

Talking Points for Process Meeting on Water

11 August 2008

TOPICS TO BE RAISED IN THE MEETING BY SAEB Erekat:

1. Agreement on Joint Agenda
2. Response to Palestinian Presentation from last meeting on "The Baseline for Water Allocation"
3. Jordan River Basin
4. Submit Palestinian's Outline of Terms of Reference for Experts to start work

Talking Points for Topics

1. Agreement on the Joint Agenda [Copy is Attached]

- We submitted our draft agenda for agreement early in the process
- We have not received comments or a reply to our draft
- Without agreeing to the agenda/mandate of the Water Committee, the work of the Committee will be misguided and unconstructive. It must be agreed before proceeding.
- **ASK:** *Could we have your agreement or comments to our Agenda by the next Water meeting?*

2. Palestinian Presentation on the "Baseline for Water Allocation" [Attached]

- At the last Water meeting, we presented an equitable allocation formula that is consistent with international law as well as preliminary data on the volumes in the aquifers and surface water
- You did not respond to the approach and the data presented. It would be helpful if you could respond to what was presented in the next meeting.
- **ASK:** *Can we have your agreement or your comments on our baseline water allocation by next meeting?*

3. Jordan River Basin

- At our Berlin meeting with Livni and Abu Ala'a it was agreed that the Jordan River Basin would be discussed in the Water Committee
- Our team cannot proceed if the Jordan River Basin is excluded
- The experts must be able to discuss and consider all shared water courses (bilaterally and regional), including the Jordan River basin. Livni agreed to this

- The equitable allocation principle does not require involvement by Syria or Lebanon. The experts know how much they are entitled to. Our teams should proceed to consider the entire Jordan River Basin
- **ASK:** *Get agreement that Israelis will include the Jordan River Basin (or the Water Committee will have to wait until the issue is resolved between Livni and Abu Ala'a).*

4. Terms of Reference for Experts [Attached. Please provide copy to Udi]

- The outline of ToRs are consistent with the Palestinian draft agenda and the Baseline Water Allocation that is proposed.
- It is important to agree to the Agenda and the Baseline Allocation for the ToRs to be agreed
- **ASK:** *Here is a copy of our ToRs for your consideration to assist your team in agreeing to the agenda and the baseline allocation.*

Background Information for Process Meeting on Water 11 August 2008

FOR INTERNAL USE:

1. There has been **no significant progress** to date in the Water Committee.
2. We submitted a **draft agenda** early on and have not yet received a response. Without a joint agenda, the Committee's work will be misguided and unconstructive. At the last meeting we submitted proposed **baseline allocations for water** and we have not received a response.
3. At the Berlin meeting between Abu Ala'a and Livni, it was agreed that the Water Committee would include the **Jordan River Basin** as under its mandate. At our last meeting, the Israelis said they could not talk about the entire Jordan River Basin because of political reasons but that they could engage if the discussion was limited to bilateral flows only. The Israelis insisted that any water sources shared with other states will not be discussed. Palestinians insisted that it is essential to consider the entire Jordan River Basin before moving forward that the issue must be resolved at the political level before proceeding.
4. The Israelis also asserted that the **Coastal Aquifer** is not shared. Hydrologically (factually) this is incorrect and needs to be agreed to by the Israelis.
5. The Israelis have generally taken an **ambiguous** approach to the negotiations by using terms that allow for vagueness and by not using any clear framework for the discussion such as international law or principles concerning fair allocation. It appears that the Israelis are taking the same approach they took at Camp David by trying to complicate the rights we have in the Jordan River Basin to the point where they make the claim that there is no water in the Jordan River to share. It seems they are attempting to agree to fixed amounts like at Camp David. If this is the case, then there is no need for a Palestinian state if there are no water rights.