

## **Transboundary water wars and pacification, the case of Palestine-Israel**

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### **Research overview**

My research analyses the persistent issue of transboundary 'water wars'.

It intervenes at the heart of alarmist scholarship, which for decades has been warning of a future of 'water conflicts' around the globe (the foundation of which is found with Homer-Dixon 1994). This body of literature gave rise to opposing scholarship that proposed that water is a tool for international cooperation (see e.g. Wolf and Amery 2000). As a response to these debates, the term Virtual Water (VW) was coined, describing the water required in the production process of goods (Allan 2002).

By importing VW through trade in water-intensive crop, economies are able to overcome their water scarcity and in this way 'pacify' conflict over limited shared resources.

Engaging critically with these bodies of scholarship that have generally approached water as an issue of international security, my research investigates how water is discursively conceptualised and regulated through law, and the implication of this on the conflict over shared water resources. I find that the crisis-oriented framing of water, intimately linked to its security paradigm, facilitates certain capital accumulation processes, and that water, in both the peace and war literature 'camps', is regarded as an economic good.

In order to expose the foundational social relations obscured by contemporary approaches to transboundary water management, I turn to Political-Ecology scholarship. More specifically, I engage with Human Geography literature debating the commodification of nature and water.

By bringing the two sets of scholarships together I hope to stress the legal dimensions of the process through which water undergoes commodification.

My intervention, subsequently, seeks to problematise the legal framework to which scholars often turn as a means of overcoming 'water crises', such as invocations to apply international water law in order to achieve more peaceful and equitable resource sharing or calls for a more 'proper' application of the rule of law to protect water rights in order to oppose water being treated as a commodity (see e.g. Barlow and Clarke 2002).

In my analysis, then, I put forward a critique of the unexplored process of water commodification as it bears on and functions through law. I focus on the agricultural sector in particular, in order to explore one such manifestation of the commodification process of water through the VW concept.

Commodification here is understood as the process through which a commodity undergoes alienation and abstraction and thus becomes exchangeable within a monetary system, for profit. Its exchangeability means it is rendered equal to other commodities and traded through the medium of money, and 'traded off' against other commodities as it. Importantly for my research, this process is understood to be linked to a legal property regime, which defines who is included and who is excluded, who owns (in this case, water), as against who is (legally) dispossessed of it.

Locating my analysis within international legal debates, I employ a Marxist legal approach in order to, more broadly, understand the relation between law and capitalism. I argue that through the issues I analyse within water management one

can engage with international law as a framework, with its goals of peace, and under a paradigm of 'security'. I suggest that water commodification functions as a form of pacification: a violent process through which the social order for capital accumulation is achieved (Neocleous 2007). I apply this critique to explain water relations in the terrain of Palestine- Israel.

### **Employing Pacification to transboundary water management analysis: achieving peace and security**

In today's water governance and management, security is a hegemonic concept (see Cook and Bakker 2012). Security permeates all sectors of life, whether it be state, industry, academic or civil society groups (as diverse as they are within or among them). From the perspective of transboundary hydro relations, the pacification of conflict can be understood as the achievement of water security and therefore, the increase of cooperation (and decrease of direct conflict).

However, capital accumulation takes place through the notion of security itself and regardless of the ways in which water is approached (i.e. as a source of war or peace). In the context of Palestine, for example, the way water is conceptualised has benefited and produced capital for both the agricultural and desalination industries (Trottier 2005).

In light of this reality, I argue that water conflicts can be studied as governed by legal processes that facilitate a certain political, economic and social hegemony, through the very notion of water security.

Analysing this story through the concept of VW, whilst localising the study to a case of extreme oppressive military and political forces such as in the Israeli occupation of Palestine, I deploy the Pacification framework to help me articulate the forces at work in a specific flow of VW (that is, from Israel to Palestine) as a means to control not only water resources but also food production, both expressed as issues of security. Since the achievement of water alleviation for food is framed under security, and is supposedly achieved with VW, pacification can be read in light, for example, of subsistence agricultural production for achieving food security.

To extrapolate these issues further, I turn to Marx 'on the Jewish question' where he shows that with law, man, as a citizen, receives his natural rights, to equality, liberty, security and property (1884). Liberty is founded on the separation of man from man: it is the right of such separation.

The application of this right to liberty, then, is precisely the right of private property, which through formal equality under the law the right to liberty is regarded. Finally and importantly for my topic, the right of security is the protection of the above, of the individual's rights and property. Internationally, then, with law, a state, as a legal subject, receives its natural rights to 'self-determination' (or liberty), with the application of this right being precisely sovereignty (or private property). The application of sovereignty is, after all, the formal equality of states under the law. Finally, through security, these rights of each state are protected.

The Anti-Security framework offers a particular reading of the manifestation of security as the protection of property, expressed as the bourgeois fetishism of security. The notion of security brings together in harmony the state apparatus with capital, or as Neocleous puts it: "the deadly complicity between security and capital, a complicity in which the state and capital collide and collude in a mutual bid to reinforce a political agenda structured ideologically around the security fetish." (Neocleous 2007: 341)

With the idea of pacification, the Anti-Security framework suggests that pacification is a form of securing the insecurities, or in other words, securing the order of capital.

(Neocleous 2011: 191)The international legal structure is intimately linked to capitalist logic and production, whereby its ideals and goals of 'peace and security' make the social conditions that are conducive for capital accumulation.

Therefore, in the context of transboundary water resources (which in political science scholarship have been characterised as 'water conflicts'), my thesis seeks to understand what function does law have vis-a-vis water. Under capitalism, this function includes certain common-sense ideas about the world, and in my case, about water resources themselves.

On the topic of the water conflict in Palestine-Israel, then, the question is how does a pacified legal reality of control over water facilitate capital accumulation as well as the accumulation of environmental resources? In order to answer this, I aim to firstly understand the relationship between law, property and the "natural" commodity. Building on this, the process of commodification of water resources themselves emerges, and it bears on legal structures.

It is here that it becomes important to understand how this process of commodification unfolds and operates locally, within the case study, as enabling the order for capital. In this way, the process of commodification of water can be understood as a pacifier of conflict: instead of fighting over resources, law comes to regulate their ownership. Thus, water resources' production can be expanded, they can be valued, exchanged, and ultimately, "peacefully" shared (even between two sworn enemies).

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