

**Minutes from Process Meeting on Water**

*11 August 2008, 11:00 AM - 1:00 PM*

*Arbel Room, Inbal Hotel, Jersusalem*

1     **Attendees:**

2     ***Palestinian***

- 3             • Saeb Erekat, Chief Negotiator, PLO (SE)
- 4             • Fadel Kawash, Advisor to the Office of the Prime Minister (FK)
- 5             • Zeinah Salahi, NSU Legal Advisor (ZS)
- 6             • Gabriel Fahel, NSU Legal Advisor (GF)

7     ***Israeli***

- 8             • Udi Dekel (UD)
- 9             • Uri Shani, Israeli Water Authority (US)
- 10            • Noah Kannarty (NK)
- 11            • Kamil AbuRukon (Kamil)
- 12            • Baruch Nagar, Water Administration for the West Bank and Gaza Strip (BN)
- 13            • Adi Schonmann, Office of Legal Advisor Ministry of Foreign Affairs (Adi)

14

1 **Meeting Minutes:**

2 [Small talk about prediction for water being dark and that committee should become a  
3 prayer group for water. US operation was successful. NK's brother-in-law survived  
4 plane crash in Haifa.]

5

6 SE: [Questions about desalination: how many? Where? Cost involved?]

7

8 US: [New project – largest in the world in Ashkelon – to produce 200 million]

9

10 SE: [Questions about predicting water]

11

12 US: [Discussed different methods and that there will likely be drier than average.  
13 Received scientific report that by 2060 Jordan Basin flow will be reduced to 1/3 of  
14 what it is and will be practically dry and Euphrates will also be at 1/3 its potential.]

15

16 SE: So Jordan River is no more? Jesus is out of business.

17

18 NK: Saeb, I want to give you my model for what will be next winter as a farmer: If  
19 it is dry in Europe it will be wet here.

20

21 US: If we are talking scientific expectation for the future, we should expect we will  
22 have less than what we have now. I will go farther and tell you that all of the numbers  
23 what we had for planning when I first started with the Water Authority they were all  
24 more than what we had and I had to reduce all of them to real numbers. When I started  
25 university all of the available natural water available was 1.8 billion. During university  
26 I learned it was actually 1.5. When I started with the Water Authority it was 1.4. And  
27 when I checked it was 1.35. And last few years it was 1.15 and last year it is 1.08.

28

29 SE: That should make our job easy.

30

31 US: Very difficult.

32

1 SE: No, that should make the job of our experts very easy. It's not going to be  
2 difficult to allocate.

3

4 UD: To calculate zero is easy.

5

6 SE: Exactly. What I mean to say that we should calculate everything and then we  
7 can allocate.

8

9 US: I'll explain.

10

11 UD: Now, we come to the main discussion.

12

13 US: I'm not that sophisticated. I speak simple and straightforward – I am a farmer.  
14 My problem with dealing with the whole JR basin is very practical. It is nothing  
15 ideological. My claim is I know how to deal with things that I can affect or control or  
16 manage or regulate. Something that is for me to decide or agree. We try to sit together  
17 to decide on the subject between us. When it is something outside and there are other  
18 factors that affect it – not me, or you – then I don't know how to deal with it. And this  
19 is my point: if I have to deal with resources that are under Syrian, Lebanese or  
20 Jordanian control, plans, dreams, anything, then it's not me – it's simply not me.

21

22 SE: That's fair. I am a very sophisticated man Uri.

23

24 US: Speak slowly so I can follow you.

25

26 SE: You are absolutely right. If you are tasked as a committee to produce solutions  
27 to the problems, you are absolutely right. But when your role is just to locate what is  
28 available, then you may go to Google and find this. Look, we can argue politically if  
29 you want and we can cut the long story short. I don't want the committee to go out and  
30 find solutions. I have these figures [**Provided copy of Baseline Allocation**  
31 **presentation**] I don't know if they are right or not, true or not, wrong or right.

32

1 US: I already told you before. I cut it to half.

2

3 SE: These are my figures. I want you to be my partner in producing joint figures. Is  
4 this something that should involve Bashar Assad? I am not asking you for solutions.  
5 When we argue, believe me, I understand the political issues and Israel's political  
6 negotiating behavior, internal situation... and sometimes we put neon sign saying  
7 stupid to say to you that we are stupid. Now, this is a committee that we spoke to Livni  
8 about in Berlin and we agreed the task of this committee is one thing: to bring figures,  
9 no solutions. So what is it? The purpose of this committee is to give me joint figures. I  
10 am sick and tired of Fadel Kawash and Gabriel giving me their figures and you are  
11 telling me that you are cutting them in half.

12

13 US: The target of the expert committee is to give us reports on available water.  
14 This, I side with you. And this is exactly the problem. Because water that is used by  
15 Syria is not available to us. When you take the amount of water that starts in the stream  
16 wherever and it is used on the way by other factors than us, then when the water comes,  
17 it is not available. And I don't know availability. We can get from Google, springs and  
18 rainfall and the maybe the amounts of water in the aquifers. I doubt the sources, but  
19 never mind. If they use all of the water in the Yarmuk or in the Hisbani – I cannot  
20 know this.

21

22 SE: In this case, Iraq and Syria cannot define the amount of water they have because  
23 the sources are in Turkey. And if this is the case, then everyone is moving to Canada  
24 because they have 25% of the world's water.

25

26 US: If we come to the day (and I hope and pray) that we can sit with all of the  
27 groups that share from the JR basin – Lebanon, Syria, Jordan, Palestine and Israel – I  
28 wish we can.

29

30 FK: Let us understand each other. We want this panel of experts to do what? To  
31 gather all available information and data from wherever. There is a study that was  
32 prepared for all riparians of the JR basin by the World Bank in 1993. This was expert

1 work – but it excluded the Pals. There is a lot of info and hydrological data and surface  
2 water – it is all available. Let us ask expert panel to start working together and  
3 gathering data and as Rice mentioned, let us move and when we get stopped  
4 somewhere then we will solve the problem. But how can we work as a technical  
5 committee without having all of the data from the basin to analyze.

6  
7 US: What do you want? I'm very serious. I want to say something, but later. No, I  
8 will say it now. [NK asks him to tell him it in Hebrew first]. Noah is my good friend  
9 and 82% of the time he trusts me – it is better than the last time.

10  
11 UD: It was 80 before.

12  
13 US: 18 is a lot.

14  
15 NK: There is a joke in Israel when the first party (mapie) existed was asked do you  
16 go with closed eyes after Ben-Gurion? One of the leaders said “no. I go with closed  
17 eyes but every once in a while I peak a little to make sure Ben Gurion doesn't go with  
18 closed eyes. “

19 [Hebrew discussion]

20 US: Me personally and the team discussed this many times. We came to these  
21 negotiations very seriously with good will to find very reasonable solutions for both  
22 parties. And I wish we get the chance to come to the point to get to start to talk about  
23 what is possible and how we should manage the water in the region in the right way.  
24 Now, I must say I know what it may look like from your view. You know, when I met  
25 with Shaddad on the JWC, I said I don't worry about the Syrian water, I just let it go –  
26 because it is not to the point – it is not mine – it is not available. Do you see my point?  
27 What I want to suggest (and believe me I understand your point).

28  
29 FK: You mean Syrians violating the law or whatever...

30  
31 US: No, no, no. I didn't say anything...

32

1 SE: Let him finish. Please go ahead with your suggestion.

2

3 US: What we suggest is we get the chance to proceed. Suggest: let's decide now  
4 that the experts will start to work on the water sheds and aquifers or water basins that  
5 are – what was the word [Adi] “contiguous” between us. Let us proceed with what even  
6 you agree to start to proceed with. You meant something when you gave me these  
7 figures and you presented it last time – but I don't say I accept it – of course I don't.  
8 You moved forward...

9

10 SE: I want to suggest something...

11

12 UD: No, this is important. He doesn't say he doesn't accept this – not from the  
13 political point of view, but as an expert.

14

15 SE: I understand.

16

17 US: But I didn't finish my proposal. But when we proceed we go back to the  
18 proposal that we gave last time. We include Jordan River from the [NK: green line] to  
19 Wadi Yabis. Okay? So this is agreed?

20

21 FK: So we are not talking about the JR basin. You are taking about part of JR.

22

23 NK: Right.

24

25 US: Wait, wait. Patience. Experts will start with contiguous water sheds and we will  
26 proceed in our methodology on how to manage the water together for each stage and  
27 later on, if and when needed, you can raise the question of the whole JR basin again.  
28 Let's leave it on a side and you are allowed to raise it again.

29

30 FK: Again, the most important thing for this committee is to have an agenda. To  
31 start working on the agenda. If it includes this task to work on it... to do what? What is  
32 our role here? We need support from the expert panel. We need to know what to do

1 after experts finish. I try to modify your proposal a little bit: can we fix an item that the  
2 technical committee will discuss these issues: 1, 2, 3, 4.

3

4 [NK in Hebrew: no chance. Discussion in Hebrew]

5

6 SE: Can I respond? We appreciate your seriousness in coming here to reach  
7 reasonable resolutions and I believe we are here doing the same thing. We are not a  
8 state like you are. We don't have any mechanisms to preserve our interests like you do,  
9 or to protect our rights. So, when we say we identify the available water sources, and  
10 we say JR basin, and experts come back to us and say Syria, therefore could not access  
11 – what would this do to you? Why is it that we have to approach it this way – why can't  
12 the experts come back to us that we couldn't get the info about Syria. But as far as I am  
13 concerned, the data is there and those are my rights.

14

15 NK: That is one point of view.

16

17 UD: If you would like, the experts can start in the meantime because there is a lot of  
18 other stuff for them to do and if, after they start, they decide during their mission that  
19 they have to deal also with the JR basin – okay, we will consider it. But let's start with  
20 the shared water between us. We don't want to create political implications for an  
21 expert committee. We would like to keep all of the political implications out.

22

23 SE: And that is exactly what you do to me in every other aspect. I gave you an  
24 agenda on water [**Copy provided**], I did not even get a response yet. You did not even  
25 alleviate my concerns. I come to the party sleeveless and you failed to respond to the  
26 agenda.

27

28 NK/UD: No. We decided to begin with the experts and...

29

30 SE: You want to avoid identifying...

31

1 UD: No, we do not want to avoid – we want to start with the expert committee or we  
2 can spend a year figuring out the agenda.

3

4 SE: I am not Shaddad trying to figure which well to dig. I am Saeb and Uri trying to  
5 figure out the day after. It is only fair to think that you are speaking to a Palestinian  
6 state. And since you are speaking to a Palestinian state, I am a partner to the JR basin.  
7 Alright? Syria is obliged by international law to protect my interest. Israel cannot say  
8 that the water is dried and we cannot do anything about it.

9

10 UD: Saeb, we can argue – because there are a lot of arguments.

11

12 SE: Can you close your eyes and imagine I am a Palestinian state?

13

14 UD: You know I can do that. If I take Syria as an example, they are taking all of the  
15 water they can before arriving to us. ...

16

17 SE: Maybe you are being nice to them – I don't know. But I want to ask, I want my  
18 share.

19

20 UD: This is something that we don't have the control over.

21

22 ZS: You don't need the control.

23

24 SE: Just have your experts come back to me and say this sentence: as long as you  
25 agree on the principles of the JR basin and say we could not access the available Syrian  
26 water.

27

28 NK: Our experts cannot know what are the data.

29

30 SE: Maybe I can facilitate for your experts and ours, through my personal relations  
31 with the President of Syria to have a meeting with his water authority in Damascus.  
32 Maybe this will be breaking ground for us instead of going through...



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NK: I will not agree to that as an Israeli!

SE: Fine. Say this – let the expert committee say they could not get any access. But you agree to the principle on the JR basin. Let the experts put down unavailable. Accept the principle and fill in the detail. What is wrong with that? It is logical. If the argument is logical between two people who can calculate  $1 + 1 = 2$  then you have to accept my argument as logical. Let the experts start with a mandate that includes the JR basin and when they come to Syrian or other details they can put not available. I go with the principle...

NK: My opinion is that the experts must work in a pragmatic way only on thing that they can do.

SE: You are arguing politics now Noah, not expert position. I respect your position, but don't tell me that because I cannot access I must exclude. It is like the man who is 220 cm tall and the door is 190 cm. I could ask him to bend or I can also suggest that we cut his neck.

NK: Good.

SE: You are really asking me to cut my neck.

NK: Believe me, I understand your political wish and which sentences in the international law you are following. There are other sentences in the international law that support the Israeli position and they are not less strong than what you have in your mind. Up to now, I don't agree that you have the same rights in the Jordan River Basin like Israel, for example.

SE: I can agree with you that I am the child of a lesser mother. Look, there is nothing more difficult on earth today than being a Palestinian.

1 NK: How about being Georgian?

2

3 SE: No. Georgia is a country, it's different. You can classify yourselves as the most  
4 perfect people. I respect that. You can classify your rights and that is your business. As  
5 far as I am concerned. I am your partner – not better and not worse. So, if you want to  
6 classify your rights as more than mine in the JR basin, that's your business. But, rights  
7 is rights. I cannot say that I have lesser rights than you. I want my rights and I know  
8 my rights. And I know international law. If you want to go along this line – welcome –  
9 but don't ever expect me to come your way in my negotiating behavior. I follow what  
10 is fair. Very simple.

11

12 NK: No. In your eyes.

13

14 SE: No, not in my eyes. You want to base it on international law, you are a member  
15 of the UN, I am not. You are a member of many international organizations, I am not.  
16 If you want to abide by what you signed in international treaties – then welcome. I have  
17 the right to calculate Tiberius and every bit of water in Israel and the GNP per capita.

18

19 NK: You think so!

20

21 SE: That's what international law specifies – yes, of course! Now you are taking my  
22 water in the Jordan Valley and reselling it to me. That's fairness, that's rights!

23

24 UD: We are speaking about the future here.

25

26 SE: Then I suggested something that is very logical and sensible.

27

28 UD: We also suggested something. Let's establish the subcommittee so that the  
29 experts could see each other and start the discussion.

30

31 SE: You were with us in Berlin and the discussion included the JR basin.

32

1 UD: Not basin. No. In Berlin, the issue was...

2

3 SE: I used the term JR basin. It was talking point for me.

4

5 UD: In Berlin, Sec. of State said that the basin will need the other parties in for the  
6 discussion and she told us you know by some joke: you can bring the Syrians, and we  
7 can bring the Lebanese – that was her recommendation – to create a 5-party discussion  
8 for the issue. But we got from Livni that we can discuss the lower part of the Jordan  
9 River before we get to that stage because it is connected to other issues in the Jordan  
10 Valley that we have to discuss between us [security, territory].

11

12 SE: Ok, I offer you this to consider. **[Provided copy of Expert ToRs]**

13

14 UD: We would like to start the subcommittee and we do not say that they will or will  
15 not discuss the JR basin. We say they will start. This committee is not for achieving any  
16 political objective.

17

18 SE: Exactly.

19

20 UD: Main issue is to start building a common language between us. Why always do  
21 we have to deal with one point that is very sensitive to you and to us? And block all of  
22 the process. Let's start and have the experts build up the whole picture, stage by stage  
23 and start with all of the things that we share between us.

24

25 SE: I just want to read the sentence I said in Berlin: "We agreed to have a committee  
26 of experts to collect data and to come and tell us about all of the data available, so  
27 please do not exclude anything in the collection of data, including in the JR basin."

28 Then Livni: "You described something that was true, I think it was an answer that was  
29 based on a mistake. I sent that message to the experts. We can talk about water without  
30 waiting or linking it to the territory, etc."

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32 My answer to you is "yes".

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UD: No. She is speaking about the southern part of the Jordan River because we felt we couldn't speak about it because we didn't know what would be the end state in the Jordan Valley in the subject territory.

SE: Whatever. I offered you a terms of reference for the experts. I tell you that I will accept if the experts come back and say they can't render JR basin – what more can I render – I cannot render my rights. And if you took way something from me in 1950 that doesn't belong to you – I'm gonna get it.

UD: I would like to say something in Hebrew so our position will be clear and Kamil will translate in Hebrew:  
*Our position for this committee includes all natural sources of water that are shared and it should make up the common language between us. If we uncover in the process of the experts that something is missing, then we advise the experts to consider what is missing and continue with their study.*

FK: I think we still have misunderstanding. The experts will not take our work – they will not do our job. What you said that experts will decide if JR basin is shared or not – they will not only gather data. We have to agree before we tell them what to do – we have to agree where the shared aquifers or basins – we have to give them the job. Not the opposite. They will come back and give us accurate figures for what we need. This is incorrect/different from what you suggest.

UD: This is different from the subcommittee. You would like to achieve your political rights through the subcommittee – that is your objective. We would like to create a common language from the work of the subcommittee from the point of view of the experts, not the politicians. And then the politicians will make decisions based on the data.

ZS: That is exactly the opposite – by excluding particular sources you are trying to preclude the answer to the rights question. And all we're saying is that we should look

1 at everything from a completely technical perspective upfront, and then afterwards the  
2 politicians can determine the rights and allocation.

3

4 UD: I cannot understand why you cannot agree to the experts beginning the work  
5 together tomorrow.

6

7 ZS: We are ready to begin tomorrow.

8

9 UD: Let's start sitting together and the experts will push the process forward. Every  
10 time we discuss the agenda – we cannot accept the agenda. You know, we also decided  
11 not to deal with the agenda in other committees because when we start with the agenda,  
12 we cannot continue with the negotiations.

13

14 SE: What is the baseline on water? Shall we say international law? Can you accept  
15 that?

16

17 Adi/NK: No.

18

19 SE: Why?

20

21 NK: We need pragmatic solutions.

22

23 Adi/UD: International law is not very clear.

24

25 Kamil: *The issue is not rights, but resolution.*

26

27 SE: *I am telling you the issue is rights.*

28

29 NK: You can call it what you wish, but it must be pragmatic solutions.

30

31 SE: The pragmatic solution is that it is the day after and I am a state. You want to  
32 limit my arms, navy, air force – I accept that. But you are not going to limit my dignity

1 under any circumstances. You are not going to limit my sovereign rights on water,  
2 territory, whatever.

3

4 NK: We are not touching it.

5

6 SE: You are touching it. We are located in this region. You are telling I am not part  
7 of this region and will look at water from green line – what kind of logic is this?

8 Palestine was there before Israel, Syria and Jordan.

9

10 UD: You are looking at this from your point of view, and I from mine. This is the  
11 fact in the area. In order to discuss JR basin we need 5 parties.

12

13 SE: We can establish the committee and say we couldn't get information and  
14 include that in the technical answer.

15

16 UD: Your political objective is more important than the practical solutions. It is  
17 important for you to write JR basin – this is your objective. And I am telling you...

18

19 NK: You will not go thirsty.

20 [Discussion in Hebrew]

21

22 SE: With this trend you will continue controlling my water in Jericho. You are  
23 excluding me from the JR basin.

24

25 US: Saeb, I want to say the following: I can see your reasoning, but on the other  
26 hand I see complications. So, what I try to do is to reach a reasonable approach that will  
27 bypass most of the complexities to the satisfaction of everyone. My proposal is to start  
28 with a procedure to achieve this: let's proceed and trust the experts. And then, if in the  
29 coming time each of us gets the feeling that he needs to stop and bring other things, he  
30 can raise it to the table.

31

32 SE: If I get you Jordan's consent on my language, will you accept?

1

2 NK: Huh? *Lo. Lo.*

3

4 US: First, you know that you are smarter and of course you understand the problem  
5 – it is not a question of their consent. It is a question of full agreement that we have  
6 with Jordan and I agree with you that you shouldn't suffer from other agreements that  
7 we have. You shouldn't pay.

8

9 SE: I won't.

10

11 US: I suggest a procedure that at any time we don't like we can stop. Why stop  
12 now? This is my point. Why stop now if you can stop in a few weeks?

13

14 SE: I'm not stopping – I am giving you a logical position for the mandate.

15

16 US: I say simply: let's proceed on agreed subjects which are all of aquifers, water  
17 basins, everything contiguous. Let's start with that – it is agreed. So why stop? Later on  
18 we can break. You don't need to give up any of your demands by deciding to start.

19 UD: We can use a general sentence that can include everything.

20

21 SE: Like what?

22

23 [Discussion in Hebrew]

24

25 Adi: "The role and task of the expert subcommittee is to determine the potential  
26 sustainable yield of each shared natural water source, considering relevant data and  
27 information."

28

29 [Side discussions]

30

31 SE: I have a proposal, based on your proposal:

1 “The role of the expert subcommittee is to determine the potential sustainable yield of  
2 each natural water source utilized or controlled by Palestine or Israel.”

3

4 NK: Lo. Lo. Lo. Shared? Can you give us a list of what Israel controls?

5

6 SE: Can you give us a list of what is shared.

7

8 NK: Of course, we are pragmatic.

9

10 ZS: Clarification: When we look at Jordan River basin, are you proposing expert  
11 committee will look at all of the water that Israel is using or controlling in the JR basin  
12 or are you looking at it territorially from the 1967 line?

13

14 Adi: We only consider side that is contiguous to Palestine and Israel.

15

16 ZS: So all of the water you are diverting from Tiberius you would not include?

17

18 NK: Mmhmm, you are right.

19

20 ZS: So this is the problem.

21

22 NK: Of course, yeah – I said it so many times.

23

24 SE: I know -- you are honest Noah. So I should give up my share because it is a  
25 fait accompli.

26

27 NK: No, you think it is your share.

28

29 SE: It's not my share?

30

31 NK: No.

32



1 SE: So it would be legitimate to cut the Nile river between Sudan and Egypt?

2

3 NK: In the year 2000, Abu Mazen gave an order to Nabil to begin to speak about  
4 water rights. There was an advisor Jamal Abu Ali [NSU] and we gave him honour to  
5 open the water session on water rights. And I asked him a question: if you bring me a  
6 letter signed by Egypt that the water of the Nile belongs to Ethiopia I will accept.

7

8 SE: That's your logic. The water rights of the river belongs to Israel – that is what  
9 you are telling me.

10

11 NK: Right.

12

13 SE: Usually when someone gives out a proposal, we usually study. But when I  
14 propose something and the No comes before I finish... you could have made it seem  
15 you were studying it. [Discusses new book he released recently about Arab negotiating  
16 behavior. First book in Arab diplomatic history. We are much more street smart. And  
17 closest to our DNA is the Israelis. [Discussed Mahmoud Darwish passing – told him  
18 not to do the operation. Jordan doctors told him not to. US doctors told him no risk.  
19 Told him nothing today is no risk]

20

21 US: May I suggest proposal: That we start with common denominator that we agree  
22 on – let's proceed with things we fully agree and then at any stage it can be stopped or  
23 issues can be discussed – not agreed, but discussed. This approach will make it easier  
24 for us. For example, mountain aquifers belong on this table. We all agree, so let's start  
25 with that. You raised Wadi Gaza and I said okay it is included. Okay, so let's go – it is  
26 agreed. It will help us produce a mechanism to move forward. You see, we don't  
27 exclude anything, but we offer a way to begin.

28

29 SE: What is wrong with my suggestion? It doesn't mention anything.

30

31 NK: Huh? What? When you speak about Israel controls – we control the Sea of  
32 Galilee – you want to put it in the discussion?

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FK: No, “shared” [**Shared was not part of the original reading!**]

SE: I said shared.

FK: Shared.

US: Please read it again.

SE: “The role of the expert subcommittee is to determine the potential sustainable yield of each natural **shared** water source utilized or controlled by Palestine or Israel.”

ZS: The point is to clarify what we are talking about when we say shared.

NK/US: Ok. No problem.

[Side discussions. SE takes phone calls re: delivery of Darwish to Muqata by helicopter on Wednesday.]

UD: We need to discuss your proposal with our people.

US: I’ll tell you what is the problem with your proposal. I will say it straightforward. It simply includes the Jordan River basin.

SE: You are right.

FK: This includes?

SE: Yes, it does. We are not playing games. We didn’t want to put it by name so I put it to you in a way that can be delayed. I took what you said to begin while preserving my rights. But believe me what I suggested was again my legal advisors – they wrote me so many nasty things and I over rode them

1

2 UD: You pay them for that.

3

4 SE: She maybe right, and Gabriel maybe right. My point is I listened very carefully  
5 to your arguments and I want to give you exactly what you want without undermining  
6 my interests. And I proposed this language.

7

8 US: We will examine the language but what do we mean by this: we will proceed  
9 with agreed teams and slowly proceed onto other things.

10

11 SE: If you give me an answer on the language we can begin tomorrow.

12

13 UD: Okay, we will give you an answer as soon as possible.

14 [Small talk]

15