Transboundary wastewater governance
- Options based on an uncertainty perspective

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Israel and Palestine are mutually dependent on shared water resources. Joint governance of the shared water resources of Israelis and Palestinians is however limited. One particular dimension of the water conflict between these two parties, concerns the diverging viewpoints on a number of water governance related issues. Cooperation on water by the Israeli and Palestinians could offer a golden opportunity to establish trust.

This article outlines the various types of uncertainties that continue to prevail and distort the cooperation between Israel and Palestinians in the West Bank on pollution and transboundary wastewater. Both parties clearly have different interests and resources to support their actions. At the same time their assumptions, visible in the still-standing uncertainties, hinder cooperation.

Wastewater is produced in Israel, in Palestinian villages and towns and in the settlements. Wastewater flows from Israel into the West Bank, from the West Bank into Israel and from the settlements into Palestine territory. Along its way, a part of the water is taken up by plants and evaporates; part of the wastewater enters the aquifers, while the remaining water is collected in the (increasingly) polluted wadis. Eventually some of the wastewater is treated in wastewater treatment plants (WWTP) within or outside the West Bank.

The Polluter Pays Principle (PPP) is used as a mechanism by Israel to implement required wastewater treatment facilities. This paper uses the PPP as a point of reference for explaining uncertainties. A well-governed implementation of the PPP requires that the relations between polluter and rightful owner are known as well as the extent of damage inflicted. Using these questions as a starting point to analyze the operationalization of the PPP in the current context, several uncertainties arise. A selection of these uncertainties is discussed in next chapters. These uncertainties center on the impact of the pollution, the amount of wastewater and the costs associated with the treatment.

The uncertainties around wastewater governance, which are explored in this paper, reflect the assumptions and individual understandings of both Israeli as well as Palestinian actors. The paper also shows that these uncertainties create problems when people need to address a common problem, such as the governance of shared waters. Yet, non-cooperation is not a sustainable option: if diverging voices are excluded from the decision-making process, it reduces the legitimacy of the decisions for societal problems. In addition, not including diverging voices increases the possibility that relevant risks are not identified.

A robust approach to a water-related conflict would therefore not only have to include the best available scientific knowledge, but also respect and include the local understandings of reality and related uncertainties (social, cultural, economic conditions and political contexts). The
involvement of stakeholders from multiple levels and sectors is therefore needed notwithstanding all political difficulties.

Based on this understanding, the paper suggests concrete options to improve cooperation. To name a few:

- To reduce current uncertainties, options for a strategy to wastewater governance should emphasize the investment of resources into research and monitoring. Considering the political circumstances, monitoring could be strengthened through structural third party assistance.

- The implementation of options can be stimulated by clearly outlining what the costs and benefits are of shared approaches compared to a ‘business as usual’-scenario.

- Precautionary measures are highly needed in the interim-period up to a final division of institutional responsibilities in a two-state solution: Site-specific agreements can help to overcome the deadlock on general principles.