A wall, water and power: the Israeli 'separation fence'

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The 'separation fence' 'constructed by Israel to isolate itself from the Palestinians' raises many questions. Why was the construction of a fence perceived by the Israelis as a solution and as the only solution? What determined the specific, serpentine path of the fence and what impact does it have on both Palestinian and Israeli societies? A resulting reconfiguration of the power structure within Palestinian society is clearly unfolding and deserves analysis.

A construction of meaning occurred within Israeli society that portrayed a fence as a necessary source of security while obscuring its other functions. The debate within Israel concerning the fence reveals how the discourse construction and events leading to the physical construction shaped each other. The atomisation of information within this process greatly shaped the Palestinian reaction. Internationalising the issue affected the evolution of their power structures. Examining the impact the fence is having on Palestinian water management allows us to decipher the intricate fashion in which Palestinian power structures are affected. It illuminates a centralisation of some power in the hands of the Palestinian Authority (PA) with a concomitant disempowerment of traditional communal forms of water control. This aspect is absent both from the Palestinian Non-Governmental Organisations (NGOs) and from the PA's discourse on the separation fence even though water control is mentioned very often in this context. Why this crucial observation fails to appear in their arguments also raises important questions.

Wendt described a security dilemma as 'a social structure composed of inter-subjective understandings in which states are so distrustful that they make worst-case assumptions about each others' intentions, and as a result define their interests in self-help terms.'[1] Israel has found itself in the throes of a security dilemma that has led it to construct the separation wall. Critical IR theory claims that the structures governing international politics are social rather than strictly material, and that these structures shape both actors' identities and interests, not only their behaviour.[2] Constructivists therefore pay much attention to the manner in which agency and social interaction produce and reproduce knowledge, thereby leading states to affect the social structure in which they are embedded. This study, however, does not limit itself to this social process among states. It will first examine how the security dilemma has evolved in Israel in a manner that constrained the state to accept the construction of the separation fence. This leads us to consider many factors that have traditionally been the preserve of comparative politics. What is fundamentally a

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[1] Alexander Wendt, 'Constructing International Politics', International Security, 20:1 (1995), p. 73.
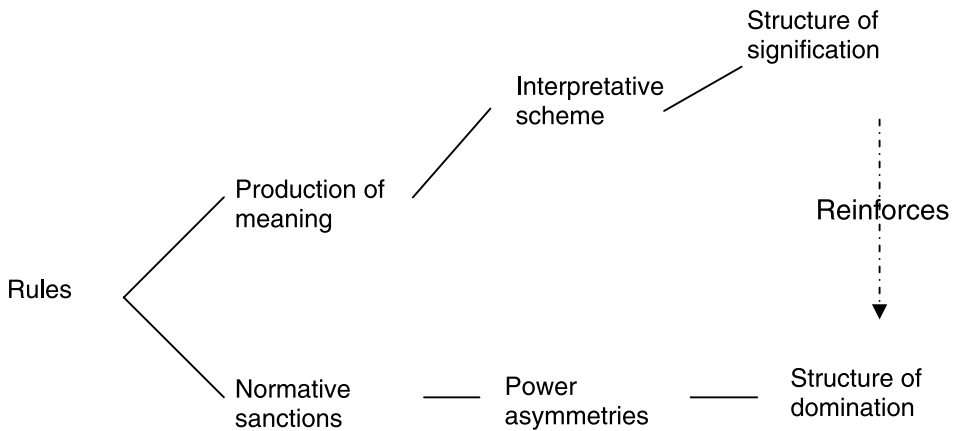[2] Ibid., pp. 71–2.

Figure 1. *Structures of signification and domination.*

matter of international relations, that is, a security dilemma and a foreign policy decision-making process, is clearly affecting issues traditionally dealt with by comparative politics. We will examine the impact of this security decision on the evolution of power structures within the Palestinian entity. These, in turn, contribute to the construction of the security dilemma faced by Israel.

V. Jabri has argued that war is a social continuity. She harnessed structurationist theory to examine the discursive mechanisms linking structure and agency. According to the latter, the structural properties of social systems, their rules, take two essential shapes: that of normative sanctions and that of production of meaning. The normative sanctions translate directly the power asymmetries within a society and perpetuate the structure of domination within it. The production of meaning occurs through the construction of interpretative schemes which, when hegemonic, support a structure of signification. The latter reinforces the structure of domination. The concept of 'terrorist', for example, constitutes an interpretative scheme within a structure of signification that delegitimises violence from actors other than states and therefore reinforces the state structure of domination. These structural properties of social systems constrain agency. They determine the degree of freedom of the actors, their capacity to act and even to think and be aware of their condition. This is illustrated in Figure 1.

Jabri used discourse analysis in order to explore the manner in which sociopolitical relations are produced and reproduced. This allowed her to treat war as a social phenomenon to which the whole of society participates because it subscribes to a structure of signification that legitimises this violence.[3] Similarly, this study explores the construction of 'security' and 'security fence' as interpretative schemes embedded within the production of meaning inside Israeli society. While Jabri deployed this analysis within a single society, this study will also explore both the manner in which the structure of signification emerging from the Israeli production of meaning actually impacts the structure of domination within Palestinian society and how the

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[3] Vivienne Jabri, *Discourse on Violence Conflict Analysis Reconsidered* (Manchester: Manchester University Press, 1996).

existing structure of signification within Palestinian society interacts with that structure of domination.

Barnett noted that 'domestic structures are not the wellspring of international norms; rather, they emerge from interstate interactions'.[4] His central concern was to demonstrate the causal contribution of interstate interactions to domestic structures such as state-national identities. He showed the domestic structure of Arab states emerging from a discursive process at the international level as these states engage in dialogue about regional order. He furthered this work to demonstrate how identity provides theoretical leverage over the construction of a threat, even though structural forces also contribute to this construction.[5] This study similarly explores the interaction between identity and threat construction, paying attention both to the construction of meaning and to material forces. Focusing on water allows us to untangle both strands and, crucially, also allows us to illuminate the role of non-state actors that are usually ignored within IR theory. The traditional division between IR and comparative politics has obscured the pivotal role such actors play, especially in the Middle East.

Constructing the separation fence

The decision to build a fence was the product of a specific knowledge framework used to define the security problem and to conceptualise its solution. The thirty years preceding the construction of the separation fence saw Israel engage with the idea of fences in various ways in order to deal with its perception of security. Over that period, a specific definition of the security problem was shaped and propagated that pointed inescapably to a fence as the only solution. This typifies the construction of inevitability that is crucial to the success of any major infrastructure project.[6]

Upon its creation, Israel only had armistice lines and no borders.[7] After 1967, the Green Line was kept undemarcated voluntarily because the young state did not want to lock itself into fixed borders. Over the last thirty years, a paradigmatic reframing of the problem of security in Israel, into one of ethnic sealing, occurred. The evolution of several concepts was necessary for this process. The definition of security changed from a state security to a personal security one. This corresponded to a widespread evolution that followed the end of the Cold War all around the planet.[8] The concepts of a fence and a border also changed drastically during that time and ultimately structured the Israeli debate concerning the separation fence. This constituted a second paradigmatic reframing of the problem. Rather than debating whether a fence was an appropriate solution, Israelis only debated where the fence

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[4] Michael N. Barnett, *Dialogue in Arab Politics Negotiations on Regional Order* (New York: Columbia University Press, 1990), pp. 15 and 24.

[5] Michael N. Barnett, 'Identity and Alliances in the Middle East', in Peter J. Katzenstein (ed.), *The Culture of National Security Norms and Identity in World Politics* (New York: Columbia University Press, 1996), p. 446.

[6] Yaakov Garb, 'Constructing the Trans-Israel Highway's Inevitability', *Israel Studies*, 9:2 (2004), pp. 180–217.

[7] Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881–1999* (New York: Alfred A. Knopf, 1999), pp. 259–69.

[8] David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity* (Manchester: Manchester University Press, 1992).

should lie. The evolution within Israel of the perception of a fence, of its use and of its impact must be understood.

South Lebanon

In the last years of Israeli occupation of Southern Lebanon, before 2000, the border crossing near Metulah was known as 'the Good Fence'. This term had been coined by Shimon Peres while he acted as Minister of Defence. A border crossing opened in January 1976 near the village of Klai'a was supposed to allow the Israeli government to supply the residents of South Lebanon with humanitarian help such as food, water and medicines. The Good Fence was part of a wider set of security arrangements that aimed at creating a buffer zone north of Israel. This 'security zone' became prominent after the 1983–84 withdrawal of Israeli troops from most of Lebanon. It included permanent outposts with a limited Israeli presence. No more than 2,000 soldiers were ever stationed there at any one time.[9] The concept of that security zone was one that relied heavily on the South Lebanon Army to maintain order and security.

The agreement signed with Lebanon in March 1949 stipulated that the cease-fire line would run along the international border demarcated in 1923 between the French mandate over Lebanon and the British mandate of Palestine. This line was not defined precisely from 1949 until the early 1970s.[10] Then, in the wake of infiltration incidents, Israel built 'the old fence [. . .] where it was convenient security-wise, but not necessarily along the exact lines of the border.'[11] Israel then moved the border fence westward and northward after a lorry explosion killed 12 Israeli soldiers in March 1985. This 'new fence' was not the border between Israel and Lebanon. It was clearly mobile and part of a greater security system.

Upon the sudden collapse of the South Lebanon Army (SLA) in May 2000, the Israeli media emphasised how a 'state of the art' fence was being erected along the *de facto* border with Lebanon, containing barbed wire, movement sensors, cameras and fine sand that allowed detection of footprints. As inhabitants returned to villages they had abandoned because of the activity of the SLA, this high-tech fence was deemed to provide Israelis with the security that was no longer achieved by their occupying southern Lebanon. Interestingly, the north of Israel became safer than it had been in many years. Katyusha rockets stopped threatening the northern towns. A defence role was widely attributed to this high technology fence which it could not possibly fulfil. Closer scrutiny would have revealed the role played by international negotiations and by the fact that this newly-returned population of farmers did not constitute a threat to the Israelis. The events of July 2006 tragically confirmed this analysis *a posteriori*.

Gaza

Israel surrounded the Gaza Strip with a fence complex after the eruption of the first Intifada in 1987. This complex included, as well as the fence, most of the monitoring

[9] Melman Yossi, 'In and out of a nightmare', *Haaretz*, 25 May 2000.
[10] Arnon Medzini, *The River Jordan: The Struggle for Frontiers and Water: 1920–1967*. Unpublished Ph.D thesis, University of London, October 1997.
[11] Joseph Algazy, 'Soiled hands, spoiled lands', *Haaretz*, 24 December 1999.

components that were later to be found along the current fence which runs along the armistice line with Lebanon. Palestinian mobility in and out of the Gaza Strip was restricted to an Israeli-controlled passage into Egypt at Rafah and to the Erez (Beith Hanoun) crossing into Israel. The Sufa, Kissufim and Al-Mintar (Karni) crossings across this fence were reserved for Israeli settlers and their visitors. This fence attracted little media attention both in Israel and abroad even though, over the years, the increasing difficulties faced by Palestinians in crossing it meant that the Gaza population has been effectively sealed off within this narrow strip of land.

The Israeli media usually mentioned this fence only when 'terrorists' had been caught trying to break through it or when rockets were shot over it.[12] Little attention was paid to the economic impact of this fence that maintained a labourer population captive. Within the Gaza Strip, next to the Erez crossing, lay a series of factories, where a significant number of Palestinian labourers worked every day, entering through doors on the Gaza side. This allowed Israeli companies to hire Palestinian labourers outside Israel, where Israeli labour laws concerning health and safety, wages and benefits did not apply because the Knesset never annexed the Gaza Strip. This graphic example of the new role played by modern borders in labour divisions rarely attracted headlines in the Israeli press. Rather, the fence around the Gaza Strip was systematically referred to as a security measure. The 2005 rocket attacks that killed Israeli residents in the town of Sderot, north of the Gaza Strip, severely undermined the purported usefulness of such a fence as a security tool from a defence point of view. But, by 2005, the construction of security in the Israeli mind was predominantly one of personal security, where the threat originated from terrorist bombers who would infiltrate the state. This construction of security ensured that the fence kept being perceived publicly as a necessary and efficient tool. As early as the mid-1990s, however, it was also playing a crucial economic role.

The many incarnations of a fence

During the last three decades of the twentieth century, the idea of a fence settled in the Israeli perception into a variety of incarnations.

In both the southern Lebanon and the Gaza Strip cases, the fence was largely conceived as part of an extensive security mechanism to continue occupying 'the other side'. It played a role as a policing mechanism over that occupied territory. This perception became quite prevalent among the settlers. In both cases, the fence was also largely conceived as a safe, linear border that permitted evacuating 'the other side'. It played a role within a military defence mechanism against that evacuated territory. This perception became prevalent among the dovish groups advocating a withdrawal from occupied territories. The Lebanese fence was also perceived as part of a humanitarian approach, allowing emergency assistance to the poor population on 'the other side'. The idea of a 'Good Fence' became anchored. Also, the fence along the Gaza Strip was perceived by a business community in Israel as a handy solution to tap an everlasting supply of cheap labour. Although this was a minority

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[12] Aluf Benn, Arnon Regular, Amos Harel, 'Israel to US: Step up pressure on Syria to aid Abbas', *Haaretz*, 23 January 2005.

view, it remained a crucial one because it solved the problem of accessing foreign manpower while preventing ethnic mixing within Israel. All of these incarnations of a fence were loosely wrapped into a new concept of security that could morph itself into a policing, a military, a humanitarian or an economic understanding of security depending on the political actor discussing the usefulness of the fence or the constituency being addressed.

The paradigmatic evolution of the definition of security over that period led to a reframing of the issue of security from an international one, where the state military faces foreign armies, to a personal one, where the state police faces networks of 'terrorists' that operate across states. This led to a second reframing of the security problem into one of separation from the 'others' engaging in such 'terrorist' activities. A third reframing of the issue occurred as this separation was portrayed as achievable only through the construction of a separation fence. None of these paradigmatic shifts was inevitable, but they were presented as such by the media and the many advocates of the construction of the separation fence. The many conceptual incarnations of such a fence that sprung up in Israel from the 1970s onwards allowed this discourse to be welcomed by most sectors of Israeli society.

The debate within Israel

The paradigmatic slide redefining security and pointing inescapably at the 'only possible solution' had already occurred by November 2000, when Barak approved the construction in the West Bank of a 'barrier'.[13] Israel has often been said to face an impossible triple goal, dubbed 'the impossible triangle' since it aims to be a democracy, to be a Jewish state and to retain the occupied territories and can only achieve a combination of two of these goals. Indeed, a democratic Jewish state precludes the retention of territories peopled with non-Jewish citizens. Conversely, a democratic state that retained these territories could not be Jewish, leaving a Jewish state that annexed the West Bank and Gaza Strip and their population with only one option: giving up its democratic character. The political debate in Israel has been structured since 1967 around this impossible triangle, according to which two poles the various political actors adopted as priorities. The overwhelming majority of Israeli political actors have supported a combination of priorities that included maintaining a Jewish state, that is, a majority Jewish population. This structure of the political debate in Israel allowed the paradigmatic shift that ultimately reframed the question of 'how can we ensure security' into 'where should we build the security fence'. Only a tiny, unrepresentative minority could not accept this construction of the 'one and only, inevitable solution'. Both left-wing actors, such as Meretz, and bipartisan ones, such as the Coalition for Peace and Security, belonging to the 'Dovish' group, approved the idea of the fence from the very beginning.[14] It was often presented as a first materialisation of a border that would allow a Palestinian state to come into existence while it would ensure 'security' within Israel. Settler organisations disliked this idea initially, but quickly reacted by proposing an

[13] Peter Lagerquist, 'Fencing the Last Sky: Excavating Palestine after Israel's ''Separation Wall'' ', *Journal of Palestine Studies*, 130 (2004), p. 2.
[14] Lagerquist, 'Fencing the Last Sky', pp. 12 and 13.

alternative route which transformed the linear fence matching an international security conception into a serpentine one that would police the Palestinians within enclaves. Such an intention transpired clearly from the proposal made by the Yesha Council of settlements in February 2003.[15] From then on, the debate in Israel centred essentially on the best path for the fence. The loose definition of security allowed the idea of the fence to satisfy the various actors even though their concept of the security problem and their goals diverged.

The various recourses to the Israeli courts allowed a clear expression of this debate within Israel, including an outspoken articulation of the various conceptualisations of security. The Council for Peace and Security argued at the Israeli High Court against the construction of Palestinian enclaves. It included several retired Israeli generals, such as Givoli, who described very clearly the military perception of a useful fence: one that is as close as possible to the Green Line, and one that follows the shortest route. The present path of the fence, he argued, was a trap for soldiers.[16] The serpentine fence that emerged does not serve a defence purpose. It can only serve a police purpose, to control the mobility of a population that remains under occupation.

The Israeli high court ruling in the case of Mr Ghassan Abd al-Razeq from Deir Ghussun, mentions in its Article [1f] that 'it will be possible to reach' the land belonging to this farmer and lying on the other side of the fence. This forced the Israeli authorities to include gates in the fence, thereby undermining the very ethnic sealing that was sought. In July 2004, the Israeli High Court of Justice ordered the state to reroute 30 km of a 40 km stretch of the fence northwest of Jerusalem in order to minimise hardship to Palestinians living in the area.[17] This ruling was welcomed by many in the Israeli government who considered it confirmed that the fence was a security barrier rather than a political border. Its route was being determined by security reasons and its right to exist was not challenged.

The arguments developed in court upon these occasions and the ensuing public reactions allow us to assess the nature of the debate within Israeli society. Only an extremely small minority challenged the idea of a fence as a solution. The overwhelming majority of actors subscribed to the paradigmatic reframing of a security problem into one of ethnic sealing via the construction of a fence.

The Palestinian reaction to the fence

The Palestinian reaction to the security fence can only be understood in the light of the manner in which Palestinians discovered it and were affected by it. The initial silence of the PA until March 2003 stood in sharp contrast with the activism deployed by Palestinian NGOs. The process whereby the fence was brought into existence will be examined before the reactions of the various Palestinian leaderships are analysed. This will lead us to examine the most important impact of this separation fence: the manner in which it is now affecting power structures within Palestinian society.

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[15] Nadav Shragai, 'Fence proposal fires controversy among settler leaders', *Haaretz*, 4 February 2003.
[16] Lily Galili, 'Fence and defense', *Haaretz*, 19 March 2004.
[17] Yuval Yoaz, Aluf Benn, 'Court freezes fence section near Har Homa', *Haaretz*, 1 July 2004.

Bringing the fence into existence

The overall blueprint for the security fence path was not published by the Israeli government when it undertook its construction.[18] Rather, an extreme atomisation of information occurred, whereby village and municipal councils received maps, in Hebrew, showing the path of the fence on their territory only. This prevented Palestinians from understanding readily the full reality of the wall or fence and the impact it would have on them. The land on which the fence was to be built was not expropriated or confiscated, as was incorrectly reported by many media. It was requisitioned temporarily for five years, at the end of which the requisition can be renewed. No indemnity was to be paid to the land-owners because of the temporary nature of this requisition. This further contributed to blurring the Palestinian perception of the impending change. How could a permanent wall, representing a *de facto* border, actually lie on temporarily requisitioned land?

The manner in which these maps made their way to the village and municipal councils deserves attention. These councils belong to the Ministry of Local Governments of the PA, with whom Israel has official relations. They could have easily been transmitted via that route. Instead, maps were left in villages in a variety of ways, such as in plastic bags at the foot of a tree.[19] When interviewed, the mayors systematically declared they had not received notification via formal channels. Most interesting was the manner in which the village council of Zeita faxed its notification to a neighbouring village.

'A soldier[20] opened the door of a collective taxi at a check point and asked whether anyone was from here. One man said ''Yes'' because he was born here but he now lives and works in Zeita. The soldier gave him the map and the written order and told him to take it to his municipality. The man took it to the municipality of Zeita, where he lives. The mayor there realised that it was intended for us and faxed it to us.'[21]

The resulting fragmentation of information concerning the fence prevented the Palestinians from having an overview of what was to come. This contributed to shaping the Palestinian reaction. Villagers protested against the fence, sometimes challenging the orders in Israeli court, largely with the support of Palestinian NGOs, international civilian observers such as the members of the International Solidarity Movement (ISM), and, in some instances, Israeli groups such as the Council for Peace and Security. These villagers, however, never protested against the fence with the support of a truly national Palestinian movement. Villagers would hold sit-ins in front of bulldozers threatening their land, together with Europeans ISMers or Israeli activists, but never with other Palestinians from other towns and villages apart from the NGO activists. The fragmentation of the dissemination of the threat contributed to a fragmentation of the national Palestinian reaction. The latter remained rooted locally even though it sought to internationalise its cause.

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[18] Lagerquist, 'Fencing the Last Sky', p. 10.
[19] Evidence collected from semi-structured interviews in the villages along the path of the first phase of the wall in February 2003.
[20] It is not possible to distinguish whether the person referred to by the interviewee was simply an Israeli or an Israeli soldier because the interviewee used the words 'Jew' , 'soldier' and 'Israeli' as synonyms, as is often the case among Palestinians of the West Bank.
[21] Interview carried out in February 2003.

This absence of a truly national Palestinian reaction must be contextualised in the overall process of national construction in the Palestinian territories. The long and complex history of the Palestinian identity and of its coalescing as a nation has been discussed elsewhere.[22] It led Rashid Khalidi to observe a recentring of Palestinian society and a redefining of its identity once the PA set up its institutions.[23] The construction of the security fence by Israel is now having an unprecedented impact on this process of recentring.

The impact of the fence on power structures among Palestinians

Four types of leadership can be identified among the Palestinian population: the PA that was set up following the Oslo agreements, the NGOs that sprouted during the first Intifada, Hamas and the traditional leadership by notable families. While much scholarly work has been devoted to the first three categories of leadership, too little academic attention has been devoted to the traditional power structures in Palestinian society.[24] Yet, there is no doubt that Palestinian notable families played a key leadership role during the Ottoman Empire and throughout the British mandate. Such leadership essentially relied on a redistributive power as the notables could mediate between their peasant clients and the imperial/mandate authorities. These patron-client relations largely persisted after the British withdrawal and after the Israeli occupation of 1967.

The power basis of the Palestinian notables, namely their ownership of land, their provision of work to peasants and their capacity to mediate for them with government authorities to access resources such as visas for example, was progressively eroded under the Israeli occupation.[25] The land confiscations carried out by Israel and the fact that peasants took up labouring jobs inside Israel deprived these notables of much of their power base. This was paradoxical because Israel was relying on these notables to maintain order in the occupied territories. The decline in power of the traditional leadership corresponded first with the rise of the PLO and then with the rise, during the first Intifada, of the first leadership to have been educated in Palestinian universities. Whereas notable families had traditionally sent their children to study abroad, the new leadership which emerged during the first Intifada tended to have studied in the universities that became established in the occupied territories starting in the 1970s. As it couldn't act through political parties, its activism was carried out through the creation of NGOs. The Palestinian Agricultural Relief Committees, the Union of Palestinian Medical Relief Committees, the Union of Agricultural Workers Committees and several others were created between 1983 and 1986. They rose to prominence after the onset of the first Intifada in 1987.

[22] See for example: Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness* (New York: Columbia University Press, 1997), and Laurie A. Brand, *Palestinians in the Arab World: Institution Building and the Search for State* (New York: Columbia University Press, 1988)

[23] Khalidi, *Palestinian Identity*, p. 203.

[24] Ibid., pp. 89–90.

[25] Glenn E. Robinson, *Building a Palestinian State* (Bloomington, IN: Indiana University Press, 1997), p. 14.

The new leadership that emerged from the first Intifada was hardly integrated by the PA when it set itself up in Gaza and Ramallah. Instead, it was perceived with suspicion as a competition when facing donors. Both the PA and the NGOs gathered much power out of their ability to redistribute the funds from the international community.[26] This redistributive capacity led them to develop patron-client relations rather similar to those that had been practiced by the traditional leadership before them. This was no mean power as, by 1996, international aid amounted to 17 per cent of the Palestinian GDP.[27] The large amount of international aid into the Palestinian territories during the 'Oslo years' contributed largely to the power structures that emerged.[28] Between 1983 and 2005, over $6 bn of international aid reached the West Bank and Gaza Strip, the bulk of which was channelled after 2000.[29] This unprecedented flow of funds sustained a complex array of clientelist networks.

The resulting power structure consisted of an overlay of several distinct leaderships each with its own claims to legitimacy and varying usefulness. Palestinians would turn to one or to the other depending on which one would be most efficient for a given purpose. Although the traditional notables' power had weakened, it still remained and the mechanisms whereby they interacted with their constituencies never completely faded away. No observer of Palestinian politics who carries out extensive field work can deny that some traditional power structures clearly continued to play a role throughout the Oslo years. This was especially visible in the management of natural resources, water being the most prominent example. The PA came to correspond very much to the 'state in society model' put forward by Joel Migdal, short of being a state, of course.[30] It exerted some social control, but it largely compromised with the other sources of authority, namely the NGOs, the traditional notables and Hamas, in order to find arrangements in the exercise of that social control.

The separation fence was to alter profoundly the power relations among these four leaderships. The first signs of this new phenomenon appeared with the creation of enclaves such as the surrounding of Qalqilya by a concrete wall and fence complex in late 2002. Mobility in and out of this town was extremely reduced when it found itself completely surrounded except for an 8-metre gate controlled by the Israeli authorities. This restriction of mobility, combined with the effects of the second Intifada that started in the fall of 2000, led the town to operate without a Palestinian Authority police force, a prison or a court. The population then returned to traditional methods to settle its disputes, using a committee of seven persons

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[26] The fourth type of leadership, Hamas, which emerged from the first Intifada, also derives much power and legitimacy out of its ability to redistribute resources. The sources of these resources, however, are different from the sources used by the PA and the Palestinian NGOs. Whereas these two leaderships compete directly with each other for funds from the EU, the UN and bilateral donors in a manner typical of development brokers, Hamas does not really compete with either of them. Discussing Hamas as a type of leadership goes beyond the scope of this article. For more information, see: Khaled Hroub, *Hamas, Political Thought and Practice* (Washington, DC: Institute for Palestine Studies, 2000), and Shaul Mishal and Avraham Sela, *The Palestinian Hamas: Vision, Violence, and Coexistence* (New York: Columbia University Press, 2000).

[27] Adel Zagha, *Foreign Aid and Development in Palestine* (Jerusalem: Jerusalem Media & Communication Centre, 1999), p. 48.

[28] Rex Brynen, *A Very Political Economy: Peacebuilding and Foreign Aid in the West Bank and Gaza* (Washington, DC: United States Institute of Peace Press, 2000).

[29] Michael Keating, Anne Le More and Robert Lowe, *Aid, Diplomacy and Facts on the Ground: The Case of Palestine* (London: Chatham House, 2005), p. 4.

[30] Joel Migdal, *State in Society* (Cambridge: Cambridge University Press, 2001).

belonging to the notable families who had been sources of authority within the traditional power structure.[31] The subtle manner in which power relations were affected can be observed very clearly by examining how water management evolved as a bone of contention among the four types of leadership.

The separation fence, water and power

The NGOs were the first to bring up the issue of water as one of the major impacts of the separation fence on the Palestinians. The Palestinian Environmental NGOs Network (PENGON) published in November 2002 a list of 29 '[w]ells to be lost in the Wall's First Phase'.[32] These wells were listed with their identification numbers designated by the Palestinian Water Authority (PWA). They also listed the 'discharge' of each well in cubic metres per year and the total amount of water affected, that is, 3,880,000 cubic metres of water. The report detailed:

The impact on the water supplies to the areas around the Apartheid Wall is a serious concern. A number of water wells will be lost to communities near the Apartheid Wall. In villages around Qalailiya and Tulkarem the Palestinian Hydrology Group (PHG) has listed 30 wells that will be lost in the first phase of the Apartheid Wall. These 30 wells have a total discharge of 4 MCM/year. These groundwater wells are located in the Western Groundwater Basin and were drilled prior to 1967. As a result, Palestinians will loose nearly 18% of their share of the Western Groundwater Basin.[33]

Scrutiny of the list of wells shows that the 'discharge' quoted corresponds, in fact, to the quota allocated to the well by the West Bank Water Department and now enforced since the Oslo agreement by the PWA. This rarely corresponds to the actual discharge of the well for a variety of reasons.[34] One well in this list actually proved to be owned and operated by Mekorot, the Israeli national water company.

The PWA reacted later than the NGOs, issuing a report in January 2003 entitled *The Israeli Apartheid Separation Wall 'To Control The Palestinian Water Resources'*. This report argues that '[. . .] he (Sharon) was completely convinced that the erection of this wall will guarantee Israel the continuous control on the most important Palestinian water resources.'[35] It put forward many figures concerning the quantities of water available in the three aquifers of the West Bank, and the quantities being abstracted:

One of the important direct impacts of this racial assault on the Palestinian farmers was loosing more than 33 well, as per the current stage of the wall, that are been utilised for agriculture and domestic use, these wells which were drilled prior 1967 are currently situated between the green line and the separation apartheid wall, the average water quantities that are abstracted from these wells are around 6 million metre cube per year which is around 31% from the total quantities abstracted by the Palestinians from the Western Basin and this quantity reaches around 20 million metre cube per year, and the

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[31] Interview with the mayor of Qalqilya, Maa'rouf Zahran, carried out in Qalqilya on 16 January 2003.

[32] PENGON, *The Apartheid Wall Campaign*, Report no. 1, November 2002, p. 21.

[33] Ibid., p. 19.

[34] Julie Trottier, *Hydropolitics in the West Bank and Gaza Strip* (Jerusalem: PASSIA, 1999).

[35] Palestinian National Authority and PWA, *The Israeli Apartheid Separation Wall 'To Control The Palestinian Water Resources'*, prepared by the PWA in cooperation with Sustainable Management of the West Bank and Gaza Aquifer, 5 February 2003, p. 2

Israelis average abstraction from this basin reached to 545 million metre cube in the year 2001, meaning that a 36% was over pumped from this basin which causes an extreme depletion to the basin.'[36]

This report also listed 51 'Wells to be lost in the Wall's First Phase' with their average abstractions and showed that these total 7,328,664 cubic metres.

The Ministry of Planning and International Cooperation, MOPIC, also published similar maps and figures, insisting on the significant portion of water that was to be lost because of the fence.

The concern expressed both by PENGON and by the PA seemed to target only water lost because of the construction of the fence. Field work allowed us to visit these wells and to establish a more nuanced picture of the situation, both concerning the factual description of what was happening and concerning the impact of the separation fence. Water is everywhere the object of several types of competitions among many social actors who deploy their strategies over widely varying scalar levels. Political ecology studies of water management around the world have often highlighted how various power structures clash through infrastructure development concerning water.[37] Understanding the effect of the fence on water management therefore requires a basic understanding of the complex manner in which water is accessed, used and allocated within the West Bank. Merely counting the wells that are now located between the Green Line and the fence is insufficient to understand the effect this will have on the Palestinians. It does not allow us to understand how the various leadership structures are being empowered or disempowered. An overview of the evolution of water management in the area is therefore sketched here, before a typology of the various impacts of the fence is developed.

The evolution of a water law remote from reality

Until the British Mandate was established over Palestine, water in what is now the West Bank had always been managed at the local level, with spring or well users themselves determining the rules governing water use, access and allocation. The Mandate authorities, realising that water law varied literally from one village to another, and facing the absence of any real definition of water rights and land tenure deeds, were reluctant to invest in hydraulic infrastructure. They deployed much effort between 1929 and 1937 to formulate a water law that would apply uniformly over the territory of the mandate and would allow for 'efficient' use of water in irrigation according to an engineer's understanding of that term. Their efforts largely failed.[38]

After the emergence of the state of Israel in 1948, law 5715–1955 concerning drilling and law 5716–1955 on water metering were proclaimed in 1955. Law 5718–1959 on drainage and flood control was proclaimed in 1957. These three laws

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[36] Ibid., p. 3.
[37] For a few examples, see: Rutgerd Boelens and Paul Hoogendam (eds.), *Water Rights and Empowerment* (Assen: Koninklijke Van Gorcum, 2002). Jonathan B. Mabry (ed), *Canals and Communities: Small Scale Irrigation Systems*, Arizona Studies in Human Ecology (Tucson, AZ: The University of Arizona Press, 1996). Rutgerd Boelens and Gloria Dávila (eds.), *Searching for Equity Conceptions of Justice and Equity in Peasant Irrigation* (Assen: Koninklijke Van Gorcum, 2002).
[38] Roza I. M. El Eini, 'The Implementation of British Agricultural Policy in Palestine in the 30s, *Middle Eastern Studies*, 32 :4 (1996), pp. 211–50.

were consolidated into the Israeli Water Law in 1959. It withdrew water once and for all from the private and communal spheres. Within 90 days of the promulgation of the water law in 1959, the control of water switched from a totally fragmented situation where every well and every spring had its own law, to an extremely centralised situation. All water users had to apply for a one year-long production licence from the Water Commissioner, who could stipulate any new condition judged necessary in order to conserve water stocks and to improve the efficiency of water management and use.[39]

Meanwhile, the West Bank became a part of Jordan which allowed the former situation to continue regarding water management. Wells are much more easily drilled along the coastal plain than in the rocky soil of the West Bank, and, until 1950, most water use in the West Bank originated from springs and rain collection. Capital and technology became available in the 1950s and 1960s for villagers to drill wells along the north-western edge of the West Bank. All the wells affected by the first phase of the fence were drilled at that time. Farmers pooled their savings and created 'well companies' in order to gather the necessary funds. To this day, they have been selling their water on a time basis. This was sometimes modified if and when they built reservoirs. Water was then sold on a volume basis.

On 15 August 1967, only a few weeks after the Six Days War, Military Order no. 92 granted complete authority over all issues concerning water in the Occupied Territories to an Israeli officer named by the Area Commander.[40] This strays from the Israeli water law but that difference is coherent with the fact that the Israelis did not annex the West Bank. It remained militarily occupied territory and the Israelis never extended their national laws there, as opposed to East Jerusalem and in the Golan, which were both annexed. A few months later, Military Order no. 158 of 19 November 1967 submitted the construction of any new water installation to the prior obtaining of a permit and allowed the confiscation of any water resource for which no permit existed.[41] Finally, Military Order no. 291 of 19 December 1968 invalidated all prior and existing arrangements of disputes concerning water.

These military orders granted Israel, in theory, total and complete control of water use and water access in the West Bank. In practice, however, Israel did not extend its power as far as these military orders allowed. It used them to limit severely any new well drilling by the Palestinians and to impose a quota on the existing agricultural wells that generally matched the quantity used within the first year it was metered. However, Israel allowed the persistence of customary institutions in water management. It did not interfere with the manner in which Palestinians determined how the water that was allocated to them by this Israeli-imposed quota would be used, accessed and allocated. These delocalised water management institutions are now the ones affected by the construction of the fence. They are part and parcel of the traditional power structure that has subsisted in the West Bank to this day.

The Cairo agreement of 4 May 1994 between Israel and the Palestinians declared that water and sewage systems and resources in PA areas 'shall be operated, managed and developed (including drilling) by the PA, in a manner that shall prevent any harm

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[39] Julie Trottier, *Hydropolitics in the West Bank and Gaza Strip*.
[40] Jamil Rabah and Natasha Fairweather (eds.), *Israeli Military Orders in the Occupied Palestinian West Bank, 1967–1992*, 2nd edn. (Jerusalem: Jerusalem Media and Communication Center, 1995).
[41] Ibid.

to the water resources'.[42] This is to the exclusion of all the hydraulic systems of the settlements and the area of military installations.[43] While it does not define the term 'harm', this agreement also commits the PA 'not to harm the existing water quantities'.[44]

The agreement signed in Washington on 28 September 1995 by Israel and the Palestinians proceeded with an allocation of the renewable water resources deemed to exist within each of the three aquifers. Altogether, it attributed 20 per cent of the total water resources to the Palestinians and 80 per cent to the Israelis.[45] The allocation was made in terms of water quantity, however, not as a percentage of an assumed total. Some of the water allocated to the Palestinians was not yet being extracted. The figures used now seem to have been optimistic concerning the quantities of water that could still be accessed by the Palestinians via new drilling projects without harming the overall renewable resources. The 20/80 ratio therefore may prove to be yet more unequal in reality.

The 1995 treaty recognised Palestinian water rights without defining them. It specified these rights would be settled in the permanent status negotiations.[46] The treaty also set up a permanent Joint Water Committee made up of an equal number of Palestinians and Israelis who reach their decisions by consensus.[47] The Joint Water Committee deals with all water and sewage related issues in the West Bank. Its agreement is necessary for any well drilling, well exploitation permit issuance and water development.[48]

In 2002, the PA promulgated its water law after seven years of preparation. This law declared the PWA was the water regulator. As is often the case around the world, a great disparity persists between the text of the law and the reality of water management institutions. The law was elaborated with the help of international consultants who promoted principles of state water management advocated by international organisations. As such organisations are composed of states, they tend to maintain a state-empowering environment at the expense of considering other forms of social organisation. The Palestinian water law was not elaborated through a negotiation with the local customary institutions that actually manage the bulk of the West Bank water. The implementation of this law never materialised. In the meantime, the Ministry of Local Government manages many of the drinking water networks via the municipalities, and the local communal or private institutions manage all of the agricultural water and many drinking water networks.

A discourse that denies the existence of communal property regimes

By the time construction of the separation fence started, 70 per cent of Palestinian-used water was said to be 'privately owned' according to the PWA.[49] This euphemism

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[42] Cairo Agreement of 4 May 1994, Annex ll (Protocol of Civil Affairs), article ll, section B, para. 31a.
[43] Ibid., para. 31b.
[44] Ibid., para. 31c.
[45] Washington Agreement of 28 September 1995, Annex 10, para. 20, article 40 of the Protocol Concerning Civil Affairs.
[46] Ibid., para. 1 of the Protocol.
[47] Ibid., paras. 11, 12 and 14 of the Protocol.
[48] Ibid., Annex 8, paras. 1a and 1b of the Protocol Concerning Civil Affairs.
[49] Fadia Daibes (PWA), communication delivered at the 7th International Conference of the Israel Society for Ecology and Environmental Quality Sciences, Bethlehem University, 18 June 1999.

was referring to the fact that most of the 527 springs found in the West Bank, as well as most of the wells whose existence is recorded by the PA, are entirely managed under communal property regimes, where the rules determining water access, use and allocation, apart from the quotas that apply to wells, are entirely determined locally, essentially by the notable families. Communal property regimes are frequently used to manage water around the planet.[50] Yet, the existence of such regimes, although undeniable in the field, is often denied or delegitimised by a set of political actors who seek to extend their power over the resource.[51] The discourse produced by such actors often reframes an issue of water demand into one of water supply. It then further reframes the issue into one of infrastructure construction. This new infrastructure is usually not controllable by those actors who previously exerted control over water management. This, once again, typifies the construction of inevitability that usually allows the construction of any major infrastructure.[52] This process had certainly been at work in the West Bank long before the separation fence started being built.[53]

The construction of the 'separation fence' was announced the same year as the PA promulgated its water law. The latter declared all water public property and instituted the PWA as the regulator. This law remained unimplemented because the PA did not have the institutional and political means to wrestle water control away from the multitude of communal, informal and formal institutions that managed most of the water allocated to the Palestinians according to the Oslo agreements. Israel, on the other hand, negotiates all water issues with the PA. As the Joint Water Committee functions on the basis of consensus and as it is half-composed of Israeli representatives, its decisions necessarily reflect Israeli priorities. Israel needed the PA to be capable of implementing its water law if it wanted its own priorities to be implemented. There was a community of interest between Israel and the PA facing the annoying traditional power structure that managed water. A detailed look at the various impacts the separation fence is having on water sheds interesting light on the manner in which the separation fence accommodated this community of interest.

A typology of impacts on the water situation

Technically, the typology of impacts on the water situation is determined by the following situations, whether or not:

- A well is located west of the fence and the network it feeds lies totally or partially east of the fence;
- A well is located west of the fence and the network it feeds lies entirely west of the fence
- A well is located east of the fence but lies within the security zone;
- A well is located east of the fence at a safe distance but the network it feeds lies totally or partially west of the fence;

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[50] C. Dustin Becker and Elinor Ostrom, *Human Ecology and Resource Sustainability: The Importance of Institutional Diversity*, Beijer Reprint Series, no.62 (Stockholm: Beijer International Institute of Ecological Economics, The Royal Swedish Academy of Sciences, 1995).

[51] Salma Elia Al-Nims, 'The Dynamics of Socio-Environmental Conflict within the Changing Contexts of Common Pool Resources, Ph.D thesis, University College London, November 2004.

[52] Yaakov Garb, 'Constructing the Trans-Israel Highway's Inevitability'.

[53] Julie Trottier, 'Water and the Challenge of Palestinian Institution Building', *Journal of Palestine Studies*, 19:2, no. 114 (2000).

- A well lies on the path of the fence;
- A reservoir lies on the path of the fence;
- A well is used for drinking water and/or agriculture;
- A cistern lies west of the fence;
- A well is managed by a municipality, a private owner or a communal owner;
- In the case of springs, all of the above factors also determine the typology of impacts.

The factors listed above determine the fence's impact on water access, water use, water allocation and water pollution. Each of these must be examined in turn.

Water access

Using the typology described above and examining the situation in the field, several difficulties concerning water access were identified.

Phase A of the construction of the fence did not lead the PA to lose access to any of the wells and networks it was managing. However, the construction of the fence led the private and communal owners of wells to experience many types of difficulties concerning access to water. In some cases, such as Jayyouz, the farmers' houses lie east of the fence while their wells and accompanying networks lie entirely west of the fence. Uncertainty concerning free access through the fence is the main concern of these irrigating farmers.

In other cases, such as Falamia, villagers' houses and some of their wells lie east of the fence, but the network fed by these wells leads to land lying west of the fence. Even though the well can be accessed, irrigation is limited by restricted access through the fence to this land. Also, in such cases, the construction of the fence damaged the integrity of the irrigation network, which became unoperational unless it was repaired. Such repair and replacement did not occur everywhere and seemed to depend largely on the relationship the contractor had with the local farmers.

In other cases, such as Baqa Sharqia, the villagers' houses and some of their wells lie west of the fence while the reservoir they feed lies east of the fence. Access to the reservoir will depend, once again on free access through the fence. In this case, the wells also sold much of their water to other villages lying east of the fence for domestic purposes via water tankers. The free circulation of these water tankers through the fence would be necessary for such water access to remain untouched.

Of course, water access is most directly endangered when a well or a reservoir lies directly on the path of the fence or so close to it that it falls within the security zone along the fence. Two reservoirs were flattened for this reason in Izbat Salman, while two wells were observed to be in danger in Habla.

Water use

In the area affected by the construction of the fence, only two water uses appear: domestic and agricultural, with the latter sector consuming the bulk of the resource in the northern section.

None of the PA-managed wells were found to be affected by the first phase of the construction of the fence. PA wells are usually managed by the municipalities, which belong to the Ministry of Local Governments. In other parts of the West Bank, some PA wells are managed by the PWA.

All of the affected wells appear on the PWA lists as 'solely used for agriculture'. Field investigations reveal this is not the case because many of them are also used for drinking. All of the affected wells so far are privately or communally managed and the drinking water networks and reservoirs they feed are also privately or communally managed. The 'well owners' are systematically inhabitants of the villages whose family invested in drilling the well in the late 1950s or early 60s. They manage the wells according to rules that were elaborated locally, among the group of well-owners and well-users. These rules are perceived as legitimate by the local population and any breach of these rules, such as water theft, is easily spotted and stopped. The management of these wells can therefore be said to be carried out by local, grass root institutions that represent a high degree of social capital.

In this area, a village can often rely on several wells and will choose to use one of them for domestic use as well as for agriculture because its water has the best taste. However, if that well becomes polluted or dysfunctional, the villagers quickly switch to use another well for domestic use, without discontinuing its agricultural use. This flexibility allows the villagers to function quite independently from external sources. Clearly, the first phase of the fence hindered severely the use of water for agriculture but did not have a significant impact on the use of water for domestic consumption.

Water allocation

If access problems persist as described in the section on water access, a lesser extraction from the affected wells will result and the overall Palestinian consumption of water from the western aquifer will decrease.

The 1995 agreement between Israel and the Palestinians specified the amount of water each party would be allowed to extract from each of the three aquifers. This clause is not changed by the construction of the fence. The PA could ask the Joint Water Committee to extract more from the wells operated by the PWA in order to make up for the loss experienced in the area of the fence and therefore to respect the 1995 treaty. If this scenario unfolds, there will have been a net sectoral reallocation of water from agriculture to domestic use. Within such a scenario, however, there will not be any net change in the overall allocation of water from the western aquifer to Israelis and Palestinians.

Donor involvement

Merely counting the amount of funding received by wells or villages affected by the fence is not sufficient to understand the complex power relations that emerged from the sizeable development aid granted to the Palestinians since 1994. The mechanisms whereby these projects are affected need to be understood to assess their impact on

power relations among various actors. The case study of the village of Falamiah is examined briefly here in order to identify such mechanisms. A case study can never be generalised, of course, but its findings allow us to refine our theoretical approach.[54] The case of Falamiah illuminates the manner in which international support may ultimately weaken Palestinian political structures.

The French cooperation funded an extensive, 1 million euros project in the village of Falamia between 1992 and 1997. This project involved three of the five wells in the village as well as extensive land reclamation and was executed by two Palestinian NGOs. It changed profoundly the manner in which water was managed but kept control over water management inside the village.[55] The project only targeted the portion of three wells' quotas which remained unused by the villagers. Pipes coming out of the same well can therefore be clearly identified as 'French project pipes' or 'local pipes'. The 'French project pipes' carried water to project-built reservoirs to be redistributed for irrigation. The French project water was therefore sold on the basis of volume while the rest of the water (extracted from the same wells) was sold on the basis of time according to different rules.

The fence affects differently the three wells that were part of the French project. One of these three wells is now located west of the path of the fence. It had not been functioning for three years before construction of the fence started. The farmers say they were ready to repair but were waiting for a permit to do so. In the meantime, they irrigated the land normally cared for by the dysfunctional well using one of the other two French project wells now located east of the fence. The pipes leading water to fields west of the fence were all cut in the construction process. This also occurred for a well that had not been involved in the French project.

The irrigating farmers of Falamia alerted the French government who brought the issue to the highest diplomatic level. The case of Falamia was brought up during Ben Eliezer's visit to Paris in October 2002 and Netanyahu's visit in December 2002. Locally, several French diplomats devoted much time and effort to meetings with various Israeli officials concerning the village. Although no written agreement was obtained, the French received oral assurances that there would be 27 gates between Qalqilia and Tulkarem to allow farmers access to their fields, including one in Falamia. They were assured that the Israeli contractor would replace the French project pipes and bury them under the fence. The French were also assured that the farmers would be given free access to their fields and to the wells.

A French engineer agreed on the technical specifications for the replacement of the pipes and this work was funded by the Israelis. However the replacement of the non-project pipes that were also cut was not funded by the Israelis. These actually carried most of the water used for agriculture in the village. The impact of the fence within Falamia therefore varies greatly depending on whether the well was involved in the French project and whether the pipes were funded by the French project. Much division arose within Falamia. The French support could not have been greater, but it was affecting the community in a highly differentiated manner. The Palestinian NGO that executed the project had spent years negotiating with them because water rights are such a sensitive issue within a community. The project had eventually taken

[54] Alan Bryman, 'The Debate about Quantitative and Qualitative Research', in Alan Bryman and Robert C. Burgess (eds.), *Qualitative Research*, vol. 1 (London: SAGE Publications, 1999), pp. 35–69.

[55] Julie Trottier, 'Water and the Challenge of Palestinian Institution Building'.

place only because it exploited previously unused water from the quotas allocated to these wells. It had very carefully avoided affecting any of the previously used water. The French assistance now turned the former local power structure on its head. Farmers from established local notable families were to be ruined because their network was to be disrupted. Meanwhile, the beneficiaries of the French project were saved.

The community demanded that the French fund all the pipe repairs. This was vital to preserve the harmony of the community. Communal property regimes show great resilience in part because they share both affluence and scarcity evenly within the uneven allocation deemed legitimate among the families. The struggle to retain this equilibrium was a struggle of survival. Its shattering would entail the end of the legitimacy system that allowed local water management. This eventually led to sour relations with the French consulate which was not being thanked for its immense efforts.

The Palestinian NGO PARC (Palestinian Agriculture Relief Committees) encouraged farmers to repair everywhere the pipes broken by the construction of the fence in order to preserve the integrity of the networks and continue practising irrigation. Like all Palestinian NGOs, PARC relies heavily on donor funding. It is promising farmers that it will pay for the pipes and other parts necessary for repair so long as the farmers provide the labour involved in the repair. The necessary funds originate from the donor community, however indirectly.

The construction of the first phase of the fence had a severe impact on water access, use and allocation. This impact extended only to the communities located to the west or close to the fence. The first phase of the fence did not impact the PA-managed wells, but only affected the privately and communally managed wells that use most of their water for irrigation. This entails a great reduction in the use of water for irrigation among the Palestinians. This affects the local economy severely as irrigation makes agriculture very profitable in this area. The wells, reservoirs and networks affected are generally the product of private investments and many of the farmers affected risk losing most of their capital.

The construction of the fence does not affect the water allocation between Israelis and Palestinians as it appears in the 1995 agreement. As less water will be extracted from the affected wells unless access problems are solved, the PA may ask the Joint Water Committee to extract more water from its wells in order to benefit from the full allocation it is entitled to by the 1995 agreement. This would represent a net sectoral allocation transfer from irrigation to domestic use and a net transfer of power over water from informal, traditional power structures to the PA.

Conclusion

Empowerment and disempowerment among Palestinian actors

The discourse concerning water used by the Palestinian NGOs and the PA prevented them from identifying the major impacts of the separation fence over the long term. Both the NGOs and the PA focused on quantities of resources lost: quantities of land, of water, number of houses destroyed, and so on. This discourse may prove

useful for the PA in the long term because it may provide it with negotiating arguments. If it presents 'water lost' merely as Palestinian water lost rather than as a loss incurred by communities using a communal property regime, it may negotiate a compensation it will control. For example, the PA could negotiate, as a compensation, to be allowed to extract more out of the few wells it controls. The fence is eliminating a major form of counter-power concerning water management that was exerted by the traditional power structures. The discourse in which it operates allows the PA to portray its claims of water compensation as a defence of Palestinian interests rather than as a net gain of power compared to the previous situation.

Yet, while the fence is concentrating power over water in the hands of the PA at the expense of the multitude of local institutions that managed it previously, it is also simultaneously weakening the PA in relation to the traditional power structures. Fencing-in Palestinian towns and villages into enclaves with very little mobility has weakened the institutions developed by the PA since the Oslo agreement, as was observed in Qalqilya. People reverted to traditional mechanisms.

Of the four types of Palestinian leaderships, two are systematically disempowered by the erection of the fence: Hamas and the Palestinian NGOs. The restricted mobility hinders the Palestinian NGOs as much as it does the PA, but they do not benefit from any empowerment. They are maintaining a discourse concerning water that is useful to them partly because of the knowledge framework they operate in. As they derive their funds from the international community, they are locked in a discourse that empowers states as the only legitimate actors in spelling out water laws, and does not grant legitimacy to what is perceived as a counter-power to the state. The case study of Falamia showed how crucial the donor's intervention could be for the success of NGO interventions in villages. An NGO that would not adhere to the prevalent discourse would risk alienating its donors.

NGOs emerged during the first Intifada as an alternative to both the traditional power structures and the PLO. Their cooperation with the traditional power structures in villages reflected a compromise on their part rather than a desire to perpetuate them. These NGOs were based on political credos and aimed to reshape power structures within Palestinian society along political lines. Their being disempowered now through the construction of the separation fence amounts to the disappearance of the last vestiges of the first Intifada.

Local and international protest versus national construction

The absence of national coalescence among Palestinians within the protests against the first phase of the fence was concomitant with the internationalisation of the issue. Resorting to international support to resist the construction of the fence may have appeared useful to the local Palestinian villagers, but it participated in the overall degradation of Palestinian national construction. Villagers could count on Swedish activists and French diplomats, but did not get support from fellow Palestinians living 20 km away. The main achievement of Palestinian NGOs during the first Intifada had been this grassroots national political construction. It had risen in contrast to the traditional authorities that were rooted locally at the village and at the town level.

The production of power and counter-power

The varied impact the fence is having on inter-Palestinian power relations means that it is strengthening simultaneously a power, the PA, and its counter-power, the traditional power structure. This is leading to a specialisation of responsibilities for each whereby centralisation of power in the hands of the PA sometimes happens when it is in the interests of the Israelis. Amateurs of conspiracy theories may identify a plan here, as neither power is Islamist. Yet, the manner in which the concept of a fence as 'the only solution' emerged in Israel tends to indicate this is not the case. The production of this power and counter-power may very well be an unexpected side effect of a 'solution' tailored to a specific problem construction that ignored such aspects. The effect of the 'solution' will, in time, contribute to a new paradigmatic reframing of the security problem, within the interactive process that was evoked earlier.

The production of identity

[. . .] [N]ew identities emerge in the context of existing ones. Neither people nor nations are blank slates upon which 'events' are written. Rather it is through the context of existing identities that new ones develop.[56]

How the separation fence is affecting the identities of both Israelis and Palestinians is worth considering.

To the Israelis, the fence is a permanent, physical reminder that they are unsafe. They are victims of 'terror', therefore they must build it to ensure their safety. Interestingly, this very construction will ensure that this feeling of insecurity is maintained. Between 1967 and 1987 and during the 'Oslo years', Israelis living in villages along the Green Line used to visit Palestinian towns. Qalqylia in its heyday owed much of its thriving economy to Israelis who came to shop for fruit and vegetables on Saturdays before taking their children to the zoo. The newly-erected separation fence serves as a daily reminder that the 'other side' is dangerous, full of potential 'terrorists'. This structure contributes to the construction of an 'other' that is hopelessly hostile. It reinforces the identity of Israelis as 'victims'. This is why they 'had to' build and maintain this fence.

To the Palestinians, the separation fence is an immense violation of their rights. It separated farmers from their fields, thereby depriving entire villages of most of their wealth. It separated families split by the fence. It destroyed orchards that could no longer be irrigated. It enclosed towns and villages in a ghetto-like structure. It worsened the restrictions on mobility that disempower Palestinians economically. It is a concrete manifestation of their victimisation. Palestinians' sense of identity as victims was consecrated during the first Intifada. It is now being reinforced by the separation fence.

At first sight, this fence can be mistaken for the stark materialisation of Huntington's border between civilisations, the clashing point between Islam and the

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[56] Alastair Bonnett, *The Idea of the West: Culture, Politics and History* (Houndmills: Palgrave Macmillan, 2004), p. 25.

West.[57] Samuel Huntington's idea of that border, however, was clearly the unilinear discontinuity that emerged in Europe from the time of the French Revolution.[58] This serpentine fence actually creates enclaves that allow the geographical superposition of ethnic groups while ensuring their isolation.

Military versus police use

As it has emerged, with a serpentine shape dictated by political compromises between various Israeli actors, the separation fence does not serve a military logic. It often runs deep in valleys, instead of on the highest points. It weaves intricately in the landscape, creating real traps for soldiers. It includes fences where passage may be reduced, but still persists. Pipes run under it, thereby allowing for it eventually to be blown up. It constitutes a general's nightmare, as several generals have argued in Israeli courts. It certainly does not prevent rocket attacks.

The present fence, however, is ideally suited to serve a police logic. It allows complete control over a population's mobility. Entire towns can be effectively closed. It is part of a large infrastructure of ditches and mounds surrounding villages that determine the manner any travel can be effected between any two points in the West Bank. As distance friction can be increased or reduced at will by the occupying authorities, the latter have an elaborate tool at their disposal to reward and punish, encourage and discourage, allow or shut down economic activities. This policing of the population can only be maintained via a continued occupation. This is paradoxical as the initial proponents of the separation fence as a 'solution' were the dovish groups that advocated a withdrawal from the occupied territories.

A wall, water and power

A discursive construction of security within Israeli society narrowed the perception of the separation fence as the only solution to ensure security. It received the consensual approbation of Israeli political actors because those who advocated the retention of the Occupied Territories perceived it as an elaborate policing mechanism while those who supported the evacuation of the Occupied Territories perceived it as a safe unilinear border. An identitational process therefore largely determined a foreign policy decision concerning the means of ensuring security for Israel. This discursive process affected the material forces at play, such as the control of water resources.

The Palestinian reaction to the separation fence was also necessarily constrained by the structures of signification and domination at work within the West Bank. The material impact of the fence affected directly the Palestinians' structure of domination while their reaction was articulated via the interpretative schemes pertaining to a structure of signification that didn't allow a rendition of this impact. The fate of water management after the construction of the fence illustrates this very clearly. The

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[57] Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order* (London: Touchstone Books, 1988).

[58] Michel Foucher, *Fronts et Frontières. Un tour du monde géopolitique* (Paris: Fayard, 1988).

Palestinian Authority and the NGOs portrayed a Palestinian water loss. Yet, the resulting centralisation of power over water in the hands of the Palestinian Authority and the concomitant weakening of the multitude of scattered institutions that exerted control over water will have a much more fundamental impact on Palestinian society. This does not seem to have been planned by those Israeli actors who advocated the construction of the separation fence as a security solution.

Jabri argued that war, as a form of violent conflict, is a social continuity because a population accepts violence only if the structure of signification it subscribes to in peacetime legitimises this violence. The separation fence constitutes a form of structural violence on the Palestinians. It was made possible by a specific discursive construction of security within Israel which generated a production of meaning that made this structural violence invisible. Conversely, the production of meaning within Palestinian society also precluded the perception of the political engineering brought about by the separation fence.

Restricting our understanding of the separation fence only to the interplay between actors active on the international scene, such as Israel and the Palestinian Authority, would prevent us from understanding both the origin and the impact of their security dilemma.