

Israel and Jordan: Bridges over the Borderlands

John Roberts

Introduction

1994 witnessed some extraordinarily significant changes with regard to the settlement of boundary disputes in the Middle East. Israel and Jordan signed a peace treaty on October 26 which provides for final demarcation of their common border by August 1995. But while this involved the return of some Israeli controlled land to Jordanian rule, it became increasingly likely that Israel's price for settlement of the Israeli-Palestinian dispute would be the incorporation into Israel of substantial parts of the Occupied Palestinian Territories captured in 1967. Further east, Iraq first renewed its military threat to Kuwait in October, and then declared on 10 November its formal recognition of both the sovereignty of the state of Kuwait and of the UN demarcated international boundary between Iraq and Kuwait. In northern Iraq, Turkey and Iran continued their practice of conducting cross-border raids against Kurdish strongholds whilst in Lebanon, Hezbollah guerrillas increased their pressure on both the Israeli backed SLA militia and on Israel's own forces.

Towards the end of the year, the six member states of the GCC adopted two very different (although potentially complementary) approaches towards the resolution of border disputes in the Gulf. On the one hand, the GCC sought to promote the idea that disputes between its member states should be resolved within a GCC context and without reference to the International Court of Justice at The Hague. On the other hand, it signalled its support for an approach by the UAE to raise the Abu Musa dispute with Iran at the World Court.

Elsewhere in the region, the Saudi-Yemeni border dispute simmered on, contributing to the Yemeni civil war of May to July 1994. Israel and Syria pursued their interminable indirect negotiations over the future of the Golan Heights. And, in a coda to an old territorial issue, the Sultan of Oman moved to purchase some property in Gwadar, once an Omani enclave on the coast of Pakistan, prompting controversy in the local press. These

topics will be addressed in subsequent issues of Boundary and Security Bulletin.

New Approach to Dispute Resolution.

The resolution of the Israeli-Jordanian border dispute is now well in hand. Under the terms of the October 26 peace treaty the two countries agreed to complete border demarcation within nine months. While final details have therefore still to be settled, their approach to both small and great matters of common interest along their common frontiers shows that both sides are seeking a genuinely amicable peace settlement.

On the most human level, Jordan has moved to reassure Israeli farmers who have been farming Jordanian territory ever since the creation of the state of Israel in 1948 and these assurances have been accepted by Israel. On a more grandiose plane, the two countries have set in motion a scheme to develop their common borderland along the Jordan Rift Valley that could keep development planners busy for several generations to come.

What the two approaches have in common is a wish to be constructive and to make rapid progress, both economically and socially, so that the formality of a peace treaty will quickly evolve into an instinctively peaceful relationship between the two countries. The model is not the Cold Peace established between Israel and Egypt in 1979, but the rapprochement between France and Germany in the wake of World War Two. But there is one striking difference between these rapprochements. The economic links in Western Europe that cemented the Franco-German peace took more than a decade to establish: the Israelis and Jordanians, in parallel with their final peace negotiations, asked the World Bank to come up with a whole series of potential projects aimed at ensuring real and rapid economic cooperation in the Jordan basin from the very moment that the peace treaty was signed.

The principle of the boundary settlement is set out in Article 3 of the Peace Treaty. This asserts *that "The international boundary between Israel and*

Jordan is delimited with reference to the boundary definition under the Mandate", and by reference to mapping coordinates set out in the treaty's Annex I (a). (Israel-Jordan Peace Treaty. Quotations from English language text provided by the Israeli Embassy, London. There are other translations available, but these do not differ significantly from this text, except in spelling of place names.

The treaty provides for the border to follow *"the middle of the main courses"* of the Yarmouk and Jordan rivers, and, in the south, the course of the dried up Wadi Araba. The two countries also agree that there shall be boundary lines in the Dead Sea and the Gulf of Aqaba. There is considerable flexibility available to the two sides in determining what happens should the Yarmouk or Jordan rivers change course, or have their courses changed artificially. In the first case, Annex I (a) says that *"the boundary line shall follow natural changes (accretion or erosion) in the course of the rivers unless otherwise agreed"*. There is thus an option to accept such natural changes as well as an option to reverse them by artificial means. The treaty makes clear that artificial changes to the river's flow must be approved by both countries. Inter alia, the treaty also aims to resolve crucial issues of water sharing and water rights.

In the Dead Sea, a specific set of geographic and Universal Transverse Mercator (UTM) coordinates is to be prepared in accordance with a line drawn on accompanying 1:50,000 image maps. In the Wadi Araba, a boundary line is recorded on 1:20,000 orthophoto maps. The land boundary is to be demarcated by July 26, 1994 and boundary pillars set up on specific geographic and UTM coordinates. As with the Dead Sea region, the boundary coordinates will then take precedence over the current lines on the maps. In the Gulf of Aqaba, the two countries are committed to concluding a delimitation of their maritime boundary by July 26, 1995.

Since the 1967 war, Jordan has argued that Israel has occupied around 350-400 square kilometres of territory on the Jordanian side of the old Palestinian Mandate boundary in the Wadi Araba. The exact extent of this occupation was unclear but the treaty would appear to provide for all such territory to be returned to Jordan. A more serious issue concerns the fact that at some point along the Jordan river, and again in the Dead Sea, Jordan borders not the state of Israel, as constituted following the 1949 armistice lines, but

the Occupied Palestinian Territories captured by Israel in 1967 and now, with the peculiar exception of the 62 sq km Jericho area, administered by the Israeli Military Government.

Crown Prince Hassan of Jordan, commenting on the implications of the treaty in a brief exchange with the author of this piece during the subsequent Casablanca Economic Summit, stressed that all aspects of the accord were *"without prejudice"* to the final status of the Palestinian Territories and their rights in regard to international boundaries. Point Seven of the Treaty's Annex I (a) makes it clear that the line separating Jordan from the territories captured by Israel in 1967 shall be shown in a different manner to the international boundary agreed in the Treaty. It also says that official maps showing this Jordanian-Palestinian boundary shall carry the following disclaimer: *"This line is the administrative boundary between Jordan and the territory which came under Israeli military government control in 1967. Any treatment of this line shall be without prejudice to the status of the territory"*. This means, of course, that should an independent Palestinian state ultimately emerge, a similar boundary agreement will have to be concluded covering the lower course of the Jordan and the northern sectors of the Dead Sea. The treaty does not otherwise tackle the controversial issue of Jerusalem. Jordan has said that it believes it has a role to play as custodian of the Moslem Holy Places, but that this does not affect ultimate sovereignty.

The cooperative manner adopted by Israel and Jordan is exemplified in two very different ways. The first reflects concern for individuals, the second, concern for the economic development of entire nations. Annex I (b) and Annex I (c) set out the particular regimes that will apply to two plots of land that have been farmed by Jewish settlers since the 1920s. Thus the treaty sets out that the 0.83 sq km parcel of land at Baqoura/Naharayim in the north is indeed Jordanian territory albeit with Israeli private land ownership rights and property interests. In effect, Jordan agrees that the inhabitants will have complete freedom of movement to and from Israel, that in practice they will come under Israeli rather than Jordanian law, and that they and their dependents can continue to trade with Israel without being subject to Jordanian customs or immigration requirements. Jordan also agrees not to impose its own discriminatory taxes. Although the treaty officially says that this is a *"special regime"* that will *apply "on a temporary basis"*, the land is to remain available for Israeli use for an initial 25

year period, with an automatic renewal for a further 25 years unless either side gives a year's notice that it wishes to change the status quo. The treaty annex specifies that one possible joint Israeli-Jordanian project is the creation of a free trade zone at Baqoura.

A similar set of provisions, Annex I (c), covers the 1.3 sq km parcel of land at Ghamr/Zofar in the south. The only significant difference in the legal provisions is that they refer to the rights of Israeli "landusers" at Ghomr, whereas the arrangement for Baqoura refers to Israeli "landowners".

When Israel and Jordan first signed their Common Agenda on September 14, 1993, they included in this a commitment to cooperation concerning water, energy and the environment including a specific reference to Rift Valley development. The Peace Treaty states the commitment of the two countries to develop "good neighbourly relations of cooperation between them", whilst at the Economic Summit in Casablanca, which opened just three days after the Peace Treaty was signed, the two nations unveiled an extensive series of proposals for common development of the Wadi Araba/Emek Ha'Arava. These proposals, collated into an integrated master plan in just a month by the World Bank with the assistance of Jordanian and Israeli officials, constitute the cement necessary to ensure that a practical, cooperative relationship emerges between Israel and Jordan.

The Master Plan for Rift Valley Development is not so much an effort to develop whatever common resources might be held to exist in the valley as to use the valley itself as a way of ensuring practical cooperation and ending the wasteful duplication of infrastructure including air and sea ports as well as highways that exists on both sides of the Wadi Araba. The masterplan includes a list of 92 projects that range from commonplace schemes that can be started immediately, and which can serve as get to know you ventures for both sides, to ambitious enterprises requiring substantial international financing and which may well not get off the ground this century. In between are the medium-term projects, whose success or failure will provide one of the main barometers for the overall state of Israeli-Jordanian relations in the next several years.

The commonplace projects include the renovation or construction of road links between the two countries and the improvement of access roads

and connections to the twin ports at the head of the Gulf of Aqaba, Eilat and Aqaba itself. The long-term projects include the proposed Red Sea-Dead Sea Canal. The concept of a 'Red-Dead Canal', to take advantage of the 400 metre drop from global ocean levels to that of the Dead Sea, is discussed at length. A 1988 cost estimate of \$2bn is cited. The World Bank report notes, however, that although the project could be expected to generate 1.8bn KWH of electricity at peak periods each year, and would produce some 800m cubic metres of desalinated water, it would not be operational until 2003 at the earliest.

Producing what is essentially a wish list of projects, one of the common aims of Jordan, Israel and the United States, their partner in this exercise, is to flag opportunities for potential aid donors and investors. The projects cover a full range of agricultural, water, industrial, environmental and tourist activities. Considerable emphasis on valley's potential as a tourism corridor facilitating land connections between cultural and religious sites in both countries and in the Palestinian territories is to be expected.

Although the plan simply takes on board a number of projects that Israel and Jordan would otherwise expect to undertake individually, it is clear that by placing them in a bilateral or multilateral regional context, the two countries hope to secure additional external funding. Studies for much of the work will likely be carried out in association with the Regional Economic Development Working Group, one of the multilateral elements of the Madrid peace process. Indeed, the masterplan already embraces work on linking the Israeli and Jordan electricity grids, studies of which are already being sponsored by the European Union and Austria. However, the ideas of the Rift valley planners go further than this. They envisage fast track development of both an interconnection between Aqaba and Eilat and an interconnection between both networks and the Egyptian grid at Taba. In effect, Israel would become integrated in the Middle East electricity network, since Egypt, Jordan, Syria, Turkey and, perhaps surprisingly, Iraq, are pressing ahead with their World Bank supported project for a regional interconnector.

The most obvious medium-term projects include the unification of the two airport systems and the rationalisation of port facilities. The airport work will most likely be based on the expansion of Aqaba airport into a common airport serving both countries since there is more unused land

available on the Jordanian side of the border. The model would be Geneva International Airport, which serves both France and Switzerland. Proposals include a new terminal or terminals, a new runway and dual customs facilities. As for the seaports, instead of expanding either Aqaba or Eilat indefinitely, the plan proposes a new port should be constructed between the two towns. This would leave Aqaba free to exploit its lengthier beaches, located on less polluted shores, for tourism.

The practical schemes for rationalising air and sea ports will likely be closely bound up with another proposal contained in the World Bank programme: the preparation and implementation of an urban development master plan to serve both communities as they struggle to cope with a hoped for surge in tourism. Some of the projects have profound international implications. The plan for a ring road around Aqaba and Eilat from the Saudi-Jordanian border to Bir Taba in Egypt would greatly simplify Saudi-Egyptian trade as well as traffic serving Israel, Jordan and even Syria and Lebanon. Saudi Arabia has not commented publicly on the issue. It is, however, currently studying proposals for a bridge and causeway crossing between Egypt and Saudi Arabia a little further south along the Gulf of Aqaba. The rationale for such a link was obvious in an era when Israel represented a physical obstacle to transit between countries on either side of the Gulf, but is less obvious in an era when multilateral regional development, embracing Saudi Arabia and Egypt as well as Israel and Jordan, is under serious discussion within the context of a Middle East peace process to which Saudi Arabia itself subscribes.

In general, the Rift Valley proposals make little direct reference to the Palestinians, in part because the region's only common boundary with the Palestinians is, in effect, the Dead Sea. But the prospect of significant development so close to the West Bank, and the high priority being given to the creation of new road and rail links between Jordan and Israel's Mediterranean ports, are bound to have both an economic and a political impact on Palestinian development.

John Roberts is a freelance researcher on the Middle East and Editor of the *Middle East Monitor*.