

Magdalena Gołębiowska – Śmiałek  
Institute of American Studies and Polish Diaspora  
Jagellonian University

### **Evaluation of the “*Declaration*” – final document of the Israeli–Palestinian Water Negotiation Project**

The final document (*Declaration*) prepared by the students taking part in the Water Negotiation Project can be evaluated on the merits of the case and in the wider context of the educational aims of the whole project, those aims being: to gain the ability to practically apply knowledge in the fields of law, economics and contemporary international relations; to learn effective group-work, improve communication skills, and to gain experience in chairing negotiations and managing the whole process of negotiations.

The students’ engagement and the process of work on the project, which lasted five months ensured that the aims above were largely achieved. Student working in two teams (an Israeli team and a Palestinian team) gathered a sufficient range of knowledge of the complex Israeli – Palestinian relations to separate the problem of access to water and water distribution from the other issues which create obstacles to the signing of a peace agreement between both sides. Cooperation with experts from many fields, especially with Professor Shimon Shetreet, Fuad Bateh and Michael Talhami, who are involved in real bilateral talks, enabled the students to use practical techniques utilized in real negotiations, and to relate the task to the water agreement project based on the Kyoto Protocol, which is actually one of the propositions being discussed in Israel at the moment. As a result of this preparation both teams were ready with a list of arguments and had created a platform of compromise before the final session started. The outcome of their work is an unprecedented document in the strained Israeli – Palestinian relations.

However, the signed document is also due some criticism. The document’s negative points are its wording and the structure of the whole text: lack of introduction, lack of the definition of terms used, lack of clearly defined purpose of the agreement and imprecise definition of the parties of the agreement (which renders its decisions impossible to be implemented). The Declaration does not contain a decision on the ratification terms nor the date of its entering into force. Thus it is more a statement of intention than a legally binding document. Article 4 describing the management system of water resources and its distribution contains detailed decisions on creating a common institution responsible for the management of water potential,

but it does not contain any mechanism of control of its activity or mechanism of execution of its decisions.

The critique outlined herein however should not overshadow the positive implication of the project as a whole. Participants commonly decided to solve these matters that are very important for people, looking upon transnational and long-term interest. Such a posture shows that the students gained and refined an a constructive and functional attitude toward the problem which is not only complex but also characterized by a conflict that has lasted for decades.

Magdalena Gołębiowska - Śmiałek