



RECOMMENDATION

of the Ad Hoc Committee on Energy, Environment and Water

on the following topics:

- 1. Implementation of the Mediterranean Solar Plan**
- 2. Water Management**
- 3. The Situation in the Jordan Valley**

Rapporteur topic 1:
Italy - Mr. Rosario Giorgio Costa

Rapporteurs topic 2:
Algeria – Mr. Abdellah Bentoumi
France – Mr. Robert Del Picchia

Rapporteurs topic 3
Austria – Mr. Stefan Schennach
Tunisia – Mr. Mongi Cherif
European Parliament – Mrs. Antonyia Parvanova (ALDE, Bulgaria)

On the implementation of the Mediterranean Solar Plan

- Having regard to the Joint Declaration adopted by the July 2008 Paris Summit for the Mediterranean and to the Conclusions of the Euro-Mediterranean Conference held in Marseilles in November 2008;
- Having regard to the Conclusions of the Euro-Mediterranean Energy Conference held in Limassol in December 2007 and to the priority action plan 2008-2013 therein adopted;
- Having regard to the Final Declaration adopted by the UfM Franco-Egyptian co-Presidency at the end of the Ministerial Meeting on Sustainable Development Projects in the Mediterranean region, held in Paris on 25 June 2009;
- Having regard to the Paris Conference on the Solar Mediterranean Plan, convened on 22 November 2008, where a very clear-cut strategy was laid down, involving a pilot phase, with an immediate Plan of Action comprising pilot projects to be launched under the Franco-Egyptian Presidency of the UfM, in order to test the regulatory, financial and institutional mechanisms put into place, to be completed by the end of 2010, and a large-scale development of renewable energy projects to be completed, ideally, by 2020, with the declared objective to achieve a 20 GW level of clean energy production through a mix of photovoltaic, solar concentration and wind power technologies, and to establish a Mediterranean Energy Ring;
- Having regard to the information supplied by the Franco-Egyptian co-Presidency and by experts from the DESERTEC Foundation during the Ad Hoc Committee's own meeting held in Vienna on 18 May 2009;
- Having regard to recent EU energy legislation and consultation documents, and more specifically to Directive 2009/29/CE on renewable energy sources and to the second energy policy Strategic Revision, published by the European Commission on November 2008;

Therefore, the Ad Hoc Committee on Energy, Environment and Water of EMPA:

1. Welcomes the MSP operational model, where the implementation of the projects and the order of priorities for them will be decided by the UfM co-Presidency, but a pilot group of countries will ensure full consistency with the political equilibria in the area, and also that a number of core criteria are applied, such as a judicious mix of public and private investments, balancing the various technologies adopted case-by-case, and the existence of a project "bearer" to take full responsibility for progress as soon as the funding is available;
2. Welcomes the commitment by the main financial institutions to guarantee the availability of substantial grants (able to cover a major part of the MSP start-up financial requirement);
3. Stresses that the main obstacles hampering the development of the market are due to the high costs of solar energy, which can only become profitable in the medium and long-

term, and which must therefore be accompanied and sustained by an effective mix of public and private investment and fiscal incentive policies cutting across all the countries concerned, in both the production and consumption phases. Political intervention is therefore absolutely necessary both at the European level and in the individual UfM partner States, so that the existing and tested new technologies can be effectively incorporated into the market with the certainty of long-term planning;

4. Underlines that, as far as EU policies in the Mediterranean Region are concerned, the absence of one single instrument for the whole area (following the merger of the MEDA Programme into the ENP), replaced by action plans and strategic documents for each individual country, makes it by no means a foregone conclusion that there will be a linkage with supranational and cross-cutting projects like those envisaged within the UfM;
5. Asks, therefore, for an involvement of the European Commission (together with the pilot group) in the MSP pilot phase, in order to grant the necessary interpenetration between UfM clean energy projects and the ENP. The Commission, furthermore, could be able to agree, inside the association councils with the States on the south and east of the Mediterranean, on procedures for implementing the MSP which will guarantee both the security of the countries which will become clean energy producers, and of the ones which have invested in these energy sources and must be the natural beneficiaries of them;
6. Stresses that it always remains the responsibility of the European Commission, within the limits set by the Treaties (and sharply curtailed in the matter of energy supplies and combating greenhouse gases after the Lisbon Treaty has come into force), to study and draft legislation and regulations to accompany the MSP and ensure its full effectiveness in both the medium and the long term. More specifically, such legislation should aim at incorporating the MSP into the system provided by Directive 2009/28; at providing a single and certain regulatory framework to foster measures for encouraging investment in and the consumption of clean energy by the member States; at strengthening measures and budgetary items to promote clean energy and energy security, also when the financial perspectives are reviewed and revised;
7. Asks all Member States of the UfM, acting within a more certain legislative and regulatory framework, to adopt their own national policies for achieving a maximum of clean and renewable energies percentages, consistently with their own energy requirements, clarifying and quantifying, in that context, the procedures and the intensity of their commitment within the MSP.

On water management

The Ad Hoc Committee on Energy, Environment and Water of EMPA:

8. Considers that institutional and administrative reforms in the water sectors of the countries belonging to the Euro-Mediterranean partnership should be based on the following principles:
 - sustainable management of water resources;
 - improvements in the provision of water and sewage purification services based on decentralisation;
 - planning and management of hydropower plants ;
 - protection and optimisation of available water resources, exploring new resources and rationalisation of water consumption ;
 - integrated and participatory water management with improved stakeholder involvement based on the creation of associations;
 - transparent and realistic tariff structures which take into account the water volumes consumed and make it possible to develop infrastructures in an economically viable manner;
9. Is of the opinion that water management requires the construction and maintenance of hydropower plants, the rehabilitation of drinking-water networks, avoidance of all forms of water squandering and a generalised utilisation of wastewater after treatment, particularly in the agricultural sector ;
10. Considers that the preservation of land and water resources needs to be addressed at national level as well as through both regional and international cooperation and expresses the wish that projects focused on improvements in water management be carried out within the context of the Union for the Mediterranean;
11. Considers that all sustainable water management programmes in the Mediterranean region have to account for increasing water shortages, the combined pressure on water resources caused by a large range of different users and desertification processes linked to climate change;
12. Is of the opinion that particular measures are required to improve the capacity to adapt to hydrological variability and the extreme floods and droughts observed in the context of pressures resulting from demographic change, tourism, land-use and regional development.
13. Invites all countries of the Euro-Mediterranean partnership to undertake the following efforts:
 - setting up initial and ongoing training schemes centred on environmental issues and water resources;

- concluding partnership agreements between the academic community and the water sector;
- promoting research and development related to water resources;
- launching awareness raising and communication campaigns targeting the general public and highlighting sustainable use of water resources;
- setting up observatories with the objective of having warning systems available regarding natural disasters in the wake of droughts or floods;
- reforming legislation and regulations relating to water resources;
- establishing a public water authority and a water policing system;
- investing in wastewater treatment for agricultural and other irrigation purposes (gardens and golf courses);
- encouraging investments in « clean » seawater desalination technologies;
- giving assistance to developing countries to promote water supply and resource management;
- fostering technology transfers relating to water resources;
- reinforcing and introducing programmes for the prevention of and preparedness for inundations and droughts;
- managing rain water in cities and rural areas in a sustainable manner;
- utilising surface water in conjunction with subterranean water and improving management thereof.

14. With a view to pollution evaluation and control:

- ensure the monitoring and sustainable management of natural marine and coastal resources;
- integrate environmental preservation in economic and social development;
- protect marine environments and coastal zones through activities aiming at the prevention and reduction of pollution by strengthening the solidarity between the coastal States of the Mediterranean.

On the situation in the Jordan Valley

- Having regard to the fact that virtually all countries of the Middle East consume more water than their renewable water supply,
 - a) whereas water scarcity is one of the most pressing issues in the Jordan Valley;
 - b) whereas in the region too much water is drawn from aquifers, the tributaries are mostly dried up, pollution is a severe problem in the rest of the still existing rivers and the level of the Dead Sea is dropping at an alarming rate each year;
 - c) whereas climate change will most probably lead to more droughts and water scarcity in the region.
- Having regard to the Peace Treaty between the State of Israel and the Hashemite Kingdom of Jordan signed on 26 October 1994 at Wadi Araba,
 - a) whereas the Parties agreed mutually to recognise the rightful allocations of both of them in Jordan River and Yarmouk River waters and Araba/Arava ground water in accordance with the agreed acceptable principles, quantities and quality;
 - b) whereas the Parties, recognising the necessity to find a practical, just and agreed solution to their water problems and with the view that the subject of water can form the basis for the advancement of co-operation between them, jointly undertake to ensure that the management and development of their water resources do not, in any way, harm the water resources of the other Party;
 - c) whereas the Parties recognised that their water resources were not sufficient to meet their needs. More water should be supplied for their use through various methods, including projects of regional and international co-operation.
- Having regard to the Jordan's Water Strategy 2008-2022 "Water for Life",
 - a) whereas groundwater levels have dramatically declined showing that groundwater exploitation in the past was unsustainable;
 - b) whereas the economic development of the past two decades has created enormous pressures on the quality of ground and surface water resources;
 - c) whereas by 2022, the Disi water conveyance and the Red-Dead Canal would be operational.
- Having regard to the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Oslo II Agreement) signed on 28 September 1995 in Washington, D.C., in particular to Annex III, Article 40 (Water and Sewage),
 - a) whereas Israel recognizes the Palestinian water rights in the West Bank. These will be negotiated in the permanent status negotiations and settled in the Permanent Status Agreement relating to the various water resources;

- b) whereas both sides recognize the necessity to develop additional water for various uses;
- c) whereas, while respecting each side's powers and responsibilities in the sphere of water and sewage in their respective areas, both sides agree to coordinate the management of water and sewage resources and systems in the West Bank during the interim period, in accordance with the following principles:
 - I. Maintaining existing quantities of utilization from the resources, taking into consideration the quantities of additional water for the Palestinians from the Eastern Aquifer and other agreed sources in the West Bank as detailed in this Article.
 - II. Preventing the deterioration of water quality in water resources.
 - III. Using the water resources in a manner which will ensure sustainable use in the future, in quantity and quality.
 - IV. Adjusting the utilization of the resources according to variable climatological and hydrological conditions.
 - V. Taking all necessary measures to prevent any harm to water resources, including those utilized by the other side.
 - VI. Treating, reusing or properly disposing of all domestic, urban, industrial, and agricultural sewage.
 - VII. Existing water and sewage systems shall be operated, maintained and developed in a coordinated manner, as set out in this Article.
 - VIII. Each side shall take all necessary measures to prevent any harm to the water and sewage systems in their respective areas.
 - IX. Each side shall ensure that the provisions of this Article are applied to all resources and systems, including those privately owned or operated, in their respective areas
- Having regard to the UN-Convention on the Law of the Non-navigational Uses of International Watercourses adopted by the United Nations on 21 May 1997, formulated by the International Law Commission (ILC), which has been ratified by 16 countries until now but would need the ratification of 35 countries in order to enter into force,
 - a) whereas Watercourse States shall in their respective territories utilize an international watercourse in an equitable and reasonable manner;
 - b) whereas Watercourse States shall, in utilizing an international watercourse in their territories, take all appropriate measures to prevent the causing of significant harm to other Watercourse States;
 - c) whereas Watercourse States shall cooperate on the basis of sovereign equality, territorial integrity, mutual benefit and good faith in order to attain optimal utilization and adequate protection of an international watercourse.
- Having regard to the Helsinki Rules on the Uses of the Waters of International Rivers published by the International Law Association in 1966 and reflecting customary

international norms for the use of transboundary water systems as well as the UN-Convention 1997,

- a) whereas the doctrine of limited territorial sovereignty emphasizing the “reasonable and equitable share in the beneficial uses of the waters of an international drainage basin” needs a better definition regarding “reasonable” (Art. IV Helsinki Rules)
 - b) whereas neither in the Helsinki Rules nor in the UN-Convention it is clarified if the principle of “prevention of appreciable or significant harm” means unambiguously that a state may only use an international water system in a way that it does not cause noticeable harm to another state and its population.
- Having regard to the UNESCO-Convention concerning Protection of the World Cultural and Natural Heritage signed on 16 November 1972 in Paris,
- a) whereas deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world;
 - b) whereas sites shall be considered as "cultural heritage", i.e. works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view;
 - c) natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty shall be considered as “natural heritage”;
 - d) whereas the inclusion of a property in the World Heritage List requires the consent of the State concerned.
- Having regard to the letter of the Vice President of the European Parliament Ms. Rodi Kratsa-Tsagaropoulou sent to the Enlarged Bureau of the Euro-Mediterranean Parliamentary Assembly demanding to discuss within EMPA the inclusion of the Jordan Valley in the UNESCO World Heritage List ;
- Having regard to a Fact-Finding-Mission of the Committee Chair, Mr. Stefan Schennach, and the Vice-Chair, Ms. Antonyia Parvanova, to the Jordan Valley from 29 January 2010 to 1 February 2010 and to the report of the mission annexed to this Special Report,
- a) whereas the Israeli position – as outlined in the document “The issue of Water between Israel and the Palestinians” of the Water Authority of Israel – has been taken note of at a meeting with representatives of the Water Authority, Ministry of Foreign Affairs and the Coordinator of Government Activities in the Territories (COGAT) of Israel at the King Hussein/Allenby Bridge;
 - b) whereas also the Palestinian position has been taken note of at a meeting with representatives of the Negotiation Support Unit (NSU) in Jericho;
 - c) whereas according to the Jordanian position the Jordan River barely exists - on the one hand this is due to the over drilling of groundwater and to the fact that the amount of water needed for domestic, agricultural, industrial and touristic us keeps on rising. On the other hand the Wadi Araba Peace Treaty is independent of the amount of rain in terms of Israel and gives to Israel water guarantees at the expense of Jordan;

- d) whereas Jordan treats over 60% of waste water and Israel 70%
- Having regard to the World Bank report “Assessment of Restrictions on Palestinian Water Sector Development” of April 2009,
 - a) whereas Palestinians have access to one fifth of the resources of the Mountain Aquifer;
 - b) whereas water withdrawals per head of the Palestinian population have been declining, and there are real water shortages;
 - c) whereas per capita domestic supply is very variable and discontinuous, with relatively small improvements since Oslo. Nominal supply rates to a quarter of the connected population are less than 50 lpcd, with some network services providing as little as 10-15 lpcd, which is at or below the supply threshold adopted by international humanitarian disaster response agencies to avoid epidemics;
 - d) whereas there has been little progress on wastewater collection and treatment, with negative environmental results;
 - e) whereas Palestinian abstractions in the West Bank have dropped below the basic level recognized in Oslo;
 - f) whereas the Joint Water Committee does not function as a “joint” water resource governance institution because of fundamental asymmetries - of power, of capacity, of information, of interests – that prevent the development of a consensual approach to resolving water management conflicts.
- Having regard to the Amnesty International Report “Troubled Waters – Palestinians Denied Fair Access to Water” of October 2009,
 - a) whereas Palestinian consumption in the OPT is about 70 litres a day per person – well below the 100 litres per capita daily recommended by the World Health Organization (WHO) – whereas Israeli daily per capita consumption, at about 300 litres, is about four times as much;
 - b) whereas a 700 kilometre fence/wall which has been under construction by Israel since 2002 has further reduced Palestinian access to water in the West Bank;
 - c) whereas in addition to the fence/wall more than 500 military checkpoints, barriers and obstacles of various kinds - most commonly, cement blocks, earth mounds and gates - block access to roads for Palestinians throughout the West Bank;
 - d) whereas the Palestinian Water Authority’s inability to satisfy the population’s needs has greatly undermined its authority and thus, its ability to confront and overcome long-standing practices that further weaken the water structure, including: water theft through illegal connections and unauthorized water extractions; inadequate disposal of sewage and solid waste, which pollutes water resources.
- Having regard to activities of NGOs like the Friends of the Earth Middle East (FoEME) which is an organization that brings together Jordanian, Palestinian, and Israeli environmentalists and whose primary objective is the promotion of cooperative efforts to protect the shared environmental heritage.

Therefore, the Ad Hoc Committee on Energy, Environment and Water of EMPA:

15. Invites all parties concerned to find a common solution to the most pressing problems prevailing in the Jordan Valley, namely an equal distribution of water that respects the need of all the people in the region and a healthy and protected environment for the generations to come;
16. Stresses that the solution of the water issue is of utmost importance for peace, security and stability in the region;
17. Underlines that while Israel has an interest in reliable water supply from transboundary aquifers, sufficient water resources are one of the pre-conditions for a future viable Palestinian State;
18. Believes that Israel and the PA together have to agree on common data of available water and distribution as well as demographic data as a starting point for further negotiations as both sides as well as reports in particular of the World Bank or Amnesty International have presented different figures up to now;
19. Calls on Israel to enter into negotiations for a new agreement on water and sewage with the Palestinians and not leave it to an overall package as the interim agreement (Oslo II) of 1995 was intended to be valid only for 5 years and can no longer serve as a basis due to the fact that the number of inhabitants of both Israel and the Palestinians, the amount of rainfall and available technologies for use and reuse of water have significantly changed;
20. Urges the governments of the riparian states of the Jordan River and its tributaries to respectively ensure and improve the stream and the quality of the water and to actively seek ways to reduce pollution of these waters;
21. Welcomes the application of more and more advanced technologies for treatment of the sewage and wastewater for reuse in agriculture, especially by Israel, and invites Israel to share this knowledge with other countries in the region;
22. Calls on international donor institutions to step up their efforts in providing financial and technical support to projects aiming at improving the overall water supply in the region as well as the construction of purification plants and maintenance of water networks;
23. Urges Israel to actively reduce administrative hurdles in order to facilitate the process of digging new wells and of building waste water treatment plans in the Palestinian Territories;
24. Encourages to make more use of environment friendly and sustainable technologies such as solar power – which might be a source of energy for desalination plants - in order to guarantee that the environment is not stressed beyond its limits and in order to reduce the possible impact of droughts and other natural disasters that are currently increasing in intensity, not least due to climate change;

25. Calls upon Israel and Jordan to fully honour Annex IV of their peace agreement which calls inter alia for the ecological rehabilitation of the Jordan River and for the environmental protection of the Dead Sea water resources;
26. Encourages all riparians in their efforts to realize the Red-Dead Sea Project while ensuring that possible negative environmental effects can be avoided;
27. Calls upon all member states of EMPA to ratify the 1997 UN Convention on the Non-Navigational Uses of International Watercourses so that it can finally enter into force;
28. Encourages the riparian states of the Jordan Valley to have the cultural and natural riches of the Jordan Valley recognized as UNESCO World Heritage in order to safeguard and protect this unique region;
 - a) because the Jordan Valley - cradle of the three monotheistic religions of Judaism, Christianity and Islam - owns a wide range of mythological places, archaeological monuments and historical settings such as Mount Nebo, the Qumran caves, the Baptism site of Jesus Christ and Islamic fortress of Karak, the oldest city of the world, Jericho and the mostly quoted city in literature Jerusalem and therefore deserves to be considered as “cultural heritage”;
 - b) because the Dead Sea - being the lowest place on earth at 422 metres below sea level - is one of the world's saltiest bodies of water, with 33.7% salinity and possesses a unique ecosystem in the world should be considered “natural heritage” as well as the Jordan Valley with its amazing diversity of flora and fauna.