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General Assembly 6th Committee – Legal

Research Report

Topic 1: The legal framework for the use of the Tigris and Euphrates Rivers



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Introduction

Tigris-Euphrates river system, with their streams, is a vast river system located in southwestern Asia. The lower part of the area is known as Mesopotamia which was an ancient region near the eastern Mediterranean, which was the home of one of the earliest civilizations of the human history. Mesopotamia covers the Tigris and Euphrates rivers which follow nearly parallel paths through the center of the Middle East. From springs starting in the Turkish Highlands of eastern Turkey, they stream through Syria through Iraq into the Persian Gulf. The framework is a piece of the Palearctic Tigris– Euphrates ecoregion, which incorporates Iraq and parts of Turkey, Syria, Iran, Saudi Arabia, Kuwait, and Jordan. (see Fig 1.1)



Fig 1.1

Since the initiation of major development projects, major parties involved in the issue of the Euphrates-Tigris river system, i.e Turkey, Syria, and Iraq, have begun using those water resources under conditions of complex interdependence. A number of crises happened in the basin due to the lack of regularized meeting mechanisms among the parties. Nonetheless, there have been outstanding efforts to develop an arrangement structure for data sharing and project coordination in order to sustain the system.

Key Terms

Riparian: Meaning being related to or situated on the banks of a river. The ban crisis exacerbated tensions among the riparians, i.e Turkey, Iraq and Syria.

Water-based Development: Types of development carried out on water (hydroelectricity, agriculture etc.)

Groundwater: Water held underground in the soil or in pores and crevices in the rock.

Hydrology: Study of the movement, distribution, and quality of water on Earth, including the water cycle, water sources, and environmental watershed sustainability

Utilization: To put to use; turn to profitable account. "To utilize a stream to power a city."

Transboundary Watercourses: Tributaries that are present in more than one country.

Interdependence: Dependence on each other or one another; mutual dependence; in the case being examined here, interdependence specifies the degree of connectedness.

The Joint Technical Committee: A technical committee founded by Turkey along with Iraq and Syria. The objective is to negotiate a fair allocation of the flow of the Euphrates River and its tributaries among the riparian states.

Historical Background

The region which Tigris and Euphrates rivers are located has historical importance as part of the Fertile Crescent region, in which civilization is believed to have first emerged. Many places in the Middle East is characterized by its water shortage problem where around 12 countries have severe water scarcity problems with less than 500-meter cube of renewable water resources p/ capita available. The supply of fresh water is vital to life, socioeconomic development, and of course the very political stability in this area. In order to point the importance of water, the UN Secretary-General Boutros-Ghali said that the next war in the Near East would not be about politics but over water. (1985)

The water rights issue became a point of dispute for Iraq, Turkey and Syria in the 1960s when Turkey implemented a public-works project Southeastern Anatolia Project (the GAP project) aimed at harvesting the water from the Tigris and Euphrates rivers through the construction of 22 dams, for watering and hydroelectric energy harvesting purposes. However, the GAP project was also perceived as a threat by Iraq. The tension between the two states concerning the issue increased when Syria and Turkey participated in the UN embargo against Iraq because of the Gulf War. Yet, this never became significant as the water dispute between Turkey and Syria. In 2008 a drought happened in Iraq and about 50% of the Tigris River and about 90% of the Euphrates River begin in Turkey. While this position gives Turkey several advantages in territorial water disputes, it also means that Turkey is also a subject to the wishes by the surrounding countries when it comes to water use and humanitarian topics. Turkey is capable of producing more hydropower compared to the other states and gives the country an upper hand in the issue.

The aforementioned Joint Technical Committee was founded with regard to the exchange data regarding the reservoirs in the territories in order to ensure better water management in the

Euphrates-Tigris Basin. However, after sixteen meetings, the JTC wasn't able to serve the interests of the riparians and the diplomatic talks became deadlocked. After the drought, Turkey promised to increase the flow several times, beyond its means in order to supply Iraq with extra water. On September 3, 2009, these three states signed an agreement in order to establish dialogue within the Tigris–Euphrates Basin and to develop joint water-flow monitoring channels. Turkey also agreed to increase the water flow of the Euphrates in exchange for Iraq's help with the Kurdish militant activity and petroleum trade.

In 2011, when the Arab Spring happened, the drought that the Syrians experienced led to the displacement of 1.5 million people. Despite the country's steps, the displacement didn't solve the citizens' problem because they were moved to urban areas which were already crowded with Iraqi and Palestinian refugees. This step didn't only worsen the situation but also led to a regional violence. Since 2011, Syria has been split into four zones controlled by the government, opposition militias, Kurdish forces and the Islamic State (IS) along with the coalition forces. The water uncertainty might have played a role in provoking the current unrest in the region. Given the widespread conflict, poor governance, and political instability, it is very improbable that cooperation between the riparians of the Tigris-Euphrates Basin will be expected in the near future.

Timeline:

Late 1973	Keban and Tabqa dams fill
Mid 1974	Syria agrees to Iraqi requests to allow additional flow of 200 MCM/yr to Iraq
1975	Iraq claims that flow in Euphrates has dropped from normal 920 m ³ /sec to 197 m ³ /sec and requests that Arab League intervene; Syria claims less than average flow and drops out of Arab League
June 3, 1975	Mediation by Saudi Arabia leads to agreement that averts war (though agreement is not made public); Syria uses 42% of water and allows 58% to flow to Iraq
1980	Protocol of the Joint Economic Committee is established between Turkey and Iraq, which allows for Joint Technical Committee meetings relating to water resources
1983	Syria begins participating in the Joint Economic Council
November 1986	Tripartite meeting between Turkish, Syrian, and Iraqi ministers with few results
1987	Turkish Prime Minister visits Damascus and signs agreement for Turks to guarantee 500 m ³ /sec across the border to Syria
January 1990	Talks between three countries held when Turkey begins filling the Ataturk Dam, shutting off flow to the Euphrates for 30 days; Iraq insists that 500 m ³ /sec reaches its border; Gulf War breaks out

September 1992	Turkish, Syrian, and Iraqi water officials convene in Damascus but break up after Turkey rejects Iraqi request that flows crossing the Turkish border increase from 500 m ³ /sec to 700 m ³ /sec
January 1993	Bilateral talks between Turkish Prime Minister and Syrian President where a range of issues are discussed to improve country relations; the two countries agree to resolve the issue of Euphrates water allocation by the end of 1993
February 1996	Joint Syria-Iraq water coordination committee convenes in Damascus ; here the two sides discuss what would be a fair and reasonable distribution of the Euphrates and Tigris between Turkey, Syria, and Iraq ; Syria and Iraq decide to coordinate their positions on the water dispute
August 1998	Turkey threatens military action against Syria if it continues to harbor PKK rebels
October 1998	Adana Agreement signed by Turkey and Syria, in which Syria agrees to ban PKK rebels from the country
January 2001	Syria and Iraq hold talks to establish water sharing; restate commitment to coordinate efforts in negotiations with Turkey
August 2001	Syria and Turkey agree on a protocol of cooperation for Turkey 's GAP and Syria 's corresponding GOLD (General Organization for Land Development) projects
2003	Iraqi President Saddam Hussein ousted by U.S. led forces; later, new leadership states intentions to reach agreement with Turkey and Syria regarding allocation of the Tigris and Euphrates

Source: Case studies | Water Conflict Management and Transformation at OSU, www.transboundarywaters.orst.edu/research/case_studies/Tigris-Euphrates_New.htm.

Major Parties Involved and Their Views

Iraq

Iraq's water supply is directly affected by how much of the river Turkey is willing to share. This means that Iraq/Syria are dependent on the flow of water from Turkey, and is a central part of this issue.

Turkey

Turkey controls the main flow of water, and regulates how much of the flow other countries

receive. This has been the source of many disagreements in the region, and has been a major part of the dispute.

Syria

Syria is currently in a state of disarray, with a large part of the country split up into different fragmented groups. This may be due to the fact that the drought which occurred in 2006, led to the displacement of 1.5 million people, and is believed to be an influencing factor in the conflict.

Previous Attempts to Resolve the Issue

Article 8 of the 1997 UN Convention stipulates a general obligation to co-operate, widely regarded as an expression of customary international law. To the same effect, recent years have witnessed the emergence of the procedural law of co-operation as affording a distinct means of facilitating the implementation and enforcement of the substantive principles by way of developing non-contentious compliance mechanisms to avoid disputes and to settle them peacefully in a non-adversarial manner once they have arisen.⁸⁰ This form of institutionalised co-operation is not the only way forward, but certainly the most viable alternative available to Turkey, Syria, and Iraq, to conduct constructive negotiations leading to a fair and sustainable agreement"

Possible Solutions

The negotiation process between the countries was always problematic due to the political instability in the region and the drought that happens on a yearly basis. Although the meetings of the Joint Technical Committee were occasional and didn't manage to make any progress on the water dispute, there is no doubt that it was a useful channel for communication. The communication and the negotiation process have a very important role in solving the issue.

The delegates must note that international water law provides limited guidance and there is basically no model to follow in determining a priority of uses and shares between the countries legally. The only thing that the law suggests is setting criteria for sharing the streams reasonably. As the delegates noticed, the issue is not that "law" but that the riparians insist to remain on their conditions and are not willing to compromise.

Also, states outside the Tigris–Euphrates basin can help or check positive developments. The US, Europe, Russia, China, Iran, and Israel do have important roles to play, in the future of water politics in this area.

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