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Water and the Treaty of Peace between Israel and Jordan

Maya Manna, Roger Williams University

The deficit of water resources in the Jordan River region is quite profound: "Water levels are dropping, groundwater resources are being mined, salinization and salt water intrusion are observed and the domestic water supply does not reach adequate standards." Moreover, Jordan, Israel and the Palestinians are presently over-exploiting their water resources by between 10 and 20%.¹ To remedy this crisis situation, it is proposed that Jordan, Israel and the Palestinians move toward: the reduction of water demand for irrigation, the desalinization of sea water, and the importation of water from water-rich countries like Turkey.²

The history of water disputes continues all the way through the establishment of Israel. As a result, water became a strategic and diplomatic issue that periodically threatened to bring the country to blows with its neighbors. Bernard Wasserstein notes that disputes over the Jordan waters played a significant part in the descent to the Six Day War of 1967.³ This war illustrates how essential the water management is in the region and how poorly this issue has been addressed. The Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan is one of the exceptional examples of cooperation between Israelis and Arabs. It has been studied and watched closely by many scholars and politicians. So far, water management in the region has not fulfilled all the objectives stated in the treaty, but those changes that have been done are worth examining.

The Treaty of Peace between the State of Israel and the Hashemite Kingdom of Jordan was signed at the southern border crossing of Wadi Araba on October 26, 1994. It symbolized one of the world's most famous water-sharing agreements – in addition to making Jordan the only Arab country after Egypt to normalize relations with Israel. The Jordanian-Israeli Peace Treaty is part of the efforts towards joint management of water resources. It includes the following arrangements: Twenty million m³ (cubic meter) ⁴ of Yarmouk water will be stored by Israel in the

¹ AQUASTAT: FAO's Information System on Water and Agriculture. Land and Water Development Division: Jordan. 1997.

² AQUASTAT.

³ Wasserstein, Bernard. *Israelis and Palestinians: Why Do They Fight? Can They Stop?* (New Haven: Yale UP, 2003), pg 52.

⁴ 1 cubic meter is equivalent to 264.17205 gallons.

winter and released to Jordan in the summer; 10 million m³ will be released from the Tiberias lake outside the summer season for Jordan until the construction of a desalinization plant; construction of storage facilities on the Yarmouk and Jordan rivers and groundwater potential in Wadi Araba are under investigation; 50 million m of drinking water should be further allocated to Jordan through cooperation between both parties.⁵

Munther Haddadin, former water minister of Jordan, played a key role in designing and negotiating the basic elements of the treaty. In an interview with the *Unesco Courier* journalist Amy Otchet, he claimed it was not an easy agreement to achieve⁶. This civil engineer with a penchant for international law offers subtler, yet no less demanding lessons learned from hammering out the historic water treaty with Israel. "The trick is to try to transform the entire show into a positive sum game, so that both sides view themselves as winners," he says. "A major concession on our part was the recognition of Israel. I had to make the Israelis feel secure but at the same time use this weakness as a card in my sleeve⁷." Judging from his words, it is easy to see how the Treaty between Israel and Jordan was a complex and slow process, and yet was a viable option for both states in the end.

Jordan and Israel looked for different outcomes while signing this treaty. If for Jordan it meant receiving a sufficient annual amount of water from Israel, for Israel it meant receiving Jordanian recognition of it as a state. Alvin Rouyer in his book *Structural Flows in the Middle East Peace Process: Historical Contexts* mentions that for Jordan, the key economic objectives have been and remain defensive: to avert a sudden attack on the dinar, to retain Palestinian capital in the host economy, and to avoid the sudden exposure of inefficient industries to competition.⁸ Therefore, these underlying concerns force strategic choices concerning the balance between cooperation and competition with the rising Palestinian and Israeli entities. At the same time, for Israel, stable relations with the region's commercial sectors are "crucial for its planned transformation from a state-dominated economy to one that can better appeal to domestic and foreign investors."⁹ The author concludes that while regional economic insertion would enhance Israel's long-term goals,

⁵ AQUASTAT.

⁶ Amy Otchet, "A Jordanian Fire Extinguisher", *The Unesco Courier*, pg 22
<<http://unesdoc.unesco.org/images/0012/001237/123798e.pdf>>.

⁷ Otchet 22.

⁸ Rouyer, Alvin R. J.W Wright, Jr., ed. *Structural Flows in the Middle East Peace Process: Historical Contexts*. (New York: Palgrave, 2002), 49.

⁹ Rouyer 50.

improving immediate trade relations with the West Bank and Gaza and opening its borders to Jordan involved short-term costs.¹⁰ This brief overview of economic perspectives of the two countries further explains the obstacles their governments had to straighten up before signing the treaty. However, for both countries signing the treaty meant significant improvement of their relationship and establishing official diplomatic bonds. In a vulnerable region such as the Middle East, having stable, peaceful relations with a neighboring country means a lot.

In 1955, all of the states along the Jordan River: Jordan, Israel, Palestinian Authority, Syria, Lebanon, had already agreed to their rightful share of water in a plan drawn up with the assistance of an American diplomat. Haddadin explains that the weakness of the agreement was the fact that "the technical resolution wasn't translated into a political accord because it would entail tacit Arab recognition of the state of Israel."¹¹ Egypt, however, broke this taboo under Anwar Sadat. This action of one of the Arabic states encouraged Israel to search for the further recognition among its neighbors, therefore, it turned to Jordan whose weakness was water supply and loss of its share of the Yarmouk River to Syria and Israel. For this reason, Otchet calls water "a bridge in opening discussions between the two states."¹² It was not until 1991 that the formal peace process began and Haddadin began forming major water-sharing proposals. It took three years for both sides to come up with a compromise that could to some extent satisfy their objectives.¹³

The Treaty contains 30 articles of agreement; key among those 30 are agreements on international boundaries, security, economic relations, refugees, and, of course, water.

Article 6 of the Treaty is entitled simply 'Water Resources' and is considered to be one of the most exceptional agreements considering the fact that the two nations had been formally in a state of war for nearly half a century. It is devoted "to achieving a comprehensive and lasting settlement of all the water problems between Israel and Jordan."¹⁴ It represents the first agreement of this kind signed between Israel and any of its neighbors. Article 6 contains five

¹⁰ Ibid., 51.

¹¹ Otchet 22.

¹² Ibid.

¹³ Ibid.

¹⁴ Israel- Jordan Peace Treaty, Article 6,

<<http://www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Israel-Jordan%20Peace%20Treaty>>.

paragraphs that each constitute extremely important points and contribute to peaceful resolution of the water debate.

Paragraph one ensures the mutual recognition of "rightful allocations" in the surface waters of the Jordan and Yarmouk rivers as well as the underground water of the Arava Valley. This valley lies on either of the Rift Valley, south of the Dead Sea. The territory of this valley has been one of the main issues of land debate between the two countries. The Peace Treaty established the borders to resolve this debate: about one-third of the valley lies in Israel and two-thirds in Jordan.¹⁵

Israel and Jordan have agreed on allocations of water from the Jordan and Yarmouk Rivers and from Arava groundwaters. Israel has agreed to transfer to Jordan 50 million cubic meters of water annually from the northern part of the country. In addition the two countries have agreed to cooperate to alleviate the water shortage by developing existing and new water resources, by preventing contamination of water resources, and by minimizing water wastage.¹⁶ Paragraph two states that each nation will provide such water management and development that does not "in any way harm the water resources of the other party."¹⁷ Paragraph three affirms that both countries have scarce water resources with respect to their needs and, therefore, they must both search for regional and international cooperation to increase the supply.

This rather ambiguous statement is further discussed in Paragraph four that claims: "water issues along their entire boundary must be dealt with in their totality, including the possibility of trans-boundary water transfers."¹⁸ It also calls for cooperation in developing water resources, preventing pollution, dealing with shortages, and minimizing the usage of water through recycling and planned management. Finally, Paragraph five makes reference to Annex II, where "undertakings" for implementation are detailed.

¹⁵ Israel Jordan Peace Treaty, Article 6.

¹⁶ Israel-Jordan Peace Treaty, "water", October 1994.

<<http://www.mfa.gov.il/MFA/Peace%20Process/Guide%20to%20the%20Peace%20Process/Main%20Points%20of%20Israel-Jordan%20Peace%20Treaty>>.

¹⁷ Israel Jordan Peace Treaty, Article 6, Sec 2.

¹⁸ Israel Jordan Peace Treaty, Article 6, Sec 4.

Three years later, in a ceremony held on May 27, 1997, King Hussein of Jordan marked the beginning of the second stage of the Israel-Jordan water agreement, according to which Israel has begun to supply Jordan with 3000 cubic meters of water per hour.¹⁹

During the ceremony, King Hussein praised the Israeli Prime Minister, Minister of National Infrastructures and Water Commissioner for their actions and their understanding of Jordanian water problems. His speech expressed relative warming in Jordanian-Israeli relations and significant improvement of cooperation skills between representatives of the two countries.²⁰

The latest developments in the course of the life of this Treaty, is a review of the summer program, according to which Jordan receives an additional 25 million cubic meters (mcm) of drinking water from Lake Tiberias. The *Jordan Times* covered this event, and quoted Thafer Alem, secretary general of the Jordan Valley Authority, who said that the two sides will review the summer program, which is a contingency program of 25mcm, starting on May 15 and ending Oct. 15 each year²¹. This was agreed upon between Jordan and Israel until Israel can supply the Kingdom with the full 50mcm of additional water stipulated in the 1994 peace treaty. According to the report, "the peace treaty stipulates that Israel is to supply Jordan with an additional water source that is yet to be found. The issue is at the core of the controversy between the two sides."²² The agreement says that Israel should supply Jordan with 25mcms for three years until it sets up the desalination plant. To date, however, Jordan continues to receive the additional water from Israel and the plant has not been established²³.

The main outcome of the treaty is known to be the normalization of relations between the two countries and resolution of their territorial disputes. Its signing is closely linked with the efforts to establish peace and stability between Israel and Palestine. One of the main positive externalities of the treaty is known to be the Israeli-Palestinian Interim Agreement of 28 September 1995 also known as "Oslo II" that set out an agreed basis for cooperation and further

¹⁹ "114 Ministry of Foreign Affairs Statement on Water Agreement with Jordan," Israel Ministry of Foreign Affairs. May 27, 1997.

²⁰ "114 Ministry of Foreign Affairs Statement..."

²¹ *Jordan Times*, "Jordan, Israel to review water-sharing agreements." Sep 4, 2001.

<<http://www.jordanembassyus.org/09042001003.htm>>.

²² Ibid.

²³ Ibid.

negotiation on water. Bernard Wasserstein, in his book *Israelis and Palestinians: Why Do They Fight? Can They Stop?*, quoted the opening statement of principle of the Oslo II, stating

'Israel recognizes the Palestinian water rights in the West Bank.' Although full realization of these rights was postponed for negotiation in the permanent status agreement, practical arrangements were nevertheless concluded that settled many outstanding issues. Israel transferred to the Palestinian Authority administration of water and sewerage in the areas under its control. The two sides agreed to coordinate the management of water and sewerage resources and systems. The agreement stated that the Palestinians in the West Bank were to have access to additional water, in specified quantities and places and where necessary by new infrastructure, from the eastern branch of the inland aquifer.²⁴

Thus we see that, from this treaty and the reactions of scholars and political leaders in both countries, as well as political analysts in the western world, implementing a treaty is never a simple matter, especially when the basic amenity of life—water—is brought into conflict with the political interests of two parties who have had a history of disagreement. There is hope, however, as is evident from the quoted text above: what is required to meet the basic needs of the people, who at this moment suffer a lack of water, is the development and implementation of sewage treatment and additional water supplies. These requirements can be met by the signatory states in conjunction with developmental bodies and financing bodies, like the World Bank.

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²⁴ Wasserstein, 95-96.

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