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Dressing up domination as 'cooperation': the case of Israeli-Palestinian water relations

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Abstract. This article analyses the extent to which Israeli-Palestinian water relations were affected and transformed by the Oslo process. Focusing in turn on the management of water systems and supplies, the monitoring of water resources and the development of new supplies, the article suggests that many of the seeming and much-lauded achievements of the Oslo process were more cosmetic than real. Comparing Israeli-Palestinian water relations before and since the onset of the Oslo process, the article contends that the Oslo agreements did little more in this particular sphere than to dress up and discursively repackage Israel's domination of the West Bank water sector in a new vocabulary of Israeli-Palestinian 'cooperation'.

Introduction

Most mainstream narratives of the course of the Oslo 'peace process' characterise it according to what may be thought of as a 'breakthrough to breakdown' model.[1] Such narratives assume, first, that September 1993 marked a sharp discontinuity in Israeli-Palestinian relations, with the signing of the initial Oslo Accords opening 'a new era not only for the Middle East, but for the entire world'; second, that there were a series of further 'breakthroughs', most notably the Cairo and Oslo II agreements of 1994 and 1995, and the Palestinian elections of 1996; third, that there exist significant policy and attitudinal differences between Labour and Likud administrations, such that under the latter the peace process has inexorably tended towards 'breakdown'; and fourth, that the onset of the *al-Aqsa intifada* and the election of Ariel Sharon signal the final dissolution and reversal of all that was achieved during the mid-1990s.[2] The peace process has 'collapsed' and 'died' – though commentators differ in their views as to when this 'death' finally took place.[3]

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[1] I adopt this coupling of terms from Afif Safieh, *The Peace Process: From Breakthrough to Breakdown* (London: PLO, 1997).

[2] US President Bill Clinton, Remarks at the Signing of the Israeli-PLO Declaration of Principles, Washington DC, 13 October 1993.

[3] For a sample of such differing opinions, see David Makovsky, 'Oslo is not Dead. It Cannot Die', *Ha'aretz*, 28 August 1998.

Only a few – the exceptions being critics such as Noam Chomsky and Edward Said – have questioned whether the Oslo process was ever really 'alive' in the first place, and whether it ever constituted the enormous breakthrough that it was so often presented as being.[4]

The Oslo process did of course bring about significant changes. It led to Israeli recognition of the PLO as the 'representative' (if not 'legitimate representative') of the Palestinian people; to the creation of an internationally recognised Palestinian Authority (PA), with (albeit highly circumscribed) symbolic, legislative, administrative, policing and territorial powers; to the return of countless Palestinian and especially PLO 'outsiders' to the West Bank and Gaza, and the subordination of Palestinian 'insiders' to these new political and economic elites; to the limited rstructuring of both Israeli-Palestinian economic relations, and the internal Palestinian economy (most notably through the massive influx of international aid, and through the creation of the PA system and PA-dominated monopolies); and it led to (so far ill-fated) negotiations towards a final settlement of the Israeli-Palestinian conflict.[5] Equally, the Oslo process has clearly in large measure broken down since Autumn 2000. Nonetheless, the 'breakthrough to breakdown' model represents but one way of reading the short history of the Oslo process. Many of the 'changes' that the Oslo process brought about were more cosmetic than real. Moreover, with the benefit of time, it may well be that the Oslo process is viewed less as a period of breakthrough between two distinct periods of violence (the *intifadas* of 1987–93 and 2000–), than as a brief and relatively unimportant interlude within a single and increasingly militarised era of *intifada*-cum-war. Whether the signing of the initial Oslo Accords 'opened a new era for the Middle East' remains a moot point, and subject to historical reinterpretation. In light of the 'collapse' of the 'peace process', and the rapidly escalating state of war in the West Bank and Gaza, reinterpretations of this ill-fated process are more urgently needed than ever.

Given this, my aim in this article is to offer a reassessment of the course of (one sphere of) the Oslo process; to offer a counternarrative, that is, which lays stress primarily on the continuities between the 'pre-Oslo', 'Oslo' and 'breakdown' periods, rather than on the discontinuities between them. With this broad aim in mind, I focus specifically on the management of water resources, systems and supplies within the West Bank. The development of cooperative mechanisms for managing the West Bank's water resources, systems and supplies has often been lauded as one

[4] See, inter alia, Chomsky, *Fateful Triangle: The United States, Israel and the Palestinians*, 2nd edn. (London: Pluto, 1999), ch. 10; and Said, *Peace and its Discontents: The Struggle for Palestinian Self-Determination 1969–1994* (London: Vintage, 1995).

[5] For excellent general accounts of these developments, see especially Chomsky, *Fateful Triangle*; Nick Guyatt, *The Absence of Peace: Understanding the Israeli-Palestinian Conflict* (London: Zed, 1998); Said, *Peace and its Discontents*; Said, *The End of the Peace Process: The Rise and Fall of the Oslo Process* (London: Granta, 2000); Graham Usher, *Dispatches From Palestine: The Rise and Fall of the Oslo Peace Process* (London: Pluto, 1999); and Usher, *Palestine in Crisis: The Struggle for Peace and Political Independence After Oslo*, 2nd edn. (London: Pluto, 1997). On 'inside'–'outside' relations, see especially Hillel Frisch, *Countdown to Statehood: Palestinian State Formation in the West Bank and Gaza* (Albany, NY: State University of New York Press, 1998); on the political–economic dimensions of the Oslo process, see especially Sara Roy, 'De-Development Revisited: Palestinian Economy and Society since Oslo', *Journal of Palestine Studies*, 28 (1999), pp. 64–82; and on the impact of foreign aid, Rex Brynen, *A Very Political Economy: Peacebuilding and Foreign Aid in the West Bank and Gaza* (Washington, DC: US Institute of Peace, 2000).

of the major successes of the Oslo process. I contend, to the contrary, that routine cooperation between Israeli and Palestinian water managers was taking place long before the onset of the Oslo process, and that the distribution of powers and responsibilities between these Israeli and Palestinian water managers changed little between the pre-Oslo and Oslo periods. Much of what had previously been patron–client relations under occupation were suddenly discursively repackaged and represented as instances of Israeli-Palestinian 'co operation'. Moreover, the problems that have beset 'cooperation' in the water arena since Oslo owe very little to policy differences between the Labour and Likud administrations. On the contrary, in terms of the control and management of the West Bank's water resources, systems and supplies, the continuities between the 'pre-Oslo', 'Oslo' and 'breakdown' periods are much more striking than the discontinuities between them. The main consequences of the Oslo water agreements, I argue, were not any significant transfer of power between Israelis and Palestinians, but rather three things: the construction of extra layers of bureaucracy which had few new powers, and which above all served to symbolise and dissimulate Palestinian autonomy; a transfer of power from Palestinian 'insiders' to PLO 'outsiders' returning from Tunis; and a transfer of some of the burdens of occupation from Israel to both the PA and the international donor community. With regard to Israeli-Palestinian relations, however, the Oslo process did little more in this particular sphere than to dress up domination as 'cooperation'.

The water issue is often presented as being absolutely pivotal to the future of Israeli–Palestinian relations, and to the peace process in particular.[6] I am not of this view, and my aim in focusing on the water issue is not one of emphasising its importance relative to other fields of Israeli-Palestinian relations. My hope, rather, is that by detailing how an illustrative area of 'low politics' has been affected by the Oslo process, it might be possible to free ourselves from the rhetoric of 'cooperation', 'peace', 'breakthrough' and 'breakdown' which so bedevils analysis of the 'high politics' of the Oslo process, and to show instead how the fine fabric of Palestinian self-rule has often differed in little more than name from that which preceded it.

The main body of the article comes in two parts. The first and shorter one focuses on the water accords of the Oslo II agreement, which formally inaugurated a system for the coordinated management of the West Bank's waters: I detail these accords' main features, and draw attention to some of the excitement to which the Oslo II 'breakthrough' gave rise. The second and longer section endeavours to dig beneath the surface of these apparently new cooperative mechanisms, and to show that all is not quite as it seems. Focusing in turn on (a) the management of resources systems and supplies, (b) the monitoring of water resources, and (c) the development of new supplies, I argue that while the Oslo process has led to some improvements in water supply to the West Bank's Palestinian communities, the Oslo II water accords did

[6] Take, for instance, the words of Thomas Naff, testifying before the US Congress on 26 June 1990: 'If the crisis is not eased, it will result in a significant rise in the probability of an outbreak of warfare … It is water, in the final analysis, that will determine the future of the occupied territories … and by extension, the issue of conflict or peace' , cited in Isam Shawwa, 'The Water Situation in the Gaza Strip', in Gershon Baskin (ed.), *Water: Conflict or Cooperation?* (Jerusalem: Israel/Palestine Center for Research and Information, 1992), p. 36.

little more than to formalise, and in the process legitimate, management systems and relations which for the most part were already in existence.[7]

The Oslo II breakthrough

Of the water agreements so far achieved between Israel and the PLO, by far the most important are to be found within the September 1995 Oslo II Agreement. The 1993 Declaration of Principles had said very little regarding water issues, calling for the creation of a 'Palestinian Water Administration Authority', and for '[c]ooperation in the field of water' – but beyond these vague commitments the Declaration had barely mentioned the issue.[8] Building upon this, the 1994 Cairo Agreement had stipulated that, with the exception of water supplies to Israeli settlements and military areas, all water resources and systems in Gaza and the Jericho Area would be 'operated, managed and developed' by the PA.[9] Neither Gaza nor the Jericho Area, however, are home to abundant water resources: both of them are downstream areas with shallow and highly saline underground reserves, ones that, if mismanaged, could do little to endanger Israeli water supplies. The Cairo articles on water hardly betrayed evidence of Israeli generosity. By contrast, the water accords of the Oslo II Agreement seemingly paved the way for the joint Israeli-Palestinian management of the West Bank's rich underground water resources.

Oslo II contained the first explicit and unequivocal recognition of 'Palestinian water rights in the West Bank', precise details of which would be agreed upon during permanent status negotiations.[10] More significantly (at least in the short-term), Oslo II committed Israel and the PA to establishing a 'Joint Water Committee' (JWC), with responsibility for overseeing the management of all of the West Bank's water and sewage resources and systems.[11] The JWC would operate in seemingly egalitarian fashion: it would be made up of an equal number of Israeli and Palestinian representatives, and decisions within it would be reached by consensus.[12] The JWC would have overall authority for surveying and protecting existing resources, for developing supplies, for maintaining existing infrastructures, and for constructing new ones.[13] The JWC would not, however, be responsible for the day-to-day management of resources and systems; it would function, rather, as a coordinating body, with most on-the-ground work being undertaken separately by one or other of the parties. Thus particular water and sewage systems would be controlled by either

[7] In what follows, I focus only on the substance of agreements reached, and say nothing of the negotiations which lay behind them. It should become apparent, though, that the substance of the Oslo II water accords does not reflect well on the Palestinian negotiators involved. For discussion, see Jan Selby, *Water, Power and Politics: An International Theoretical Analysis of the Palestinian Water Crisis*, Ph.D. thesis, Lancaster University, 2000, pp. 230–42.

[8] Israel and the PLO, Declaration of Principles on Interim Self-Government Arrangements (Washington, DC, 13 September 1993), Article 7 (4); Annex III (1).

[9] Israel and the PLO, Agreement on the Gaza Strip and the Jericho Area (Cairo, 4 May 1994), Annex II, Article 2 (B.31.a).

[10] Israel and the PLO, Interim Agreement on the West Bank and the Gaza Strip (Washington, DC, 28 September 1995), Annex III, Appendix 1, Article 40 (1).

[11] Ibid., Article 40 (11, 12).

[12] Ibid., Article 40 (13, 14).

[13] Ibid., Article 40 (12); Schedule 8.

Israel or the PA: those systems 'related solely to Palestinians', which until then were 'held by the military government and Civil Administration', would be transferred to the PA, while all other systems would remain under Israeli control.[14] Israeli and Palestinian water authorities would operate separately, but under the overall control and direction of the JWC. Irrespective of its name, the JWC would be a 'coordinated' and not a 'joint' management structure.[15]

Oslo II also stipulated that the two sides would establish, under the supervision of the JWC, 'no less than five Joint Supervision and Enforcement Teams (JSETs)', for the monitoring and policing of the West Bank's precious water resources, systems and supplies.[16] As with the JWC itself, the JSETs would operate according to strictly egalitarian principles: each of them would be comprised of 'no less than two representatives from each side', and each side would have its own vehicle and cover its own expenses.[17] The JSETs teams would be responsible for locating unauthorised water connections, for supervising infrastructure developments, and for monitoring well extractions, spring discharges and water quality.[18]

Such management duties aside, one of the major and immediate tasks of the JWC would be to oversee the development of additional waters for the West Bank's Palestinian communities. Oslo II committed Israel and the PA, between them, to developing during the interim period 23.6 million cubic metres per year (mcmy) of water from the West Bank's underground aquifers, 'in order to meet the immediate needs of the Palestinians'.[19] Oslo II also defined 'the future needs of the Palestinians' at an additional 70 to 80 mcmy.[20] To put these figures in perspective, it is worth noting that, as of 1995, total water use amongst West Bank Palestinians stood at a mere 118 mcmy.[21] The clear promise of Oslo II was that the West Bank's Palestinian communities would soon be receiving significant new and additional quantities of water.

Commentators have routinely praised these terms as amongst the most significant of the Oslo II Agreement. The Israeli press lauded the agreement on water rights as a 'breakthrough'.[22] Some observers have claimed – with a hyperbole that is unfortunately all too frequent when it comes to discussion of Middle Eastern water issues – that the Oslo II water accords constitute the most significant result to date of the entire Oslo process.[23] Others, more judiciously, have contended that the 'water provisions of the Interim [Oslo II] Agreement represent a major step towards a permanent Israeli-Palestinian accommodation over water', a 'step in the direction of an equitable water-sharing arrangement'.[24] Not all have agreed, of course. From the

[14] Ibid., Article 40 (4); Schedule 8 (2.a, b).
[15] Ibid., Article 40 (12); Schedule 8.
[16] Ibid., Schedule 9 (1).
[17] Ibid., Schedule 9 (2, 3).
[18] Ibid., Schedule 9 (4).
[19] Ibid., Article 40 (7).
[20] Ibid., Article 40 (6).
[21] Ibid., Schedule 10.
[22] 'Negotiators Achieve Breakthrough on Water Rights,' *Israel-Line*, 25 August 1995.
[23] Elaine Fletcher, 'Israel, PLO Make Deal on West Bank Water', *The San Fransisco Examiner*, 21 September 1995; and citing her, Alwyn Rouyer, *Turning Water into Politics: The Water Issue in the Palestinian-Israeli Conflict* (London: Macmillan, 2000), p. 202.
[24] Greg Shapland, *Rivers of Discord: International Water Disputes in the Middle East* (London: Hurst and Co., 1997), p. 35; Rouyer, *Turning Water into Politics*, p. 207.

Israeli right, the Oslo II terms have been denounced as 'a giveaway of our water to the Arabs', one that irrevocably effects a 'loss of control over a major part of the country's natural water sources to Arab authorities'; as one critic has put it, 'for Israel, the hydro-political future in the wake of the Oslo Accords appears both bleak and risk-fraught'.[25] Yet critical as these right-wing Israeli voices have been, they have nonetheless depicted the Oslo II terms on water as marking, if not a positive 'breakthrough', then at least a sharp discontinuity in the management and control of the West Bank's waters. International observers and Israeli critics alike have generally perceived these water provisions as 'opening a new era' in Israeli-Palestinian water relations.

Most have likewise evinced stark differences between Israel's various Likud and Labour administrations in their attitudes towards water cooperation with the Palestinians. Commentators have suggested that the 'transition' promised by Oslo II thereafter gave way to 'stalemate', such that, after 1997, cooperation within the JWC largely came to a halt.[26] PA water officials have argued along similar lines that Netanyahu's Likud administration 'continuously attempted to destroy the agreements and destroy water projects', and furthermore, that 'there was nothing wrong with the agreement', the problems lying instead in the interpretation and implementation of this agreement by a hostile Israeli government.[27] For some, the election of Ehud Barak in May 1999 and the subsequent agreement of the Sharm-El-Sheikh Memo raised new 'hope and optimism' that outstanding water issues might be resolved.[28] In one way or another, all such commentators have conformed to a 'breakthrough to breakdown' narrative of the peace process as a whole, and of Israeli-Palestinian water cooperation in particular.

There have admittedly been some exceptions to this general rule. Many Palestinian water experts, for instance, criticised the Oslo II Agreement for its deferral of water rights questions to final status negotiations, as well as for its tacit legitimation of Israeli access to 'Palestinian water resources' for the duration of the interim period.[29] Implicit in such criticisms is the claim that the Oslo II water provisions do not constitute a significant breakthrough, and to the extent that Oslo II does not address water rights issues, and granted Israeli settlers continuing access to West Bank water supplies, these criticisms are surely valid (under the terms of Oslo II,

[25] Dan Zaslavsky, cited in Rouyer, *Turning Water into Politics*, p. 206; Martin Sherman, *The Politics of Water in the Middle East: An Israeli Perspective on the Hydro-Political Aspects of the Conflict* (London: Macmillan, 1998), pp. 108, 112–3.

[26] Rouyer, *Turning Water into Politics*, ch. 7; and Nurit Kliot, 'A cooperative framework for sharing scarce water resources: Israel, Jordan, and the Palestinian Authority', in Hussein Amery and Aaron Wolf (eds.), *Water in the Middle East: A Geography of Peace* (Austin: University of Texas Press, 2000), p. 204.

[27] Fadel Qawash, Deputy Head of the PWA, quoted in *Al Quds*, 16 April 1998, p. 22; Qawash, PWA Press Conference, 22 August 1998.

[28] Rouyer, *Turning Water into Politics*, p. 213; Rouyer, 'Implementation of the Water Accords in the Oslo II Agreement', *Middle East Policy*, 7 (1999), p. 113.

[29] Interviews with Abdul Karim Asa'd, General Manager, Jerusalem Water Undertaking, Ramallah District, 20 July 1998; and Abdul Rahman Tamimi, General Director, Palestinian Hydrology Group, 19 April 1998; Tamimi, 'A Technical Framework for Final Status Negotiations over Water', *Palestine–Israel Journal of Politics, Economics and Culture*, 3 (1996), p. 70–2; see also comments in Allegra Pacheco, 'Oslo II and Still No Water', *Middle East International*, 3 November 1995, pp. 18–19; and Darci Vetter, *The Impact of Article 40 of the Oslo II Agreement on Palestinian Water Provision* (Jerusalem: LAWE, 1995).

Israel would continue to consume 87 per cent of the total water yield of the West Bank's two trans-boundary aquifers for the duration of the interim period, with Palestinians consuming a mere 13 per cent of these waters).[30] Nonetheless, such criticisms do not in my view go quite far enough, since they merely criticise the 'joint management' mechanisms set in place by Oslo II, without questioning whether these new mechanisms were really as novel as they may at first have seemed. Focusing in particular on this latter issue, I will attempt to show below that much of what was agreed in the Oslo II negotiations did little more than to formalise and legitimate management structures and relations which were already very much in existence.

The repackaging of occupation

Israel's recognition of Palestinian water rights aside, the Oslo II water accords achieved three main things: they inaugurated a formal system for the coordinated management of the West Bank's water resources, systems and supplies; they established a formal system of teams (the JSETs) for supervising and monitoring these resources, systems and supplies; and they stipulated that additional water would be made available to the West Bank's Palestinian communities. But precisely how new – and how significant a 'breakthrough' – were each of these apparent achievements?

Managing resources, systems and supplies

In order to clarify the impact of Oslo II on the management of resources, systems and supplies, two initial points must be made, first regarding institutional arrangements prior to the onset of the Oslo process, and second regarding the design and structure of the West Bank's water supply network.

Even before the end of the 1967 June War, Israel had acted to establish formal rules governing its control over the West Bank and Gaza. All 'powers of government, legislature, appointment and administration in relation to the region or its inhabitants' were placed in the hands of the Military Governor.[31] Under him, a Water Officer was entrusted with full control over water-related matters within the West Bank.[32] This Israeli Water Officer and the Water Department of the Military Government (later the Civil Administration) became responsible for the allocation of permits and licences, and effected policy dictated by the Water Commission (which oversees and coordinates all water policy in Israel) and the Ministry of Defence. Israel's parastatal water company, Mekorot, also had significant administrative influence, especially after 1982 when the then Defence Minister Ariel Sharon oversaw the transfer of ownership of all water supply systems in the territories to the company – which paid

[30] Figures derived from Israel and the PLO, Interim Agreement, Annex III, Appendix 1, Schedule 10.
[31] Military Proclamation no. 2 (7 June 1967), as cited in Sharif Elmusa, *Water Conflict: Economics, Politics, Law and the Palestinian-Israeli Water Resources* (Washington, DC: Institute for Palestine Studies, 1997), p. 263.
[32] Military Order no. 92 (15 August 1967), as cited ibid., p. 265.

for these assets (estimated at a value of 5 million shekels) a symbolic price of just one shekel.[33] Under occupation, and especially from 1982 onwards, the West Bank's water resources and systems were firmly under Israeli control.

Palestinians did nonetheless play a key role in the lower-level management of the West Bank water sector. Prior to 1967, this sector had been administered by the West Bank Water Department, answerable to the Jordanian Natural Resources Authority (NRA).[34] In 1967, however, the Water Department was relocated from Jerusalem to a site adjacent to the Israeli military headquarters at Beit El, where it was placed under the authority of the Military Government.[35] Although some Israelis came to work there, the Water Department continued to be staffed mainly by those Palestinians who had previously worked under the NRA. Prior to 1967 the Water Department had fulfilled a wide range of administrative tasks, having had its own drilling rigs, for instance; after 1967, these fell into disrepair and the Water Department was effectively de-institutionalised.[36] Thereafter the Water Department was only responsible for mundane functional tasks, such as maintaining the West Bank's water network, controlling the volume and flow of water supplied to Palestinian communities (by opening and closing supply valves), and billing (the Water Department would in turn be billed by Mekorot).[37] Thus although after 1982 it was Mekorot which owned the West Bank's water supply infrastructure, and controlled abstraction rates from West Bank wells, it was the Palestinian staff of the Water Department who were directly responsible for liaising with Palestinians.

The full significance of this arises from the fact that the Water Department's relations with Palestinians were quite different from those that it had with Israeli settlers. The Water Department was not allowed to close supply valves feeding Israeli settlements, and hence only rationalised supplies to Palestinian communities (this explains why Israeli settlements received constant water supplies, while Palestinian communities would be subjected to lengthy cuts).[38] Moreover, settlers were billed by Mekorot rather than by the Water Department, and as in Israel itself, paid for their water at highly subsidised rates, such that the settlers paid much lower rates than their Palestinian counterparts (since Mekorot charged the Water Department at non-subsidised rates). The Water Department hence functioned as a key institutional interface between the military authorities and the occupied Palestinian population, ensuring that Israel's discriminatory water distribution and billing policy could be effected without any direct contact between Israeli water officials and Palestinian users. It functioned essentially as a client institution.

Palestinian municipalities and village councils also played a key role in local water management. Municipalities and village councils were responsible for maintaining internal networks and for billing individual households within them (forwarding

[33] State Comptroller of Israel, *Report on the Management of Water Resources in Israel* (Jerusalem: Government of Israel, 1990). For discussion, see Rouyer, *Turning Water into Politics*, p. 53; and Jerusalem Media and Communication Centre, *Water: The Red Line* (Jerusalem: JMCC, 1994), p. 46.
[34] Elmusa, *Water Conflict*, p. 270–1.
[35] Interview with Taher Nassereddin, Palestinian Head, West Bank Water Department, 12 April 1998.
[36] Elmusa, *Water Conflict*, pp. 271–2; and interview with Taher Nassereddin, 12 April 1998.
[37] Interview with Taher Nassereddin, 12 April 1998.
[38] Ibid., and interview with Abdul Rahman Tamimi, General Director, Palestinian Hydrology Group, 19 April 1998.

these payments to the Water Authority, which in turn made payments to Mekorot).[39] In addition to this, the larger municipalities such as those of Hebron and Bethlehem operated rotation systems, opening and closing supply valves to ensure that, despite supply shortfalls, water would be received at sufficiently high pressures within at least some parts of their internal networks. In each of these various regards, both the Water Department and the countless municipalities and village councils were absolutely pivotal to the management of the West Bank water sector under occupation.

Prior to 1967, the West Bank's water supply systems had been essentially local, with towns and villages supplied by local springs and generally shallow wells. However, under occupation, and especially after Mekorot was granted control of these systems in 1982, the structure and design of the West Bank's water supply infrastructure was wholly transformed. Deep wells were dug into the West Bank's aquifers, and new supply lines were laid from these, supplying both existing Palestinian communities and the many new and expanding Israeli settlements. Other Israeli settlements and Palestinian towns and villages, especially those located adjacent to the Green Line, were connected to and supplied from sources within Israel. Come the onset of the Oslo process in 1993, therefore, the West Bank's water supply systems were structured such that they both conjoined Israeli and Palestinian communities within the West Bank, and were integrated into Israel's broader national water supply network.

The effects of these pre-Oslo institutional and infrastructure arrangements were stark indeed, discriminating sharply between Israelis and Palestinians. As a result of these arrangements, *per capita* domestic water supplies to Palestinians in the West Bank and Gaza averaged just 38 cubic metres per year (cmy) in 1995, compared to the 100 cmy supplied to the average Israeli citizen.[40] By one (Israeli) estimate, the average West Bank settler was in receipt of twelve times as much water as the average West Bank Palestinian.[41] If water losses are taken into account, net *per capita* municipal supplies in the West Bank averaged only 17 cmy.[42] Only half of the West Bank's villages had any access to piped water at all.[43] And even those Palestinian communities which did have such access had to endure intermittent supplies during the summer months. Towns such as Hebron and Bethlehem would be subject to supply rotations (such that water would be supplied to each area of town one week in every three, as was the case in Bethlehem), and many peripheral and high-lying households would go without piped supplies for a period of three or more months each summer. Isolated villages connected to water supply networks would in some cases go five or more months without piped supplies.[44] Palestinians

[39] Some Palestinian households were supplied directly by the Water Department; the vast majority, however, received water through their municipalities and village councils.

[40] CES/GTZ, *Middle East Regional Study on Water Supply and Demand Development, Phase 1 Report* (August 1996), p. S-4 (prepared by Israeli, Jordanian and Palestinian study teams for the Multilateral Working Group on Water Resources).

[41] Ze'ev Schiff and Ehud Ya'ari, *Intifada: The Palestinian Uprising – Israel's Third Front* (New York: Simon and Schuster, 1989), p. 97. Schiff and Ya'ari are reporting figures given by the one-time head of Israel's Civil Administration in the West Bank.

[42] CES/GTZ, *Middle East Regional Study on Water Supply and Demand Development Concluding Report* (February 1998), p. 7. 'Net supplies' are total water supplies minus water losses; 'municipal supplies' differ from 'domestic' in also including water put to industrial and other urban uses.

[43] World Bank, *Developing the Occupied Territories: An Investment in Peace, vol. 5: Infrastructure* (Washington DC: World Bank, 1993), p. 45.

[44] Selby, *Water, Power and Politics*, pp. 108–19.

would also be charged much more for a cubic metre of water than Israelis, and more still compared to Israeli settlers.[45] It was in large part the patron-client structures created by the Israeli occupation authorities which enabled them to effect such discrimination.[46]

As has already been noted, the water accords of the Oslo II Agreement set in place mechanisms for the coordinated management of the West Bank's water resources, systems and supplies. A Joint Water Committee (JWC) would be established to oversee this coordinated management system. Supply infrastructures, however, would not be managed directly by the JWC, but by one or other of the parties; systems 'related solely to Palestinians' would be 'operated and maintained by the Palestinian side solely', while all other systems would remain under Israeli control.[47] The implications of this should by now be readily apparent. The Palestinians would henceforth be responsible for maintaining and operating internal systems within Palestinian towns and villages, as well as those connections to such internal systems which did not feed Israeli settlements. Yet given that by 1995 Israeli and Palestinian water supply networks were thoroughly integrated, this did not promise the Palestinians a great deal: Israel would continue to control the vast majority of supply lines, and would also continue to control the numerous deep wells which had been drilled since 1982, since these all supplied at least some Israeli settlements. Moreover, given that most local water supply and infrastructure management within the West Bank was already being undertaken by Palestinians – both by the West Bank Water Department, and by municipalities and village councils – the seeming novelty of Oslo II's coordinated management system was largely illusory. The water accords of the Oslo II Agreement merely formalised a supply management system which had been in operation for years, presenting it, misleadingly, as part of an egalitarian-sounding 'joint' and 'coordinated' management system.

Very much the same can be said regarding water prices. Oslo II stipulated that 'in the case of purchase of water by one side from the other, the purchaser shall pay the full real cost incurred by the supplier, including the cost of production at the source and the conveyance all the way to the point of delivery'.[48] At first glance this would appear fair and reasonable. As noted above, however, the Israeli authorities would continue to exercise control over the West Bank's water resources, and over all 'upstream' facilities, such that the Israeli authorities would always be the 'suppliers', Palestinian authorities and communities the 'purchasers'. Moreover, the terms of this article apply only to transactions between Israelis and Palestinians, placing no constraints on purchases by Israeli settlers. Yet as we have already seen, the latter pay for their water at highly subsidised rates. Thus under the reasonable-sounding terms of Oslo II, Palestinians would have no option but to pay the 'full real cost' of

[45] According to one source, settlers pay US$0.40/cm for domestic water and $0.16/cm for agricultural uses, while Palestinians pay a standard rate of $1.20 for piped supplies for both domestic and agricultural purposes. Jad Isaac and Jan Selby, 'The Palestinian Water Crisis: Status, Projections and Potential for Resolution', *Natural Resources Forum*, 20 (1996), pp. 18–20.

[46] In saying this, my intention is in not to at all blame those working in the Water Department for their role in effecting Israeli policies. Those living under occupation of course have to earn a living, as is all too evident from the countless number of Palestinians who work in Israeli settlements. My aim is to draw attention to a structure of relations, rather than to assign any responsibility.

[47] Israel and the PLO, Interim Agreement, Annex III, Appendix 1, Article 40 (4); Schedule 8 (2.b).

[48] Ibid., Article 40 (18).

production and supply to the Israeli authorities, while these same authorities would be free to continue supplying settlers at rates well below the real cost of production and supply. As with the management of systems and supplies, Oslo II simply legitimised a discriminatory pricing mechanism which had existed since well before 1995.

Beyond this, the Oslo II arrangements had one extra benefit for Israel. Since the onset of the *intifada* in 1987, the West Bank Water Department had been facing increasing levels of non-payment by Palestinian municipalities and individuals, such that by 1995 it had debts of around US$4.5 m. With the inauguration of a formal 'joint management' system, these debts suddenly became taken on by the Palestinian side, being covered by the Palestinian Ministry of Finance.[49] The formalisation of Israeli-Palestinian cooperation had enabled Israel to divest itself of some of the most onerous burdens of occupation, without losing control of either water resources or supplies to Israeli settlements, and without having to forego its discriminatory pricing policy.

Monitoring resources

If we turn now to consider the Joint Supervision and Enforcement Teams (JSETs), we find something conspicuously similar. Besides maintaining the West Bank's water networks, one of the Water Department's main tasks under occupation involved monitoring the West Bank's springs and wells. In this, Palestinian technicians within the Water Department followed a system developed during the late 1960s and early 70s under the direction of the Israeli Hydrological Service (IHS).[50] As early as September 1967, the IHS and Water Department had begun developing procedures for the monitoring of the territory's water resources. By the early 1970s, a hydrological monitoring system was in full operation. Monitoring was for a time conducted jointly by Israeli and Palestinian technicians, but thereafter only by the latter.[51]

Oslo II stipulated that 'no less than five' JSETs would be established under the direction of the JWC to monitor and police the West Bank's water resources, systems and supplies.[52] Three such teams were immediately established, each of them responsible for hydrological monitoring.[53] The twist here lies, however, in the fact that these three JSETs followed precisely the same monitoring system as had been followed since the early 1970s by the West Bank Water Department. Monitoring was conducted by the same Palestinian technicians, and in line with the very same procedures and schedule; and data was recorded on forms which barely

[49] Interviews with Taher Nassereddin, 12 April 1998, and Mohammed Jaas, West Bank Water Department, 18 August 1999. By 1998, these Water Department debts had risen to $8 m.

[50] Interview with Mustapha Nuseibi, Head, Hydrological Monitoring, West Bank Water Department, 27 June 1998; also Water Resources Action Programme, *Hydrological Monitoring in Palestine: Status and Planning of the National Programme*, Report for the Palestinian Water Authority (June 1996).

[51] Interview with Mustapha Nuseibi, 27 June 1998.

[52] Israel and the PLO, Interim Agreement, Annex III, Appendix 1, Schedule 9 (1).

[53] Interviews with Mustapha Nuseibi, 27 June 1998; and Taher Nassereddin, 15 August 1998.

differed from those which had been used prior to the Oslo II Agreement.[54] Formally speaking, a state of 'joint supervision' and cooperation had replaced one of occupation and domination, but in terms of the monitoring work which was actually undertaken, changes were only minimal and by no means altogether positive for the Palestinians.

The new JSETs regime brought about three main changes, none of which are as significant or as beneficial as they may initially appear. First and most obviously, the Water Department's workers were now accompanied on site visits by Israelis. Nonetheless, the Palestinians remained the ones conducting hydrological readings, with the Israeli teams 'just writing down the numbers'.[55] Hence in this regard, the new JSETs system did little more than to return monitoring procedures to those of the early 1970s, when Israeli technicians accompanied their Palestinian counterparts around the West Bank's water sources. Second, whereas under occupation Palestinian technicians would carry out their work without any escort, JSETs teams are always accompanied by Israeli soldiers, and sometimes also by Palestinian police. Yet here too an important rider must be offered: given that the West Bank is so fragmented between these zones, and given also that adjacent districts are under the control of different military and police officers, the task of organising security convoys unsurprisingly causes immense logistical difficulties, and consumes a large amount of time.[56] Indeed, according to the JSETs' Palestinian coordinator, monitoring now takes 'double the time' that it did under occupation.[57] In each of these regards, the main achievement of the JSETs regime was simply to create an extra layer of bureaucracy and a great deal of additional labour for Israeli and Palestinian water managers.

Thirdly, following the agreement the Palestinians became entitled to make use of JSETs data. Under occupation, the Water Department had no means of aggregating and abstracting data, and hence record sheets were simply stored in the office by Beit El, copies being collected once a month by someone from the IHS.[58] By contrast, the Water Department now forwards copies of its records to the Palestinian Water Authority (PWA) which, with the support of various international donors, has since 1996 been developing its own water resource databases.[59] Both Israeli and Palestinian water authorities now have access to JSETs data. This is evidently significant, and might well be taken as grounds for characterising the new JSETs system as a prime example of truly 'joint management'. Nonetheless, the PWA has been utterly dependent on international donors in developing its water databases –

[54] Prior to the Oslo II Agreement, water data was recorded on forms headed 'State of Israel, Ministry of Agriculture, Water Commission, Hydrological Service', to be signed by an Observer and a District Engineer. Thereafter, the forms were reheaded 'Joint Water Committee, JSETS – Joint Supervision and Enforcement Team – Israeli-Palestinian', and were to be signed by an Observer, a District Engineer, and representatives of the Israeli and Palestinian Teams (in practice, the Observer and District Engineer once again). In all other respects these two sets of forms were identical.

[55] Interview with Mustapha Nuseibi, 27 June 1998.

[56] Interviews with Schmuel Kantor, Coordinator Special Duties, Water Commission, and Special Advisor, Mekorot, 13 August 1998; Taher Nassereddin, 15 August 1998; Mustapha Nuseibi, 27 June 1998; Schmuel Zaslavsky, Chief Engineer, Mekorot, Ramle, 24 August 1998; and Rouyer, *Turning Water into Politics*, p. 226.

[57] Interview with Mustapha Nuseibi, 27 June 1998.

[58] Ibid.

[59] Interview with Basema Bashir, Manager, Hydrological Information System, PWA, 4 April 1998.

and donors have shown little interest in funding such low profile work, being much keener to 'fly the flag' over highly visible and prestige projects.[60] The PWA, in addition, has had little access to past hydrological data, and neither does it have access to some of the most important current data, since the Israeli authorities have refused to transfer key information on extraction levels from wells located within Israeli settlements.[61] Given this, the PWA's water databases are heavily incomplete and of little practical utility, such that Palestinian water planners and negotiators and international donors alike have remained wholly reliant on Israeli databases, plans and models.[62] Israel has traditionally kept tight and secretive reins over its most important water-related information, and has arguably used this info-control to its advantage in negotiations with the Palestinians.[63] While under Oslo II the PA has been granted the opportunity to use Palestinian-collected data – no longer do the Palestinians simply transfer record sheets to the Israeli authorities – the PA is nonetheless denied the opportunity of making meaningful use of this information. There may well now exist a formal mechanism for the 'joint supervision' of the West Bank's water resources, but it is one which continues to enshrine overall Israeli control over water-related information.

Developing new supplies

So much one might be willing to concede; but didn't the Oslo II Agreement also hold out the promise of additional water supplies for the West Bank's Palestinian communities? Indeed it did: 23.6 mcmy would be made available within the West Bank in order to meet the 'immediate needs of the Palestinians . . . during the interim period', while a further 41.4–51.4 mcmy would be developed to meet the 'future needs' of West Bank Palestinian communities.[64] Yet significant as these provisions undoubtedly are, their overall import is qualified in a number of regards.

In the first place, these provisions placed only a minimal burden on Israel. Of the total promised new and additional supply to the West Bank of 65–75 mcmy, Israel would be financially responsible only for the development of 4.5 mcmy, with the Palestinians bearing the capital costs of developing the remaining 61.5–71.5 mcmy. Moreover, Israel would have to sacrifice only a minimal loss of water, since of the planned additional West Bank supply of 65–75 mcmy, Israel would only have to supply 3.1 mcmy from its national water system.[65] In these respects, the Oslo II Agreement simply enabled Israel to divest itself of the burden of developing much-needed additional waters for the Palestinians, transferring the financial burden for improving Palestinian water supplies from Mekorot to the international donor community and in turn the PA (which will at some point have to start repaying its soft loans to international donors).

[60] Selby, *Water, Power and Politics*, pp. 251–90; and for general discussion Brynen, *A Very Political Economy*.
[61] Interviews with Taher Nassereddin, 12 April 1998, and 15 August 1998; and interview with leading Israeli water expert (to remain anonymous).
[62] Interviews with Basema Bashir, 4 April 1998, and Schmuel Kantor, 13 August 1998.
[63] For discussion of this secrecy, see especially Rouyer, *Turning Water into Politics*, pp. 15–17, 135–8.
[64] Israel and the PLO, Interim Agreement, Annex III, Appendix 1, Article 40 (7), (7.b.vi).
[65] Ibid., Article 40 (7).

All of the water not made available by Israel from its national water network would be developed 'from the Eastern Aquifer and other agreed sources in the West Bank'.[66] The Eastern Aquifer was named here in particular because, according to Israeli-derived hydrological data included alongside the Oslo II water accords, this was the only one of the West Bank's three underground bodies of water which was not yet being exploited to its fullest. By happy coincidence, its additional potential yield – estimated in Oslo II as 78 mcmy – would be just sufficient to meet all of the Palestinians' immediate and future water needs.[67] However, there is compelling evidence that it vastly overstates the remaining potential of the Eastern Aquifer. Water table levels are already rapidly declining in parts of the aquifer; much of its waters are highly saline, and would possibly need to be desalinated at great expense if they were to be used for domestic or agricultural purposes; most startlingly of all, one of the Israeli hydrologists who produced the figure of 78 mcmy discounts the possibility that its entirety could be exploited on a sustainable basis.[68] The PWA and international donors have started developing new supplies from the Eastern Aquifer, its first new waters having come on tap in late 1999.[69] Nonetheless, the remaining potential of the aquifer is far below that officially given in the Oslo II Agreement. Thus by way of a second qualification, it can be said that the newly-granted Palestinian right to further develop the Eastern Aquifer – seemingly an act of great Israeli generosity – is unlikely to yield its expected and hoped-for benefits.

As a third qualification, the structure of the JWC also serves to set constraints on Palestinian development of the West Bank's water resources. We have already seen that decisions within the JWC operate by consensus. Yet given that all infrastructure development works 'require the prior approval of the JWC', it follows that each of the parties has an effective veto over the other's proposals.[70] And while in principle this applies equally to both sides, in practice it places by far the biggest constraints on the Palestinians, simply because they are so much more needful of new and additional supplies. As it has turned out, Israel has only been willing to assent to well developments into the Eastern Aquifer, and has vetoed the Palestinian development of 'other agreed sources in the West Bank'.[71] Moreover, the PA has only succeeded in avoiding the Israeli veto on its other infrastructure development proposals by entering into a tacit *modus vivendi* with the Israeli authorities, one in which Israel has been willing to grant licenses for Palestinian development of the

[66] Ibid., Article 40 (3.a)
[67] Ibid., Schedule 10.
[68] Data made available to the author by the IHS suggests that the water table of the Herodian wellfield area between Bethlehem and Hebron is dropping at an alarming rate; for example, at one well site the water table dropped at an average rate of 3m per year between 1987 and 1997. Yossi Guttman (Senior Hydrologist and Hydro-Geologist, Tahal, who co-compiled the Oslo II hydrological data) conceded during interview that, for environmental reasons, no more than an additional 50 to 55 mcmy could be sustainably developed from the Eastern Aquifer. On the question of why the Oslo II Agreement suggests otherwise, Guttman simply observed that 'they take our numbers, and they do what they understood at the time', the clear implication being that the figure of 78 mcmy is misrepresentative and inaccurate as used within the agreement (interview, 4 August 1998). For more in-depth discussion, see Selby, *Water, Power and Politics*, pp. 135–51.
[69] USAID West Bank and Gaza Mission, 'USAID-funded expansion of the Bethlehem-Hebron water supply system complete', Press Release, 5 December 1999.
[70] Israel and the PLO, Interim Agreement, Annex III, Appendix 1, Schedule 8 (1.b). The same point is made by Elmusa, *Water Conflict*, p. 131; and Rouyer, *Turning Water into Politics*, p. 223.
[71] Interview with Taher Nassereddin, 15 August 1998; Rouyer, *Turning Water into Politics*, pp. 225, 228.

Eastern Aquifer, but only in return for permission to construct new and enlarged water supply systems from within the Green Line to Israeli settlements in the West Bank.[72] While the PA has assented to this new construction work only on condition that it is not taken as implying recognition or acceptance of Israeli settlements, the fact remains that the PA has in practice had little option, under the seemingly egalitarian terms of Oslo II, but to assent to the extension and entrenchment of Israeli 'facts on the ground' throughout the West Bank.[73]

As if this were not bad enough, the PA is not entitled to unilaterally amend or abrogate any of the laws or military orders which were in place on the eve of the Oslo II Agreement, the consequence of this being that all those water-related military orders which were put in place by the Israeli authorities in the wake of the 1967 war remain in force.[74] Thus ultimate decision-making authority over water resources and systems continues to lie with the Water Officer of the Civil Administration, who can in theory veto any Palestinian infrastructure development proposal, even after it has received the consent of the JWC. Such has in fact occurred on numerous occasions, especially when proposed well locations and supply lines have clashed with Israeli plans for new settlements and bypass roads.[75]

In each of these four regards – the facts that Palestinians and international donors carry almost all the responsibility for developing new supplies; that the Eastern Aquifer has a much smaller remaining potential than is officially recognised; that the structure of the JWC places greater constraints on the Palestinians than on Israel; and that the Civil Administration still retains an ultimate veto over Palestinian water developments – in each of these regards, the promises of new and additional supplies contained in the Oslo II Agreement are of much less significance than at first appears. Each of these four qualifications, it should be emphasised, follow directly from the terms of the Oslo II Agreement, not from their *post-hoc* interpretation and implementation (and moreover, the *modus vivendi* which has emerged over infrastructure developments did so during 1998, whilst Israel was being headed by the Likud government of Bibi Netanyahu). This is not to say, of course, that all Israeli and Palestinian actions in the water sphere have operated within the terms of Oslo II. On the Israeli side, pipelines have on several occasions been laid to West Bank settlements without receipt of JWC permission (and in some cases where Israeli proposals have been rejected by Palestinian JWC officials).[76] In cases where the Israeli authorities cannot achieve their projects through the legal-institutional mechanisms of the JWC, they can always resort to their far superior

[72] Interviews with Ayman Jarrar, PWA, 17 August 1999, Omar Zayad, PWA, 17 August 1999, and Mohammed Jaas, 18 August 1999. For fuller discussion, see Selby, *Water, Power and Politics*, pp. 246–9.

[73] Letters have apparently passed between Jamil Tarifi, PA Minister of Civil Affairs, and the Israeli Ministry of Defence to the effect that the PA's assent to new supply lines to Israeli settlements does not imply any recognition or acceptance of them (interview with PA water official, to remain anonymous).

[74] Israel and the PLO, Interim Agreement, Article 18 (4.a).

[75] Interviews with Ayman Jarrar, 17 August 1999, and Omar Zayad, 17 August 1999; also Rouyer, *Turning Water into Politics*, pp. 225–6, 232; and Ze'ev Schiff, 'Sharon suggests taking over water sources in West Bank', *Ha'aretz*, 21 May 1997.

[76] Interviews with Karen Assaf, PWA, 13 July 1998 and 17 August 1999; Mohammed Jaas, 26 August 1999; Taher Nassereddin, 15 August 1998; also Rouyer, *Turning Water into Politics*, p. 247.

coercive capabilities to ensure that their pipelines get constructed as and when they require.[77] This hardly represents a model of 'joint' and 'coordinated' management.

Conclusion

The Oslo II Agreement has undoubtedly engendered some important institutional and material changes in the management and development of the West Bank's water resources, systems and supplies. Two such changes stand out above all. The agreement has inspired, most importantly, a massive influx of development aid, with money being channelled into the rehabilitation and construction of supply systems, as well as into the creation of the PA's water institutions. Problem-ridden though it has often been, this development aid has nonetheless led to marked improvements in the regularity and quantity of water supplies to many of the West Bank's towns and villages (especially to the towns of Hebron, Bethlehem and Jenin, courtesy of a large USAID-funded project), and scattered improvements in the collection and treatment of wastewater and sewerage.[78]

Beyond this, the Oslo II Agreement also resulted in the creation of new institutional arrangements, and a new distribution of decision-making powers, on the Palestinian side. Prior to Oslo II, the West Bank Water Department was the key Palestinian water institution, acting as an interface between the Israeli military and water authorities on the one hand, and Palestinian municipalities, village councils and individuals on the other. After Oslo II, institutional arrangements became a great deal more complex (as well as bureaucratised). The Palestinian water sector is now formally under the authority and purview of the PWA.[79] In many respects, however, the PWA is little more than a donor construct, its main responsibility being to coordinate donor projects, and the vast majority of its personnel being employed on a project basis.[80] Moreover, as during the occupation, the West Bank Water Department is in many respects the most important Palestinian water institution within the West Bank, it being the Water Department, and not the PWA, which undertakes everyday water management. Simply put, the PWA oversees projects, while the Water Department undertakes mundane water management, very much as it did under occupation. Thus the main institutional change within the Palestinian water sector has been the creation of a new and financially well-endowed top tier of administration, one that is defined and exists through its relations with the inter-

[77] Take for instance the words of Taher Nassereddin, in recalling the Palestinians' experience of attempting to implement a sewerage project in the Salfit: 'we got the approval of the JWC one year ago. Suddenly a week ago, they stopped the project, and the army went and took away the equipment. Why? Because they didn't take the permission of the officer in charge of water affairs because this is Area C. The donors they were surprised and astonished … They have the army, they have the force, we don't have. I know many projects were executed without the JWC' (Interview, 15 August 1998).

[78] For discussions of this water-related development aid, and some of the problems associated therewith, see Rouyer, *Turning Water into Politics*, pp. 229–35; Selby, *Water, Power and Politics*, pp. 251–90; Julie Trottier, *Hydropolitics in the West Bank and Gaza Strip* (Jerusalem: PASIA, 1999, pp. 94–7, 163, 174–5, 194–208; and Trottier, 'Water and the Challenge of Palestinian Institution Building', *Journal of Palestine Studies*, 29 (2000), pp. 45–7.

[79] The PWA was formally established as a result of presidential Decree no. 90 for 1995 (issued 26 April 1995). Its form and functions were codified in PA, Law no. 2 for 1996: Concerning the Establishment of the PWA (issued by President Arafat, 18 January 1996).

[80] As of summer 1998, only six of the PWA's West Bank and Gaza personnel were on the PA payroll (Rouyer, *Turning Water into Politics*, p. 247).

national donor community, and is headed by 'outsider' political appointees closely associated with Yasser Arafat.[81]

In other respects, the changes effected by the Oslo II Agreement have been predominantly discursive rather than material or institutional. We have seen above that many of the Water Department's patron-client responsibilities under occupation were simply repackaged and recodified by the Oslo II Agreement as elements of a 'coordinated' management system. Israeli and Palestinian water managers have evidently been keen to obscure this fact, partly because this would raise difficult questions about the significance of the peace process, and partly, in the Palestinian case, out of an understandable desire not to say too much about the key roles that fellow Palestinians played in administering water under the occupation, and in a sense facilitating it. Yet allusions to the less-than-substantive changes wrought by the Oslo process do occasionally seep out. Discussing the Oslo II negotiations and agreements – or what he woefully misrepresents as the 'dismantling of occupation' – Israeli negotiator Uri Savir observes with surprising candour that 'I feared that what would emerge from this makeover was more of the same on different stationery'.[82] This admission strikes me as providing a curiously apt diagnosis of many of the consequences, often more discursive than substantial, of the water articles of the Oslo II Agreement. Israeli-Palestinian hydro-political relations within the West Bank were suddenly presented as 'cooperative' – rather than, say, 'oppressive', which is how we would surely characterise these relations as they existed during the occupation – not because such and such management or monitoring procedures had changed, but because the signing of the Oslo II Agreement bestowed on these procedures a new-found legitimacy. 'Cooperation', within this agreement, denotes not a practical and material set of relations which are the antithesis of 'domination', but a discursive condition which arises and exists on the strength of a single tacit rule, one that stipulates that 'cooperation' only occurs between free and equal consenting parties. Israel and the PLO signed the Oslo II Agreement as juridically free and equal parties – this, of course, being irrespective of the fact that one of the parties was vastly less free than the other, and that the parties were far from equal in their actual (military, political, institutional and economic) capabilities – and it was through this legal act that Israeli-Palestinian water relations within the West Bank became represented as 'cooperative'.

One might perhaps counter-argue that the above ignores the fact that Oslo II was intended as a transitional arrangement, one that was not necessarily absolutely just, but which nonetheless represented 'a step in the direction of an equitable water-sharing arrangement'.[83] I would disagree. It would be a mistake to evaluate the merits or otherwise of the Oslo II agreement on the grounds of the avowed intention of exchanging occupation for cooperation. The Israeli-PLO accords must be judged, rather, with an eye to the substantive material changes wrought by them. Evaluated thus, the evidence suggests that the Oslo II water accords did not really 'step' anywhere; this 'transitional arrangement' was a transition in little more than name.

[81] Both Nabil Sharif (head of the PWA, based in Gaza) and Fadel Qawash (his deputy, based in Ramallah) are 'outsiders' who have returned to the territories from Tunis since the onset of the Oslo process (Interviews with a number of Palestinian water experts, to remain anonymous; also Rouyer, *Turning Water into Politics*, p. 217).

[82] Uri Savir, *The Process: 1,100 Days That Changed the Middle East* (New York: Random House, 1998), pp. 215.

[83] Rouyer, *Turning Water into Politics*, p. 207.

Given all this, it should come as no surprise that Israeli–Palestinian 'cooperation' over water issues has continued since the breakdown of the peace process. During the first few months of the *intifada* there were no meetings of the JWC.[84] In January 2001, however, the JWC made a joint declaration urging people to keep water infrastructures 'out of the cycle of violence'.[85] Since then the JWC has met, albeit irregularly, and has been discussing and approving new projects. Moreover, the PWA is still approving new supply lines to Israeli settlements: during early 2002, for instance, approval was granted for an 11 km and 32 inch pipeline from the Green Line to Gush Etzion.[86] For practical reasons, the JSETs system has not been functioning at all.[87] However, for the most part the conventional breakthrough to breakdown narrative simply does not apply to Israeli–Palestinian water relations.

It should not be thought, however, that discursive changes simply sit atop material realities without impacting on them, or that the dressing up of Israel's domination of the West Bank's water resources, systems and supplies in liberal and legalistic terms has had no significant material or institutional effects. On the contrary, the recent material improvements in water supplies to many of the West Bank's Palestinian communities have been largely attendant upon the discursive dressing up of occupation as 'cooperation'. The Oslo agreements and process as a whole bestowed a new-found legitimacy on Israeli-Palestinian relations (or at least signalled a gradual move towards legitimation of these relations, the 'peace process'). Persuaded of the existence of the 'peace process' as a whole, and in 1995 of a 'breakthrough' in Israeli-Palestinian water relations, international donors were suddenly willing to take over from Israel the burden of ameliorating the critical water situation in the Palestinian territories. International donor monies, in turn, have directly resulted in improved water supplies to many West Bank Palestinian communities. These improvements have arguably followed less from the precise terms of the agreement – many of which are of illusory significance, and others of which are subject to an Israeli veto and to Israel's military power – than indirectly from the agreement's legitimacy in the eyes of the international community.

Much of what the Oslo II water accords directly achieved was discursive, insubstantial and altogether illusory. To speak of Israeli-Palestinian 'cooperation' in the water sector is to use no less than a misnomer. This is not, however, simply because 'the outcome of cooperation between an elephant and a fly is not hard to predict', as Chomsky so pithily writes (since this is to assume that 'co-operation' represents a valid descriptor for Israeli-Palestinian relations), but because in the context of the Oslo peace process, 'cooperation' is often only minimally different from the occupation and domination that went before it.[88] 'Cooperation', in this context, is above all an internationally pleasing and acceptable signifier which obscures rather than elucidates the nature of Israeli-Palestinian relations. Or as Meron Benvenisti so succinctly puts it, '"cooperation" based on the current power relationship is little more than permanent Israeli domination in disguise'.[89]

[84] Interview with Mohammed Jaas (1 June 2002); also Noah Kinnarty, 'An Israeli view: if only they were quiet, the Palestinians have numerous opportunities', Interview, *Bitterlemons* (5 August 2002).
[85] Israeli–Palestinian Joint Water Committee, 'Joint Declaration for Keeping the Water Infrastructure Out of the Cycle of Violence' (*Erez*, 31 January 2001).
[86] Interview with Mohammed Jaas (1 June 2002).
[87] Interview with Ayman Jarrar (1 June 2002)
[88] Chomsky, *Fateful Triangle*, p. 538.
[89] Meron Benvenisti, *Intimate Enemies: Jews and Arabs in a Shared Land* (Berkeley, CA: University of California Press, 1995), p. 232.