East: the hidden politics of the Palestinian-Israeli water conflict* (London: Tauris, 2008), 83.

¹⁸⁰ State of Israel, Water Authority, *The Issue of Water between Israel and the Palestinians*, March, 2009. <http://water.gov.il/Hebrew/ProfessionalInfoAndData/2012/22-Water-Issues-Between-Israel-and-the-Palestinians.pdf> (accessed March, 2020), 26.

Social and Cultural Rights.¹⁸¹ This means that Palestinian individuals have a right to ‘sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses’ as well.¹⁸² Up until today, Israel has been able to avoid the consequences of continuously breaching international law.

5.4 *The Joint Water Committee*

Like the Oslo agreement, the JWC is often referred to by the Water Authority as well in order to describe its relationship with the Palestinians when it comes to sharing water resources. Both of the presentations which were used contain the same information on the JWC. The activities of the JWC are outlined and it is emphasised that almost all of the project applications which are brought before the JWC are approved. The Israeli discourse on the JWC focusses on the cooperative nature of the organization, despite the fragile political environment it operates in.¹⁸³

According to the Water Authority, the fact that a lot of projects have not been implemented does not stem from a lack of approval by the JWC but from the fact that the Palestinians have not carried out the approved projects.¹⁸⁴ The presentations also mention the drilling of unauthorized wells by the Palestinians, which have caused an ‘ecological disaster’ in the case of Gaza.¹⁸⁵ In the policy paper, poor management on behalf of the Palestinians is mentioned more extensively; in fact, the larger body of the paper deals with this topic. It is also frequently stated that the Palestinian failure to implement the projects cannot be explained by a lack of funding. For example, it is argued that ‘Even though the donor countries have expressed their readiness to fully fund the construction of wastewater treatment plants for all major Palestinian cities, only one such plant has been constructed on the Palestinian side (at El-Bireh).’¹⁸⁶ On the unapproved wells that are being drilled by Palestinians, the Water Authority states that ‘the

¹⁸¹ Klawitter, ‘Water as a Human Right: The Understanding of Water Rights in Palestine,’ 304.

¹⁸² Ibid.

¹⁸³ State of Israel, Water Authority, *The Issue of Water between Israel and the Palestinians*, March, 2009. <http://water.gov.il/Hebrew/ProfessionalInfoAndData/2012/22-Water-Issues-Between-Israel-and-the-Palestinians.pdf> (accessed March, 2020), 4.

¹⁸⁴ State of Israel, Water Authority, *The Issue of Water between Israel and the Palestinians*, March, 2009. <http://water.gov.il/Hebrew/ProfessionalInfoAndData/2012/22-Water-Issues-Between-Israel-and-the-Palestinians.pdf> (accessed March, 2020), 5.

¹⁸⁵ State of Israel, Water Authority, *Israel Water Sector. Regional Cooperation*, 7th World Water Forum 2015, <http://water.gov.il/Hebrew/ProfessionalInfoAndData/2012/06-Israel%20Water%20Sector%20-%20Regional%20Cooperation.pdf> (accessed March, 2020).

¹⁸⁶ State of Israel, Water Authority, *The Issue of Water between Israel and the Palestinians*, March, 2009. <http://water.gov.il/Hebrew/ProfessionalInfoAndData/2012/22-Water-Issues-Between-Israel-and-the-Palestinians.pdf> (accessed March, 2020), 4.

Palestinians routinely state that the unapproved wells are affecting them as well and that they too are trying to combat the phenomenon. However, in fact nothing concrete has been done by them to stop the incidents, which constitute a serious violation of the Water Agreement.’¹⁸⁷ Next to the drilling of unapproved wells, the lack of wastewater treatment by the Palestinians is one of the issues most frequently mentioned in the paper. In the chapter *Principal Conclusions Regarding Implementation of the Water Agreement*, the assessment of the experts is summarized as ‘Israel has met all its obligations’ while ‘the Palestinians are seriously defaulting’.¹⁸⁸ As has been mentioned in this chapter already, Israel frequently violates Oslo II by abstracting more water from the Western aquifer than has been agreed upon.¹⁸⁹ Emphasizing Israel’s will to cooperate while downplaying its violations has been explained by Zeitoun and Warner as sanctioning the discourse; ‘to veil certain aspects of riparian relations (e.g. inequitable distribution) while emphasising others (e.g. the merits of technical cooperation).’¹⁹⁰

This chapter has described the Israeli discourse on water through an analysis of publications by the Water Authority. The analysis has shown that the Israeli discourse on water entails presenting water as a scarce resource, which has led to securitizing moves, constructed knowledge and sanctioning the discourse. By means of these discursive tactics Israel attempts to justify its unequal distribution of water between Israeli’s and Palestinians. Besides the general discourse on water, specific attention has been paid to the Israeli discourse on transboundary water management. It was found that Oslo II and the creation of the JWC are referred to by the Water Authority in order to describe the relationship between Israel and the Palestinian Authority as cooperative from the Israeli side, while attributing any issues in the relationship to poor management and lack of will on behalf of the Palestinians. The following chapter focusses on EU policy regarding donor funding for Palestinian water projects in order to examine the extent to which Israel’s discourse is being perpetuated.

¹⁸⁷ State of Israel, Water Authority, *The Issue of Water between Israel and the Palestinians*, March, 2009. <http://water.gov.il/Hebrew/ProfessionalInfoAndData/2012/22-Water-Issues-Between-Israel-and-the-Palestinians.pdf> (accessed March, 2020), 11.

¹⁸⁸ State of Israel, Water Authority, *The Issue of Water between Israel and the Palestinians*, March, 2009. <http://water.gov.il/Hebrew/ProfessionalInfoAndData/2012/22-Water-Issues-Between-Israel-and-the-Palestinians.pdf> (accessed March, 2020), 21.

¹⁸⁹ Zeitoun, Messerschmid, and Attili, ‘‘Asymmetric Abstraction and Allocation: The Israeli-Palestinian Water Pumping Record,’’ 146.

¹⁹⁰ Mark Zeitoun and Jeroen Warner, ‘‘Hydro-hegemony – a framework for analysis of trans-boundary water conflicts,’’ *Water Policy* 8 (2006): 448.

6. How EU policy is reinforcing Israeli control over transboundary water resources

This chapter describes the evolution of the position of the EU towards the Israeli-Palestinian conflict and subsequently provides an analysis of different EU policy documents regarding transboundary water management between Israel and the OPT as well as the EU's financial assistance to the Palestinians regarding this issue. The official position of the EU on the Israeli-Palestinian conflict can be summed up as supporting the two-state solution. According to the European Commission, in order to reach the goal of the two-state solution EU policies regarding Palestine 'aim at promoting greater Palestinian control, autonomy and capacity to exercise responsibility to prepare for future statehood.'¹⁹¹ Over the years, the EU's assistance to the Palestinians has thus primarily focussed on state-building.¹⁹² Nevertheless, these efforts have not had the desired impact thus far.¹⁹³

With respect to the EU's state-building efforts regarding the Palestinian economy, the EU has also been involved in the field of transboundary water management between Israel and the OPT. Logically, EU policies regarding transboundary water management in the region have been directed towards the above mentioned factors of promoting greater control, autonomy and capacity as well. In spite of the rhetorical similarities between the EU's official position towards the broader Israeli-Palestinian conflict and the specific policies regarding the shared water resources, a closer analysis of the primary sources shows that there is in fact a gap between discourse and practice. While European discourse points towards the aim of the EU to promote the emergence of a viable Palestinian state, in reality European policies frustrate this process because they operate within the dominative power structures underlying the interaction between Israel and the OPT. It will become clear that the EU has partly perpetuated Israel's discourse on the issue, namely regarding the JWC.

6.1 The evolution of the EU's position towards the Israeli-Palestinian conflict

¹⁹¹ European Commission, "Palestine*," accessed on May 18, 2020, https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/palestine_en

¹⁹² European Commission, "European Union-Palestinian Authority Action Plan. Political Chapeau," accessed on May 18, 2020, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/eu-palestine_action_plan_2013.pdf

¹⁹³ Dimitri Bouris, "The European Union's Role in the Palestinian Territory after the Oslo Accords: Stillborn State-building," 384.

The EU's commitment towards the two-state solution has been slowly developed over time, starting out in the early 1970s when the European Economic Community (EEC) began with coordinating a common policy towards the Middle East. Prior to the 1970s, foreign policy on a European level did not exist yet since the focus of the EEC had been primarily on economic integration.¹⁹⁴ According to Joel Peters, the involvement of the EEC with the Middle East was predominantly the result of the search for a European identity as well as the wish to develop a common foreign policy. A common policy would contribute towards the EEC's desired position as a global political actor with a larger influence in the international community. In particular, a more prominent role regarding the Israeli-Palestinian peace process would contribute towards achieving a more powerful position within the international system.¹⁹⁵ To advance this role, the EEC established the European Political Cooperation in 1970.¹⁹⁶

The first official declaration on the Israeli-Palestinian conflict referring to the Palestinian people was issued shortly after the Yom Kippur War, sometimes also referred to as the October War.¹⁹⁷ As has been described already in the fourth chapter of this thesis, in October 1973 Syria and Egypt together started an assault on Israel on the Jewish holiday Yom Kippur, with the aim to recapture the territories taken by Israel during the Six-Day War of 1967. This first declaration on behalf of the EEC condemned the Israeli occupation over these territories and expressed support for the Palestinian right 'to express a national identity'.¹⁹⁸ Prior to this event, the EEC had already issued the 'Schuman Document' in 1971 in which the member states called for the withdrawal of Israel from the occupied territories and the recognition of Israel by Arab states, but at that point had still refrained from referring to the Palestinian people.¹⁹⁹

According to Israel the declaration by the EEC in 1973 was the direct result of the ways in which the Arab states had put pressure on the western states who had supported Israel during the war. Besides the United States, several European countries had assisted Israel during the war. In return, under the leadership of Saudi Arabia the Organization of Arab Petroleum

¹⁹⁴ Khader, 'The European Union and the Palestinian question (1957-2014): the performance-expectation gap,' 4.

¹⁹⁵ Peters, 'Europe and the Israel-Palestinian peace process: the urgency of now,' 513.

¹⁹⁶ Khader, 'The European Union and the Palestinian question (1957-2014): the performance-expectation gap,' 4.

¹⁹⁷ Peters, 'Europe and the Israel-Palestinian peace process: the urgency of now,' 512.

¹⁹⁸ Ibid.

¹⁹⁹ Khader, 'The European Union and the Palestinian question (1957-2014): the performance-expectation gap,' 5.

Exporting Countries (AOPEC) imposed an oil embargo on these countries. The goal as formulated by AOPEC was the entire withdrawal of Israeli troops from the occupied territories and the recognition of the legitimate rights of the Palestinians.²⁰⁰ Out of the European countries, the Netherlands was the only country AOPEC imposed a full embargo on because the Dutch minister of Defence at the time, Henk Vredeling, had secretly issued military support for Israel. Even though the embargo was only fully imposed on the Netherlands and it was proved to be neither effective nor efficient economically for the member states of the EEC, politically the events nevertheless pressured the EEC in meeting these exact demands.

According to Khader, the Venice Declaration of June 1980 constituted a major shift in European policy. In spite of the already troubled diplomatic relationship with Israel following the recognition of Palestinian rights, with the Venice Declaration the nine member states nevertheless went one step further and stated their common position that the Israeli-Palestinian conflict could only be resolved if ‘the Palestinian people be allowed to exercise fully its rights to self-determination.’²⁰¹ Israel responded to the declaration by stating that ‘nothing will remain of the Venice Declaration but its bitter memory. The Resolution calls upon us and other nations to include in the Peace Process, the Arab S.S. known as the PLO.’²⁰² As has been explained in the third chapter however, throughout these years the EU’s condemnation of Israeli policies has remained rhetorical. Up until today, the EU is refraining from imposing sanctions or enforcing conditionality in an attempt to influence Israel’s behaviour towards the OPT.²⁰³

Consequently, upon request by Israel the EEC was not allowed to play a significant role in the different peace talks which took place in Madrid and Oslo during the 1990s because it was believed that due to the leverage the Arab states had over the EEC the organization could not be considered a honest mediator. According to Peters, despite its marginal role during the peace talks the EU continued to reinforce its normative framework by condemning the Israeli settlements and voicing support for Palestinian self-determination. Similarly, Khader has argued that even though the policies of the EU have frequently been inconsistent, the ‘EU’s statements have largely contributed not only to bolster Palestinian legitimate claims, but also

²⁰⁰ Rüdiger Graf, ‘‘Making use of the ‘‘oil weapon’’: Western industrialized countries and Arab petropolitics in 1973-1974,’’ *Diplomatic History* 36 (2012) 1, 185.

²⁰¹ Peters, ‘‘Europe and the Israel-Palestinian peace process: the urgency of now,’’ 513.

²⁰² Khader, ‘‘The European Union and the Palestinian question (1957-2014): the performance-expectation gap,’’ 7.

²⁰³ Dimitri Bouris, ‘‘The European Union’s Role in the Palestinian Territory after the Oslo Accords: Stillborn State-building,’’ 387.

have been instrumental in the world-wide recognition of Palestinian rights.²⁰⁴ Through the Barcelona Process which was launched in 1997, the EU briefly tried to conduct peace talks apart from the influence of the United States but these ultimately failed due to the collapse of the peace process and the outbreak of the Second Intifada in 2000.

It has already been mentioned that because of the increasing presence of Al Qaida in the Middle East, the EU member states feared that the ongoing Israeli-Palestinian conflict could potentially cause a rise in international terrorism as well. During the 1970s, Europe had already witnessed Palestinian terrorist attacks.²⁰⁵ Concerned with its own security interests, European support for a Palestinian state took on a new sense of urgency. In 1998, the EU mentioned Palestinian statehood as a possible solution to the conflict.²⁰⁶ In 2002, the EU member states for the first time proposed the solution which has become the EU policy goal up until today, namely an end to the occupation and ‘the early establishment of a democratic, viable, peaceful and sovereign State of Palestine.’²⁰⁷

According to Joel Peters, due to the EU’s own security concerns ‘strategies opposed to, or preventing the emergence of a viable Palestinian state, have been regarded as inimical to European interests.’²⁰⁸ From the following analysis of European policy and funding it will become clear however that the current EU policies regarding the issue of water between the two parties is in fact preventing the emergence of a viable Palestinian state.

6.2 The EU-Palestine Action Plan and the Joint Strategy in Support of Palestine

As a result of the Oslo II Agreement the European Commission and the Palestinian Authority signed the Euro-Mediterranean Interim Association Agreement on Trade and Cooperation in December 1996.²⁰⁹ One of the aims of the agreement was to contribute to the social and economic development of the OPT.²¹⁰ As specified in article 50, it provided the first basis for

²⁰⁴ Khader, ‘The European Union and the Palestinian question (1957-2014): the performance-expectation gap,’ 3.

²⁰⁵ Peters, ‘Europe and the Israel-Palestinian peace process: the urgency of now,’ 520.

²⁰⁶ Ibid.

²⁰⁷ Ibid.

²⁰⁸ Ibid, 512.

²⁰⁹ Ibid, 515.

²¹⁰ Euro-Mediterranean Interim Association Agreement on Trade and Cooperation, July 16, 1997, article 1, accessed via <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A21997A0716%2801%29>

cooperation on issues of water. Since its launch in 2004, the EU's relation with the OPT is governed by the European Neighbourhood Policy (ENP), which aims at 'supporting the economic development of its partner countries, and to improve the aspirations, hopes and prospects of the local population, while keeping a strong focus on good governance, democracy and the rule of law.'²¹¹ As part of this framework, EU policy regarding the OPT is laid out more concretely in the 'EU-Palestine Action Plan' of 2013.

As part of the EU's commitment to the two-state solution, which is briefly restated in the Action Plan, the 'control of the Palestinian people over its natural resources, including the equitable and reasonable allocation of trans boundary water resources, in line with the relevant norms of international law and to be pursued alongside other final status issues' is specifically mentioned.²¹² Moreover, 'facilitating territorial management and access, including to natural resources' is labelled as a specific policy objective. According to the Action Plan, the objective of the EU is to 'develop the necessary legal and institutional framework for an integrated water and wastewater management system to ensure equitable service delivery and resource sustainability all over the OPT and provide support for its implementation.'²¹³ In order to be able to reach this goal, the benchmarks are specified as the 'establishment of a water management regulatory body, allocation of resources for a national, regionally connected water distribution network and for desalination.'²¹⁴ It thus appears that the aim of the EU is to focus on Palestinian organizational and institutional capacities and technological advancements when it comes to desalination. Although it is mentioned in the Action Plan that the current relationship between Israel and the PA hinders the progress of Palestinian projects in different areas, primarily because of the ongoing occupation, EU policy is not directed towards challenging the unequal distribution of water by the Israeli state.²¹⁵

Between 2014 and 2016, funding for Palestinian projects was allocated on the basis of the Single Support Framework, which was later replaced by the European Joint Strategy in support of Palestine (hereafter Joint Strategy) which will stay in place between 2017 and 2020. In the

²¹¹ European Commission, 'European Neighbourhood Policy', accessed on May 15, 2020, <https://www.euneighbours.eu/en/policy#plans>

²¹² European Commission, 'European Union-Palestinian Authority Action Plan. Political Chapeau,' 4, accessed on May 18, 2020, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/eu-palestine_action_plan_2013.pdf

²¹³ Ibid, 11.

²¹⁴ Ibid.

²¹⁵ Ibid, 3.

Joint Strategy, the EU acknowledges more extensively the conditions of the Israeli occupation and emphasizes how these conditions limit the possible impact of EU initiatives regarding Palestine.²¹⁶ It is also acknowledged that the conflict is dominated by Israeli narratives, which leaves little agency for the Palestinians.²¹⁷ The Joint Strategy explicitly mentions the possibility that international aid which is supposed to assist in Palestinian development in reality enforces the occupation instead.²¹⁸ According to the EU, the purpose of the Joint Strategy is therefore to enhance the coherence between the EU's support of the two-state solution and the specific development policy goals.²¹⁹ But besides acknowledging these issues, the policy goals are not formulated with the aim to challenge the status quo.

The EU policy objectives are categorized under five pillars, of which two focus on sustainable economic development. Pillar 4, 'Access to self-sufficient water and energy services', is one of the two pillars which contributes to the economic development of Palestine, which is a prerequisite for a viable Palestinian state.²²⁰ It is argued that sustainable economic development is not achievable without an end to the occupation.²²¹ It is also mentioned that the Gaza Strip in particular suffers from a lack of sufficient access to water (and energy), which according to the EU may well lead to a humanitarian crisis.²²² As has been shown in the fourth chapter, the United Nations and Amnesty International share this view and have already labelled the situation in Gaza as a crisis. According to the EU, Oslo II has resulted in the fact that Israel now controls 'over 80% of all water resources in the West Bank, and the limited access to water and sanitation in the West Bank and the Gaza Strip is a growing concern, with the management of trans boundary waters a key unresolved issue.'²²³

In response, the policy objective regarding the Palestinian water sector is to 'continue to support national institutions and service providers in: improving the sustainable operation of water and wastewater infrastructure and the management of water resources, as well as improving sustainable access to water supply and wastewater systems by contributing to the rehabilitation

²¹⁶ European Commission, 'European Joint Strategy in Support of Palestine. Towards a democratic and accountable Palestinian State,' 6, accessed via https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/european_joint_strategy_in_support_of_palestine_2017-2020.pdf

²¹⁷ Ibid.

²¹⁸ Ibid, 25.

²¹⁹ Ibid, 7.

²²⁰ Ibid, 8.

²²¹ Ibid, 24.

²²² Ibid, 19.

²²³ Ibid, 37.

and construction of water wells and distribution/collection systems, sewerage networks, desalination and wastewater treatment plants.’²²⁴

In spite of the EU’s rhetoric regarding the limits put in place by the Israeli occupation, the Joint Strategy thereby fails to adequately address the organizational framework which effectively hinders progress in the entire Palestinian water sector, namely the JWC. At the time of the publication of the Joint Strategy the JWC was temporarily not operative due to increasing tensions between Israel and the PA, leading the EU to conclude that ‘the political and technical framework to ensure fair distribution of water between Israel and Palestine is not in place.’²²⁵

Upon comparing EU policy with Israel’s discourse regarding the transboundary water issues, there are a number of important observations which consequently have implications for our understanding of Israel’s hydro-hegemony. As has been described in the second chapter of this thesis, hydro-hegemony can be defined as ‘the success of a basin riparian in imposing a discourse, preserving its interests and impeding changes to a convenient status quo.’²²⁶ To start, the foregoing analysis has shown that the EU only partly perpetuates Israel’s discourse. Since the EU explicitly acknowledges that the current disparity in water access between Israel and the Palestinians is a result of the Israeli occupation as well as the regulations laid down in Oslo II, Israel has clearly failed to impose its discourse of the distribution of water as being determined by environmental factors. At the same time, the analysis has shown that the EU nevertheless presents the JWC as a cooperative body. It can therefore be concluded that Israel has succeeded in imposing its discourse of cooperation with the Palestinians, in spite of the fact that the JWC effectively operates on the condition of Israeli veto. In terms of policy, it has become clear that the EU solely focusses on improving the Palestinian water sector on an institutional and technical level. By failing to adequately challenge the status quo, the EU thus practically assists Israel in sustaining its hydro-hegemony.

The fact that the EU only partly perpetuates Israel’s discourse suggests that the EU’s compliance with the existing power asymmetry can rather be attributed to Israel’s bargaining power instead of Israel’s ideational power. The EU’s portrayal of the JWC is convenient because in acknowledging the dominative nature of the committee the EU would practically

²²⁴ Ibid, 37.

²²⁵ Ibid, 107.

²²⁶ Ibid, 16.

imply that its own current policy is enforcing the Israeli occupation. Taking into consideration the broader relationship between Israel and the EU as it has been described in the third chapter of this thesis, one can therefore conclude that the role of the EU in sustaining Israel's hydro-hegemony cannot be characterized as a misguided donor intervention.

7. Conclusion

The aim of this thesis has been to provide a comprehensive answer to the following research question: *To what extent has EU policy regarding transboundary water resources in the OPT enforced Israel's hydro-hegemony?* The research question has been addressed by means of a qualitative case study. The methods chosen for the research were a review of the academic literature and the analysis of primary sources in the form of Israeli and EU policy documents. The research has engaged with the academic literature on hydropolitics and has drawn on the approach of the London Water Research Group. Consequently, the thesis has been based on a neo-Gramscian perspective on hegemony and a Marxist approach to political economy, arguing that transboundary water interaction is ultimately determined by power relations. Mark Zeitoun and Jeroen Warner's framework of hydro-hegemony has been used as a theoretical foundation for the case study. This conclusion consists of a presentation of the findings, followed by a discussion of the limits of the research and the implications for future research.

7.1 Findings

As for the contextual background of the case study, the strategic, economic and scientific elements of the relationship between Israel and the EU have been analysed. It has been shown that Israel is of strategic value to the EU when it comes to enlarging both the EU's internal and external security. When it comes to economic ties, it has been found that the EU is Israel's largest trading partner. It has become clear that throughout the years, the high level of economic cooperation has ensured a stable relationship in spite of diplomatic tensions. Moreover, Israel has been an important contributor towards the EU's research and development programs. Overall, it was concluded in this chapter that the EU's lack of imposing sanctions on Israel can be attributed to the importance of these elements in the particular relationship between Israel and the EU.

Subsequently, the issue of water has been analysed in the broader context of the Israeli-Palestinian conflict. It was found that the current disparity in water access between Israeli's and Palestinians has been a consequence of the start of the Israeli occupation in 1967. The analysis has shown that through the Oslo process, during which Israel had a significantly better position in the negotiations than the PLO, Israel has been able to institutionalize its control over the transboundary water resources. It has become clear that the JWC should be regarded as a tool

for Israel to exert its domination over transboundary water issues. The international community largely failed to recognize the Oslo Accords for what they were; a means for Israel to continue its occupation over Palestinian land and resources. The chapter concluded by showing that up until today, international donor policies and funding remains directed on the basis of the principles set out in this agreement.

Thereafter, the next chapter has focussed upon Israel's discourse regarding the water issue. Through the analysis of policy documents from the Israel Water Authority, accompanied by secondary literature, it was found that Israel makes use of several discursive tactics in an attempt to remain its position as hydro-hegemon. Through the representation of water as a scarce resource, water has become securitized in the Israeli discourse. Water scarcity is used by Israel as a justification for its policies regarding the OPT. Furthermore, through knowledge construction Israel has attempted to exclude from the policy agenda the solution of giving the PA more control over the shared water resources. Besides that, in an attempt to sanction the discourse Israel has consistently downplayed its own violations of the agreements while emphasizing its will to cooperate with the Palestinians.

In the last chapter, the evolvement of the EU's position regarding the Israeli-Palestinian conflict has been described and EU policy regarding transboundary water resources in the OPT have been examined. It has been found that EU donor policies are not in accordance with the EU's official position of supporting the two-state solution. In short, it has been shown that EU donor policies are solely directed towards improving the organizational and institutional capacities of the OPT. The EU has thereby failed to challenge the status quo under the Israeli occupation. It has been found that while recognizing the failure of the Oslo process, the EU nevertheless perpetuates Israel's discourse of cooperation when it comes to the JWC. This observation has led to the conclusion that the EU's compliance with the existing power asymmetry can be attributed mainly to Israel's bargaining power. The EU's role in sustaining Israel's hydro-hegemony should therefore not be regarded as a misguided donor intervention, but rather as a consequence of the relationship between the EU and Israel.

7.2 Limitations and implications for future research

As has been mentioned in the introduction, the analysis of the primary sources was limited to English written sources. In addition to that, it should be noted that due to the time and scope of the thesis the amount of primary sources used to carry out the research has been relatively small. Future research could for instance make use EU policy documents regarding Israel as well. Moreover, because of its reliance on the theoretical framework of hydro-hegemony the course of the research was initially focussed predominantly on ideational power; Israel's ability to establish and control the discourse. Ultimately, from the findings of the case study it can be concluded that the research should have equally incorporated Israel's bargaining power regarding the EU as well. Future research could also focus more on the relationship between these two dimensions of power as they have been distinguished by Steven Lukes.

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