STRATEGY RESEARCH PROJECT

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WATER CONFLICT BETWEEN TURKEY, SYRIA AND IRAQ

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ABSTRACT

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The states in the various regions of the world express that they will be able to set aside serious struggles to meet their water needs. However, since the 1980's Syria and Iraq, the southern neighbors of Turkey, have put forward some claims regarding the waters of Euphrates and Tigris originating from Turkey. These countries have tried various methods to hinder the workings on these rivers started by Turkey. Turkey states that the waters of Euphrates and Tigris are a symbol of peace and stability in the region for all three countries and that there is no problem to allocate it to her neighbors. This Strategy Research Project will illustrate the significance of the Euphrates and Tigris Rivers originating from Turkey and providing important water resources for Syria and Iraq. It will also explore the GAP project improved by Turkey to utilize the waters of these rivers rationally and summarize the thesis of riparian countries regarding the sharing of waters.

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WATER CONFLICT BETWEEN TURKEY, SYRIA AND IRAQ

INTRODUCTION

Water is first and foremost an essential biological need. Without an adequate input of potable water, the human body cannot survive or grow. Large amounts of water are also needed for personal hygiene, sanitation, and other household activities. Furthermore, huge quantities of freshwater are needed for agriculture, fisheries, mining, industrial production, generation of electricity, Riviera navigation, maintenance of ecological assets and biodiversity, promotion of tourism and many other societal demands.[1]

This multiple-use potential of freshwater, especially transboundary water resources, implies the reality of growing water scarcities that could lead to conflict between relevant states that share international river basins in many arid and semiarid regions of the world.

More than two hundred river basins in the world are currently shared by two or more sovereign states,[2] which have some conflicts regarding sharing river basins. In recent years, water problems have come to the forefront in the relationships among the countries of the Middle East, as well as international disputes on Transboundary Rivers in other parts of the world. Generally these conflicts have appeared in the subject of sharing waters accordingly between countries. Each river basin varies considerably from the others. Their problems are distinct and therefore require different solutions and approaches. So an agreement made for one river basin cannot be valid for others.

A great many international organizations have been working to form legal rules that prevent water conflicts. Since the beginning of the 19th century, the rules regarding use of waterways for transportation have mostly been determined through international agreements. By the late 19th Century, however, the non-navigational use of transboundary waterways has begun to be the subject of conflict. It has started to be come a current world issue in the 1950's.

Turkey has controlled specific sections of its transboundary waters. Some of these either come into Turkey after rising in the other countries or pour into the sea by crossing the other countries after rising in the Turkey. The rivers originating in Turkey and crossing into other countries are Coruh, Kura, Aras, Euphrates (Firat), and Tigris (Dicle). The rivers originating in other countries and crossing into Turkey are Meric, Arda, Tunca and Orantes (Sa).[3]

In recent times, Turkey like other countries, has tried to benefit from rivers by building large irrigation projects and by producing hydroelectric energy. The most important of these is the southeastern Anatolian Project (Turkish acronym, the GAP) which consists of 22 dams and lakes and 19 hydro electronic plants designed to meet 19% of Turkey's irrigation needs and 22% of its power requirements.

Until recently, the use of these rivers has been based on negotiations and treaties signed between Turkey and relevant countries except Euphrates, Tigris, and Orantes (ASI). Dispite the efforts of Turkey to resolve problems, the sharing of Euphrates and Tigris have been a huge conflict between Turkey, Syria and Iraq.

Turkey is a neighbor of the Middle East, which may have severe water conflicts in the future. Turkey is making huge investments and sacrifices to meet her own water needs. Water resources are only

enough to meet her own water requirements. From time to time, the water resources of Turkey have developed into regional issues. Since Turkey is often regarded as a water rich country, the Euphrates is sometimes seen as a panacea for the water problems of the countries to Turkey's south. Both ideas rest on misconceptions. [4]

In most regions of the world the states have been able to set aside serious struggles to meet their water needs. However, since the 1980's Syria and Iraq, the southern neighbors of Turkey, have put forward some claims regarding the waters of the Euphrates and Tigris that originate in Turkey. These countries have tried various methods to hinder the workings on these rivers. Turkey states that the waters of the Euphrates and Tigris are a symbol of the peace and stability in the region for all three countries and that there is no problem to allocate sufficient water to her neighbors. This Strategy Research Project will illustrate the significance of the Euphrates and Tigris Rivers that originate from Turkey and provide important water resources for Syria and Iraq. It will also explore the GAP project constructed by Turkey to utilize the waters of these rivers rationally and summarize the thesis of relevant countries regarding sharing the waters.

GEOPOLITICAL AND HISTORICAL REVIEW THE TURKEY.

- Geopolitical Review.

Turkey occupies one of the most strategic areas of the world. The lands of Turkey are located at a point where three continents meet in the world; Asia, Africa and Europe. [5] The European part of the country is called Thrice, while the Asia part is known as Entail (or Asia Minor). The Turkish Peninsula is bordered by the Mediterranean Sea in the south, the Aegean in the west, and the Black Sea in the North. Turkey also has the Marmara Sea between the European and Asia landmasses. In addition, Turkey has two European and six Asia and Middle East countries for neighbors along its land borders. In the East is Iran, Azerbaijan Armenia, and Georgia In the south is Syria and Iraq. In the west is Greece and Bulgaria.

Because of its geographical location, Turkey controls access to the Black Sea to the eastern Mediterranean to the Middle East and its rich oil resources. Its location also has great opportunity for Turkey's access to the Caucasus. This evaluation of Turkey's strategic importance is widely shared by European political leaders. This importance has been repeatedly emphasized by declarations of the European Council, the governing body of the European Union. The French Minister for European Affairs, Alain Lamassure, also stressed Turkey's importance. "At the crossroads of the Caucasus, the Balkans, and the Middle East, and at the door of Central Asia, it holds a strategic position which gives it a role of major importance, on the one hand as a pole of stability in this particularly troubled region and, on the other as a moderating element in the many regional conflicts at its doorstep." [6]

Turkey's topography is extremely varied from region to region. The major part of the country consists of highland plateaus surrounded by mountains of varying altitudes along the Black Sea and the Mediterranean coasts. These Plateaus rise toward the east and display volcanic features. Trouble climate conditions and rough terrain in the east and southern Anatolia have caused the region to be underdeveloped in terms of economic, social and culture. In addition there are some fifty large lakes (Lakes Van. Salt Lake, Manyas, and Lake Egirdir are some worth mentioning). This region covers a total area of

9,000 sq. kilometers (3,474 sq. miles) and consists of rivers of various lengths and characteristics. Some rivers flow from the peaks of mountains lying parallel to the coast and reach the sea very quickly. Others, originating on mountain slopes, cut through the ranges of mountains and flow along deep valleys, where they end in Turkey as the result of interior drainage or leave Turkish territory to feed other rivers, lakes and seas. Some of the more notable rivers are Kizilirmak, Sakarya, Yesilirmak, Seyhan, Ceyhan, Firat and Dicle (the Euphrates and the Tigris). [7]

While geographical position has given Turkey access to many natural resources, it also has brought some problems. The disputes with Greece over freedom of passage through the Aegean Sea and access to and exploitation of the shared Aegean continental shelf are major geographic and political problems. Also, the Tigris and Euphrates Rivers, which irrigate the historical Mesopotamia plain, originate in Turkey and flow into the Persian Gulf. Turkey, Syria and Iraq use waters of the Euphrates and those of the Tigris are used by Turkey and Iraq. Disputes over the rightful sharing of these waters have occurred in the past among these neighboring countries and are likely to intensify as demand for water increases.

- Historical Review:

Turks first lived in Central Asia around 2000 B.C. Later, some of them left from Central Asia and established many states and empires independent from each other within a vast area of Asia and Europe. Throughout history, 16 Turkish states were established. These states are; Great Hun Empire, West Hun Empire, European Hun Empire, white Hun Empire, Gokturk Empire, Avar Empire, Hazar Empire, Uygur state, Karahanlar state, Gazneliler state, Great Selcuk Empire, Harzemshah state, Altinordu state, Greate Timur Empire, Babur Empire and Ottoman Empire. In addition to these states, a great number of Beyliks, or like principalities were established throughout various regions of the world.

The Great Hun Empire (during the 3rd Century B.C.) is generally considered the milestone in Turkish history. During the reign of this empire, Turks migrated toward the northwest, traveled through Finland and down to Central Europe to settle - - they even reached Rome. Some of the Turks preferred to travel to the southwest, settling in the area covering Northern India, Afghanistan and Turkistan. By the 6th Century A.D., the Gok Turks took power and established an Empire extending between the Black Sea and the Indian Ocean. [8]

Around the 10th Century, Turks embraced the religion of Islam. Some of the Turks traveling toward the southwest came to Anatolia. In 1071 A.D., they fought a crucial war with the Byzantine Empire and settled in Asia Minor (which covers most of today's Turkey). There, they established many small feudal states and some empires before the entry of the Turks.[9]

Anatolia has a history of settled living for 10,000 to 12,000 years. With such a unique history, it has embraced more than twenty cultures and civilizations for which it deserves the fame of being the cradle of civilization. Among these nations, the Hittites founded one of the greatest states and civilizations of the Bronze Age around the 15th to 12th Centuries B.C. The Hittite Empire was equal in strength and civilization to ancient Egypt. During the 12th Century, the Thracians seized the Hittite Empire's reign. Then, the neo-Hittites continued to rule the area until 750 B.C. when the Phrygians (750-300 B.C.) took over. The Phrygians lived under the strong influence of the Hittites and Urartus (900-600 B.C.). The Lydians, Lycians and Carians of southwestern Anatolia also provided important contributions to the Anatolian culture and civilization (6th Century B.C.). Alexander the Great brought the Hellenistic Age (334 B.C.). The Romans (30

B.C. – 395 A.D.) continued to rule Byzantium until the 11th Century. The Byzantine era in Anatolia began to shrink with the arrival of Turks to the region (11th Century A.D.)[10]

The Seljuk Empire was the first Turkish Empire in Anatolia. After the Seljuks, Anatolia was divided into small states, but the Ottoman Turks again accomplished its unity. Their first settlement was around Bursa (at the end of the 13th Century). The Ottomans built the largest empire in recent history within a very short time. After the conquest of Istanbul in 1453, the empire expanded to Vienna in the west, Crimea in the north, the Arabian Gulf in the southeast and all of Northern Africa and Sudan, covering an area of 8 million square miles. Under the rule of Suleyman the Magnificent (1520-1566), the empire reached the zenith of its power. The Aegean, the Black Sea, and the eastern Mediterranean Sea became known as Ottoman lakes.[11]

The 600 years of Ottoman reign can be attributed to its governmental system. Such a large territory of numerous races, cultures and religions could only be kept under one state by adopting an advanced liberty toward diverse religions, languages and cultures. It was the general Ottoman practice to allow religious minorities great autonomy in observing the rituals of their faith. The 18th Century was turning point for Ottoman power. The weakening of the empire continued until World War I (1914). During this war, the Ottoman armies fought on several different fronts throughout the far-reaching borders of the Empire, but lost. Many new states emerged from the old empire. Anatolia was also divided and occupied by allied forces. This was the actual end of the Ottoman Empire.[12]

After World War I, the Ottoman Empire collapsed and Mustafa Kemal ATATURK established a new modern Turkey in 1923. Throughout this historical progress, the Turks not only influenced the people who lived under their rule, but they (themselves) were affected by the Anatolian civilizations as well. Today, one can see the imprint of all these civilizations, from Hittites, Lyndians to Ottomans in Anatolia and the neighbors of Turkey who were influenced partly or completely by the Turkish Culture. As a result of this historical phenomenon, Turkey and its neighbors, in many fields, share the same culture, same attitudes, and same customs. The foods eaten and music listened to by Turks are familiar to the people of neighboring countries. However, today's Turkey has some problems with its neighbors because of this historical integration. While many Turkish people live beyond Turkey's borders, some neighboring ethnic groups are represented in Turkey. However, regardless of the common ethnic diversity there are border disputes between Turkey and some of its neighbors. These disputes have occasionally caused serious regional tensions.

Turkish foreign policy stands on well-established principles derived from the Kemalist legacy. The most prominent of these Policies is "Peace at home and peace abroad," and is considered the keystone of Turkish foreign policy. Kemal Ataturk, founder of the Turkish Republic said in his State of the Nation speech on November 1, 1928: "It is quite natural and therefore simple to explain the fact that a country which in the midst of fundamental reforms and development should sincerely desire peace and tranquility both at home and in the world." Kemalist foreign policy did not leave any room for idealism other than its most cherished goal of becoming an equal member of the Western world of nations.[13]

It is within this principle that Turkey conducts its foreign relations. These relations that are based on the principles of mutual friendship, respect for territorial integrity, non-interference in domestic affairs and the balancing of mutual interests. Turkey maintains that disagreements should always be resolved by

means of negotiations. But these peaceful aspirations do not mean that Turkey is indifferent to foreign efforts to intervene in her internal affairs.

Another basic principle of the Turkish foreign policy is living up to contractual and treaty obligations and respecting her other official commitments. While Turkey strives hard to abide by this principle, she also expects other countries to act accordingly.

RELATIONS WITH SYRIA

Several disputes make relations between Syria and Turkey uneasy. However, Syria's limited military potential and the alignment of its forces on the Israeli front preclude any immediate threat along the 900-kilometer border between Turkey and Syria.[14] The strong anticommunist sentiment of the Turkish government and the Turkish perception that the Soviet Union had expansionist designs in the region played a major role in shaping Turkey's policy toward Syria. This policy served as confirmation of Syria's belief that Turkey was a "gendarme of American imperialism" in the Middle East.[15]

Syria – Turkish relations have long been corroded by dispute over Turkey's Hatay (Iskenderun) province. This province was awarded to Turkey by a Franco-Turkish agreement and a plebiscite in 1939 but is still claimed by Syria as its rightful territory. Syria has long enjoyed the support of other Arab states on the issue. Turks carrying passports listing Hatay as their birthplace have routinely been denied visas to Saudi Arabia for the pilgrimage.[16]

Turkey's most serious internal security problem, involves Kurdish populations of Southeast Anatolia. Syria has supported the Kurdish Workers Party (PKK), which has engaged in armed action against Turkish security forces and against Kurds accused of "collaboration" with the Turkish authorities.[17]

Turkish hostility toward the Arab world, especially Syria, is derived in great part from concern about terrorism. Because of Syria's anti-Western orientation and its specific grievances with Turkey, it has for several decades, supported political movements hostile to Ankara, including three of Turkey's most dangerous opponents: the Armenian Marxist terrorist organization (ASALA), radical Kurdish groups, and Turkish radicals. All have had operational and training bases in the Syria-controlled Bekaa Valley in Lebanon from which they have conducted anti-Turkish operations. ASALA long conducted a violent assassination campaign against Turkish diplomats around the world. The radical PKK has maintained bases in the Bekaa, as have other violet Turkish Marxist groups affiliated with the Turkish Communist Party such as the Turkish Liberation Army.[18] Syria has periodically used its support for the PKK in particular as an instrument of pressure against Turkey, its support waxing and waning with the political environment.[19]

Turkey's relations with Syria will continue to depend to a considerable extent on the broader evolution of the Kurdish problem. Basically, the Kurdish issue between Syria and Turkey is a symptom, rather than the cause, of bad relations. The Kurds represent an instrument and not a goal for Damascus. The Kurdish population of Syria is vastly smaller than Turkey, Iran, or Iraq and Kurdish separatism in Syria and has never been a potential problem. If the tensions between Turkey and Syria – primarily ideological in character, representing conflict between a pro-Western state and a pro-Soviet state can be resolved, then the Kurdish issue will lose salience for Syria as one of its weapons of choice against Turkey. Water, too, is more an instrument of pressure between Ankara and Damascus than the source of conflict in itself.[20]

Another problem in relationships between Turkey and Syria is the water dispute. Turkey's construction of two big dams, Keban and Karakaya, on the Euphrates and Southeast Anatolia project (GAP) has created serious difficulties not only between Turkey and Syria, but also between Turkey and Iraq. Turkey's construction of the dams, such as Keban, Karakaya and Ataturk on the Euphrates have given it a powerful ability to cut off water badly needed downstream by Syria and eventually Iraq. So Syria and Iraq are opposed to the building of the dams and have accused Turkey of reducing major portions of Euphrates water. Syria has supported the Armenian Marxist terrorist organization, ASALA, radical Kurdish groups, and Turkish radical.

The key question for the future relationship lies in the degree to which Syria may continue to see Turkey as a hostile, anti-Syrian Western presence. Resolution of this confrontation is largely up to Syria in distancing itself from its earlier Cold War-driven policies. [21]

A radical, anti-Turkish Syria is unlikely to challenge Turkey in any direct military sense. Military confrontation has never been its chosen instrument. Deniable subversion and support for Turkey's internal enemies, such as radical leftists or separatist Kurds would be the mainstay of Syrian instruments against Turkey. If such a negative course of action does in fact materialize, armed conflict between Turkey and Syria could not be ruled out. Syria would be highly vulnerable, given its need to focus its forces primarily on the Israeli front. Such a scenario also presupposes very tense Syrian-Israeli relations in which Israeli had refused to negotiate a land – for – peace agreement on the Golan Heights and Syria had reverted to its classical anti-Israeli radicalism. Turkey might also shrink less from undertaking punitive military action against Syria now that the Cold War is over. Russia no longer supports Syrian ambitions and Syria's anti-Israeli posture would be largely of its own volition. A Turkey determined to play a greater role in the region would also be less tolerant of egregious anti-Turkish subversive activities supported by Syria.[22]

Likewise, within the framework of this last crisis, Turkey was determined to take all necessary measures against her security. As a result of Turkey's determination, Syria began to display somewhat a positive approach, although there are still concerns about her continuing logistic support to PKK.

Turkey expects Syria to honor her commitments. In that case there would be no reason not to normalize Turkish-Syrian relations.

RELATIONS WITH IRAQ

The Iran-Iraq War brought war to Turkey's doorstep for the first time since World War II. In keeping with Turkey's usual pattern of foreign policy toward the Third World area, it maintained a scrupulous neutrality during the conflict. A policy of neutrality not only kept Turkey out of the conflict, but also served Turkey's economic interests well. Racked by war, both Iran and Iraq needed Turkey as an overland economic lifeline and transportation link to the West and as a source for products in they're own right.[23]

The Iran-Iraq War also raised two other troubling ethnic and territorial questions about Kurds and the oil-rich region of Mosul. The Iraqi Kurds, as always, took advantage of the conflict to establish a greater degree of autonomy from the highly repressive regime in Baghdad. In the course of the war, they were able to establish a much greater degree of freedom of action in traditional Kurdish areas and resuscitated their

ongoing guerrilla war with Iraqi forces. The Iranians supported the Iraqi Kurdish guerrilla movement as a means of weakening Baghdad and creating diversions against the Iraqi army. The Iraqi Kurds, with Iranian support, sought to cut Iraq's oil pipeline that passes through Turkey to the Mediterranean. Turkey, which did not wish to lose the revenues of the pipeline, was hostile to any expression of Kurdish insurgency anywhere in the region and responded with a tough line toward the Kurdish insurgency in Iraq.[24]

Turkish relevance to the territory of Mosul were based not only on earlier Ottoman control over the region but also on the important ethnic presence of between 300.000 and 500.000 "Turks", or Turkmen, who live in the region – constituting perhaps 2 to 3 percent of the overall Iraqi population.[25] These Turkmen feel themselves harshly oppressed and abandoned by Baghdad and the Kurds. Consequently, the situation of the Turks and Turkmen living in the Northern Iraq is a factor that will affect relationships between Turkey and Iraq depending on treatments of Iraq against Turks and Turkmen.

The Gulf War against Iraq and the defeat of Saddam Hussein created vastly greater tensions between Ankara and Baghdad. Unlike its posture of neutrality in the Iran-Iraq war, this time Ankara was allied with the United States directly against Iraq in the war.[26]

There are few countries where the Gulf War and its aftermath have left greater policy dilemmas than in Turkey. Before the war, relations between Turkey and Iraq, while not warm, were pragmatic and cooperative on most issues of concern to both countries, despite their very different regimes and foreign policy orientations. Economic ties were strong, based on transshipment of oil through a pipeline from northern Iraq to the Mediterranean port of Dortyol, expanded to carry more oil in the 1980s. Oil provided Turkey with rental revenue worth up to $1.2 billion a year. For Iraq it provided an outlet to the Mediterranean that allowed it to bypass Syria, whose frequent disruptions of the Iraqi pipeline through its territory had finally caused Iraq to seek a replacement.[27]

Geopolitical relationships between Turkey and Iraq will remain dominated by numerous contentious issues:[28]

- The accelerating evolution of the Kurdish problem
- Turkish concern for the welfare of the Turkish / Turkmen population in northern Iraq
- Turkish concern for Iraqi expansionism and search for hegemony in the region
- The Iraqi quest for weapons of mass destruction
- Iraq as a potential geopolitical counterweight to either Iran or Syria should Turkish relations with those states ever deteriorates; conversely, those two states are counterweights to Iraq in the event of hostile Turkish-Iraqi relations.
- Potential friction over Turkish of the sources of the Tigris and the Euphrates rivers, which flow into Iraq
- Turkish control of the Iraqi oil pipeline to the Mediterranean.

The latter two issues do not inherently represent points of friction in themselves, but could become instruments of hostile action in the event of deterioration of bilateral relations on other grounds – as during and after the Gulf War.

The Kurdish issue is almost certainly destined to create intense friction between Turkey and Iraq. In principle, both states share a common interest in limiting the emergence of any kind of Kurdish autonomy or independence; that shared interest has been revealed periodically in the past few decades. As noted above, even during the Iran – Iraq War, Baghdad gave Ankara the green light to help repress Kurdish guerilla activities in northern Iraq when the Iraqi army was otherwise engaged on the Iranian front.[29]

Water problems, based on Turkey's progressive construction of the Southeastern Anatolia Project (GAP), have been serious but not sufficient to disrupt relations. Besides, most of the blame for the diminution of the water flow into the Euphrates, in these periodic crises, has been accorded to Syria, with whom Iraq had extremely acrimonious relations.[30] But, after lifting sanctions against Iraq and getting back on her feet, Iraq may make issues of both the water and separatist terror questions.

INTERNATIONAL LEGAL STUDIES REGARDING THE NON-NAVIGATIONAL USE OF TRANSBOUNDARY WATER COURSES.

Many International institutions and organizations have been studying the water issue to constitute legal rules that have features that will be able to decrease the International conflicts and provide the reconciliation.

According to experts who make scientific researches on law, there exist three main sources of international law. These are treaties, customs, and general principles of law.

In addition to these, decisions made by international institutions such as international court of justice, also constitute sources of the international law. Several treaties have been signed among two or more relevant of the same transboundary watercourses, but the rules that they have developed cannot be automatically applied to other watercourses. Not only every watercourse has its own specific features, but also those treaties may stipulate different rules for similar cases, because of various elements that may have prevailed in each case. Throughout the previous centuries, many international treaties have been signed on the navigational use of transboundary rivers. Therefore, regulations related to such utilization have, to a great extent, been established. Codification studies relating to the non-navigational use of transboundary waters started to appear at the end of the last century and the beginning of the 20th century. The reason is that the conflicts have started to surface during this time frame. Madrid Statement (1911) and Salzburg Resolution (1961) by Institute of International Law, efforts of the International Law Association (ILA) in 1956, 1958, 1960, 1966 and Reports by the United Nations International Law Commission (ILC) of 1978, 1989, 1991 and 1994 are important milestones in codification process. Helsinki Rules, adopted by ILA in 1966 and UN-ILC Report, dated 1994, are studies that are worth to be mentioned. Brief information about the content of each of these studies is given below:[31]

- Codification Studies by ILA

ILA, being a non-governmental organization, made an important contribution to the codification studies during its session held in 1966. At the end of the meeting, some rules were adopted which have no

binding character. Complementary Rules which were adopted in Seoul, in 1986. Although these rules have no binding character, they contributed, to a large extent, to the codification efforts. During the Helsinki Meeting, watercourses were discussed in the context of International Drainage Basins. In the said Rules, it was proposed that transboundary waters have to be shared equitably and reasonably. In order to determine an "equitable and reasonable sharing", certain factors, though not limited, were listed in the same set of rules.[32]

- Codification Studies by ILC

The study on the legal disputes relating management and utilization of international watercourses started in the United Nations in 1959. Until 1970, no particular development has been achieved other than a report submitted by the Secretary General to the General Assembly. In 1970, United Nations General Assembly assigned to the ILC the task of codification and progressive development of the law regarding the "Non-navigational use of international watercourses". In the summer of 1994 the said Commission finalized in Geneva, its studies on the "Draft Articles on the Law of the non-navigational uses of international watercourses" which had been conducted since 1970.[33] The studies on the draft continued until June 1997 when the commission submitted the draft regarding the non-navigational use of transboundary watercourses to the UN General Assembly.

According to the draft, all rivers that pass between two or more countries are accepted in the transboundary water category. The draft also projects that upstream countries let downstream countries know before starting arrangements regarding the use of water and stop their projects before completion. But Turkey, France and China did not accept the draft and argued that rivers like the Euphrates and Tigris, which pass two or more countries unless forming border between two countries, are suppose to be considered separately. The convention has been unable to strike a balance between upstream and downstream countries regarding utilization of water. In addition, the convention regarding transboundary watercourses was submitted to signature of countries. Up to 20 May 2000, only 8 countries have ratified it. However twenty-seven countries need to ratify it for it to enter into force. On the other hand, international convention is only binding for the countries that have signed the convention.

THE COUNTRIES POSITION RELATING TO THE WATER RESOURCES

In recent years the water problem has come to the forefront in the relations among countries. It also occupies an important place in the agenda of several international organizations.

It is appropriate to underline at the outset that Turkey, contrary to the prevailing belief, is not a country rich in water resources. Furthermore, it is not the richest country of the region in water resources and does not have excess water capacity. Although Turkey has at present more water resources than some of its neighbors, it can be regarded as a country that will find itself in a position not to meet its own needs in the near future. Turkey's average annual runoff is about 186 billion cubic meters (Bm3). The amount available for consumption of this capacity is mere 110 Bm3, including 12 Bm3 of groundwater. Taking into consideration that Turkey's population is 60 million, the quantity of water per capita will be 1 830 cubic meters (m3). Countries regarded as rich in water resources, have 8-10 thousand m3 water per capita per year. In other words, the available water per capita in Turkey is about one-fifth of the water-rich countries. The impression of Turkey having excess water derives from the fact that it is not at present in a

position to fully utilize its water resources. Today, Turkey utilizes only 25.9 Bm3 of its capacity of 110 Bm3. The remaining portion of 84.1 Bm3 is in more than Turkey currently requires.[34]

In some international publications, the available water per capita per year in Iraq and Syria are indicated as 5,192 m3 and 2,362 m3 respectively. These figures are probably calculated taking into account the total water potential of those countries, whereas the per capita water figures available for consumption in water-rich and some Middle Eastern countries are given in Table 1.

TABLE 1

Water Quantities Per Capita in Some Water-Rich And Middle East Countries for the year 1993
(cubic meters per year per capita)

Water-Rich Countries	10 000
Iraq	2 110
Turkey	1 830
Syria	1 420

As indicated in Table 1, the per capita per annum water figure for Iraq is higher than that of Turkey. That figure for Syria is also not so much less than that of Turkey. These figures indicate that Turkey does not have abundant water resources to be allocated to meet the needs of the other Middle Eastern countries. [35]

WATER DISPUTES IN THE EUPHRATES - TIGRIS BASIN

- Water Disputes:

How can the water dispute between Turkey, Syria and Iraq be explained? Given the prevailing conflict environment, states in the Middle East do not trust the intentions of other like-minded states. Each country seeks to be self-sufficient. The problem lies in the fact that, unlike oil, river waters flow across boundaries.

Until World War I, the question of water rights did not appear in the long list of grievances between Turkey and Syria. The Euphrates and Tigris Rivers flowed within territories under Ottoman control. However, with the dissolution of the Ottoman Empire at the close of the Great War and the redrawing of the region's political map, the emergence of new political entities in the Middle East created a complex situation. Syria and Iraq became co-sovereign over the two rivers by the terms of the treaties negotiated between the mandatory powers-France and Britain acting on behalf of Syria and Iraq respectively-and Turkey. These negotiations culminated in a series of treaties, protocols, and agreements including two in 1920, the 1921 Ankara Treaty with France, the 1924 Lausanne Treaty, the French-Turkish Treaty of 1926, the French-Turkish Agreement of 1929, the 1930 French-Turkish Treaty, and the 1946 Friendship and

Good Neighborliness Treaty with Iraq. These treaties explicitly protected the acquired rights of the downstream riparian and they worked as long as the waters were used at a minimal level. [36]

Between Syria and Turkey, the water problem has become paramount on the political agenda of the two countries. This problem also has a direct bearing upon the question of Syria's support for Kurdish secessionist groups, most notably the PKK. Controversial water schemes in Turkey have created serious difficulties not only between Turkey and Syria, but also between Turkey and Iraq. One of these schemes was Turkey's building of two big dams on Euphrates-the Keban, which was built between 1964 and 1974, and the Karakaya, which was started in 1976 and completed in 1987. The World Bank helped finance the two dams. During construction of the dams, Turkey assured the Bank, but not Iraq or Syria directly, that Syria would receive at least 450 cubic meters of water per second from the Euphrates.[37]

Both Syria and Iraq reacted angrily to the building of the two dams, charging Turkey with diverting major portions of Euphrates water for its own use. Iraq chose to confront Turkey over this problem, deciding in November 1977 to cut off its oil supply to Turkey and insisting that Ankara pay its oil debts of $330 million. This Iraqi step, which came at a time when Turkey was going through an economic and financial crisis, forced Ankara to go to other oil suppliers who insisted on cash payments. At the time, Turkey received about two-thirds of its oil needs from Iraq, most of it through the Kirkuk-Yumutalik pipeline, completed in 1977. One year later, Iraq allowed the resumption of oil supplies after Turkey promised to satisfy Baghdad's water needs. Later, during its war with Iran, Baghdad chose not to take up the Euphrates problem with Ankara because it needed Turkey's cooperation to fight Kurdish secessionists. Both countries shared the strategic objective of curbing Kurdish separatism within their borders, and their cooperation in this regard culminated in the signing of a security protocol on October 15,1984.[38]

Syria's response to the Euphrates problem was in some important aspects different from Iraq's. In this regard, Damascus followed a two-pronged strategy. On the one hand, it joined Baghdad in its lobbying efforts at the World Bank, which decided that Iraqi and Syrian water concerns were legitimate. On the other, Damascus continued to provide sanctuary to Armenian and Kurdish separatists and to left-wing Turkish activists who had fled Turkey after the military coup of September 1980. Unlike Iraq and Turkey, Syria does not have a Kurdish problem. The Kurds of Syria, whose estimated number ranges from 100,000 to 500,000, are not agitating for autonomy. Thus Syria can play the Kurdish card without inviting any serious threat to its territorial integrity.[39]

Another water project that posed serious difficulties for Turkey's relations with Syria and Iraq is the Southeast Anatolia Project (Turkish acronym, the Gap), begun in 1983. We will focus on this huge project later.

- The River Basin

The Tigris – Euphrates basin lies primarily in three countries-Turkey, Syria, and Iraq (see Fig.1). Both the Tigris and Euphrates rivers rise in the mountains of southern Turkey and flow southeastwards, the Euphrates crossing Syria into Iraq and the Tigris flowing directly into Iraq from Turkey. The main stream of the Euphrates in Turkey is called the Firat, and it has four major tributaries: the Karasu, the Murat, the Munzur, and the Peri. After leaving Turkey, the Euphrates has only one large tributary, the Khabur, which joins the main stream in Syria. By contrast, the Tigris has four main tributaries, all of which unite with the main stream in Iraq. The largest of these, the Great Zab, has its source in Turkey, while the Lesser Zab and

Diyala originate in Iran. All of the catchment of the Adhaim, which is the smallest stream, is in Iraq. In southern Iraq the Tigris and the Euphrates unite to form the Shatt al-Arab, which in turn flows in to the Arabian Gulf.

The lengths of the main streams are 2,330 km for the Euphrates, 1,718 km for the Tigris, and 190 km for the Shatt al-Arab. The catchments area of the basin is 423,800 km2, of which 233,000 km2 is that of the Euphrates, 171,800 km2 of the Tigris, and 19,000 km2 of the Shatt al-Arab (Shahin 1989). The hydrographic and hydrological characteristics vary greatly over the basin. Rainfall in the Turkish headwaters area is abundant, but seasonal. However, from about 37o N, the river runs through arid country in Syria and Iraq.[40]

Most of the water feeding both the Euphrates and the Tigris is generated in Turkish territory. Syria contributes to the flow of the Euphrates via the two tributaries (the Balikh and Western Khabur) that run within its boundaries. While Iraqi territory contributes little to the Euphrates, it contributes substantially to the tributaries of the Tigris.[41]

- The Euphrates River

The total water potential of the Euphrates Basin and the consumption figures estimated by each of the three riparian countries, in respect of the projects which they plan to develop, are shown in Table 2 which indicates that, while 88,7 per cent of the total water potential of the Euphrates Basin originates in Turkey, Syria contributes only an amount of 11,3 %. Iraq's contribution to the runoffs is nil. While the contribution of these two downstream countries to the water potential of the Euphrates is such a modest percentage, they have been demanding 22 % and 43 % respectively out of this potential. Turkey plans to utilize only 35 % of the total consumption target, while providing 88,7 % of the total flow.[42]

TABLE 2

Water Potential of the Euphrates Basin and Consumption Targets of its Riparian
(in billion cubic meters per year)

Countries	Water Potential	Consumption Targets
Turkey	31,58 (%88,70)	18,42 (%35,00)
Syria	4,00 (%11,50)	11,30 (%22,00)
Iraq	0,00 (%0,00)	23,00 (%43,00)
Total	35,58 (%100,00)	52,92 (%100,00)

Another point in Table 2, which is notable, is that the total amount of water planned to be utilized by the three riparian countries exceeds by 17.3 Bm3 the total flow capacity of the Euphrates. Obviously, it is impossible to meet such a demand as far as this river's potential is concerned.

- The Tigris River

The Tigris River, originating from the Lake Hazar becomes the border between Turkey and Syria for a distance of 40 kilometers (km).

As depicted in Table 3, Turkey and Iraq share the total water potential of the basin. Their contributions are 51,9 % and 48,1 % respectively. As in the case of the Euphrates Basin, the consumption targets put forward by Syria and Iraq are also much higher than the water potential originated in their lands. Turkey, on the other hand, plans to utilize relatively a small portion of the waters coming out in its own territory. As is the case with Euphrates Basin, the amount of water planned to be used by the three relevant countries of the Tigris River exceeds the total capacity of this river by an amount of 5,8 Bm3.[43]

TABLE 3

Water Potential of the Tigris Basin
and Consumption Targets of its Riparian States
(in billion cubic meters per year)

Countries	Water Potential	Consumption Targets
Turkey	25,24 (%51,80)	6,87 (%13,00)
Syria	0,00 (%0,00)	2,60 (%4,00)
Iraq	23,43 (%48,10)	45,00 (%83,00)
Total	48,67 (%100,00)	54,47 (%100,00)

It would be appropriate to point out another important fact relating to the Tigris River. Due to the fact that Turkey does not actually utilize all the water of Tigris, Iraq alone has been utilizing the entire annual capacity of 48 Bm3 of this river. When a transfer of water is proposed by Turkey from the Tigris to the Euphrates with a view to alleviating the water shortage of the latter, Iraq rejected this proposal. This cannot be regarded as "equitable utilization". In fact, many scholars and water experts see the solution to the insufficiency of the Euphrates water by transferring part of the Tigris flows to the former. The widely shared view is that, if such a transfer is carried out, then all irrigation projects planned on the Euphrates by the three relevant countries can be implemented. This is an additional indication that the water problem around Euphrates is artificial. In other words, there is a reasonable way of overcoming the difficulties stemming from the lack of sufficient water in the Euphrates Basin but some relevant countries block this solution. In addition to these facts, there exist different views between the figures given by Syria and Iraq and the findings of international water experts concerning the irritable lands by the waters of the Euphrates (See Table 4). In the publications pertaining to the irrigation matters, lands are divided into 6 categories. The first three categories of lands are the most efficient which can yield maximum production by way of irrigation. The fourth category of land is of marginal value. Yield can be obtained from the fifth category only with considerable amount of investment. Finally, the sixth category lands are of unyielding type and production cannot be obtained even by way of irrigation. While all of the Turkish lands to be irrigated by the Euphrates River are of the first, second and third categories, the similar categories of lands in Syria,

represent only 48 % of the agricultural lands which are contemplated to be irrigated with the Euphrates waters. Therefore, it will not only be uneconomical but will also be inequitable to utilize scarce water resources to irrigate infertile lands at the expense of fertile lands.[44]

TABLE 4

Irritable Lands in Syria and Iraq from the Euphrates Flows
(in million hectares)
(Comparison of the Figures Given by Syria and Iraq with the ones Contained in Independent Sources)

References	Syria	Iraq
Official statements	0,77	1,95
Prof. John Kolars (Univ. of Michigan)	0,37-0,39	1,29
USAID Report	0,32	-
Ewan W. Anderson (Univ. of Wales)	0,2-0,5	-
Peter Beaumont (Univ. of Wales)	0,4-0,8	-

Both Syria and Iraq demand considerable amount of water for their less fertile lands of the Euphrates River Basin where there exists a water scarcity problem. In this situation, there emerges a water requirement in the Euphrates flows which is much higher than the river's average annual flow of 31,58 Bm3. When this matter is brought to the attention of Syria and Iraq, they propose that lacking amount of water is deducted proportionally from each country's demand. Turkey finds it difficult to agree with this approach and points out that the quantity of the water needed for irrigation should be determined by applying identical criteria to all of the three countries. Syria and Iraq state that each country must be free to choose the criteria it will use to determine its own water needs and these statements should not be questioned by the other riparian States. In a democratic country like Turkey, it would be very difficult for a government to explain to its public such an arbitrary way of determining water needs. [45]

- Another Issue of Dispute: the Orontes (Al-Asi) River

The other main area of controversy is the Asi (orantes) river; Syria is the upstream state and its irrigation schemes have virtually halted the flow of the river in to Turkey's Hatay province; an area which is claimed by Syria.[46]

Emanating from Lebanon, the Orontes passes through Syria and flows into the Mediterranean Sea within the Turkish province of Hatay (see fig II). It covers 40 km, 120 km and 88 km in Lebanon, Syria and Turkey, respectively. In Lebanon, there are two water regulators on Orontes, and in Syria there are two dams, namely, Destan and Maherde dams, in addition to a water regulator in the town of Jisr-Al-Sughur.

Both countries, especially Syria, have been intensively utilizing this river for irrigation purposes. Syria has been making use of 90 % of the total flow which reaches an annual average of 1,2 Bm3 at the Turkey-Syria border. Out of this total capacity, only a meager amount of 120 million cubic meters (Mm3) enters in Turkey, after it is heavily used by Syria (5). However, this amount will further decrease to the range of 25 Mm3, if the planned reservoirs of Ziezoun and Kastoun in Syria are built in addition to the existing dams on the river. 80 Mm3 of water from the Orontes River has been earmarked for the utilization of Lebanon in accordance with the agreement made between Syria and Lebanon on 20 September 1994. Many lessons can be drawn from the comparison between the Euphrates and the Orontes rivers in respect of both the water released to the downstream countries and the utilization. While Syria and Iraq accuse Turkey of reducing the amount of water in the Euphrates, in another river, namely the Orontes where Syria is an upstream country, she utilizes almost the water of the river and releases to Turkey only a meager amount of water. [47]

Syria never wants to discuss the Orontes that flows into the Mediterranean Sea within the Hatay Province, because she claims the Hatay as her own province. In the many opinion of many, unless Syria releases enough water from the Orontes River to Turkey, she has no right to demand water from the Euphrates River.

THE CRITERIA THAT WOULD SATISFY EACH OF THE THREE COUNTRIES IN ALLOCATING TRANSBOUNDARY WATERS

International peace and amity, as well as economic progress, depend on having a set of just and realistic principles and mechanisms to help in resolving disputes over water whenever the nations directly involved cannot agree among themselves. In such cases, international technical and financial institutions can contribute data, expertise and resources to promote cooperation rather than strife. In a civilized world, there should be universally accepted norms or criteria by which to resolve international disputes peacefully. These norms should be based on universally recognized principles of justice and should be codified formally in a set of laws and procedures. Ideally, there should also be institutions capable of applying international law to adjudicate disputes over environmental assets or resources such as water.[48]

So, Turkey as the element of stability in her region, always attempts to solve the conflicts peacefully and justly.

It goes without saying that an agreement on the allocation of Euphrates-Tigris Basin waters can be reached in the framework of the criteria which would be found satisfactory for each of the three countries. "Equitable utilization" seems to be the most accepted principle in international law in allocating waters of a transboundary river. In order to reach such an allocation, the countries should take certain factors into consideration, such as socio-economic, hydrological and geopolitical conditions. These factors are not exhaustive, and if other national and natural resources are available to meet the needs of countries in question, these resources have to be taken into account as well. In this framework, Turkey has been advocating the necessity of common criteria in allocating the Euphrates-Tigris Basin waters, based on scientific and objective rules. In order to utilize water in an equitable manner Turkey has prepared a project that is called "Three Staged Plan" and has proposed it to Syria and Iraq. This plan, which will be implemented by a group of engineers of the three countries, will be further explained in the following

chapter. However, this plan has been rejected especially by Iraq, on the basis that it will, to a great extent, hinder its water demand from the Euphrates. The principle of not causing "significant harm" also enjoys wide support. According to this principle, relevant countries of a transboundary river should mutually abstain from causing any significant harm in the utilization of a transboundary watercourse. Turkey has never perceived and used the waters of the Euphrates-Tigris Basin as a tool to put pressure on the downstream relevant countries. Turkey has paid utmost attention in releasing the amount of water committed by it from the Euphrates in conformity with the principle of equitable utilization. On the other hand, domestic policies regarding water utilization in Turkey, Syria and Iraq have to be reviewed. The measures preventing the waste of water and especially the application of "rational water pricing" system, is an important aspect. Individual and collective activities promote awareness in the people of the three countries and will no doubt be useful. Another measure is the treatment and reuse of wastewater. This method is widely being used in oil rich countries and Israel, but is not widespread in other Middle Eastern countries due to the economic and other difficulties. In this context, it is viewed that national and regional wastewater treatment projects can be realized. Using the latest technology in irrigation is also an important factor. Due to the utilization of primitive irrigation methods in agricultural activities, there is a great deal of waste of water, especially in arid and semi-arid regions that suffer from water scarcity. Emphasis should also be given to the selection and characteristics of crop to be sown.[50]

- Turkey's Three-Staged Plan

The problems of the Euphrates and Tigris basin are not going to go away. Turkey, Syria, and Iraq will always be neighbors and the two great rivers will always flow through them. Convincing formulas, which satisfy not only just all three parties today, but also future generations, will have to be found. Turkey is eager to find ways of reaching a basis for cooperation that will strengthen regional peace and the well being of the peoples of all three countries. The key step is to identify the real needs that each riparian country has for water and then find ways of meeting them from the resources available. As a step towards an agreement, Turkey designed a three-stage plan for the equitable use of the transboundary watercourses of the Euphrates-Tigris basin. The plan was submitted to the Joint Technical Committee of Turkey, Syria, and Iraq in 1984. So far the Syrians and Iraqis have not responded.[51]

Turkey's plan rests on two basic principles.

1. The Euphrates and the Tigris make up a single transboundary river system.

2. The three countries need to work together on preparing and assessing a common inventory of water and land resources in the basin.

The reason for this is that the methods of collecting and interpreting data vary considerably and a unified method will have to be applied when working on a transboundary watercourse. The transboundary character of the Tigris, the Euphrates, and the Orontes has been recognized by the riparian states for three quarters of a century. Recognition is contained in a series of bilateral and multilateral agreements: the 1921 Ankara Agreement; the 1923 Treaty of Lausanne; the 1939 Ankara Agreement; and the 1946 Ankara Agreement. Since 1980, the Agreed Minutes of the Joint Committee for Economic and Technical Cooperation have accepted that the Tigris and Euphrates are 'regional waters.' The Euphrates and the Tigris are also a single transboundary river system for several reasons.

- After joining at the Shatt al-Arab, they empty into the Gulf as a single river.
- In Iraq they have also been artificially joined via the Tharthar Canal. This means that some Iraqi land irrigated from the Euphrates can also be irrigated with water from the Tigris.[52]

Turkey proposes that the work of the plan proceeds in three stages.

1. Compiling an Inventory of Water Resources. An inventory would be made covering the whole range of available data on the rivers and their water, including evaporation, temperature, and rainfall levels. All measurements would be carefully checked.

2. Compiling an Inventory of Land Resources. Information would then be pooled on land classification and drainage. Appropriate crops and drainage conditions would be identified and corresponding irrigation and flowing water requirements would be established on the basis of them.

3. Analysis of Water and Land Resources. At this point, potential methods of irrigation would be established in the light of an analysis of water and land resources. Care would be taken to ensure that the systems of irrigation selected minimized water losses. Ways to modernize or upgrade existing irrigation projects would also be considered.

All three countries could thus be sure that an equitable and optimal arrangement had been devised for the use of the river waters, based on firm measures and their clearly identified needs.[53]

SOUTHEASTERN ANATOLIA PROJECT (GAP)

- What is GAP?

GAP is a multi-sectoral and integrated regional development project based on the concept of sustainable development. Its basic aim is to eliminate regional development disparities by raising people's income level and living standards; and to contribute to such national development targets as social stability and economic growth by enhancing the productive and employment generating capacity of the rural sector. The project area covers 9 provinces in the Euphrates-Tigris basins and Upper Mesopotamia plains (Adiyaman, Batman, Diyarbakir, Gaziantep, Kilis, Mardin, Siirt, Sanliurfa and Sirnak) it extends over an area of 75358 square kilometers, which is 9.7 percent of the territory of the country. The original initiative consisted of irrigation and hydroelectric energy production projects on the Euphrates and the Tigris. In the 80s, the project was transformed into a multi-sectoral regional development program of a socio-economic character. This program covers such sectors as irrigation, hydraulic energy production, agriculture, urban and rural infrastructure, forestry, education and health. Its water resources program include the construction of 22 dams and 19 power plants and irrigation schemes on an area extending over 1.7 million hectares. The total cost of the project is $ 32 billion US. The total installed capacity of its power plants is 7476MW, which means an annual production of 27 billion kWh. The project is based upon the concept of sustainable development that aims at generating an environment in which future generations can fully develop themselves and reap the benefits of development. Equitable development, participation, protection of the environment, employment generation, spatial planning and infrastructure development are the basic strategies of GAP.[54]

The largest schemes of the irrigation and energy system of the GAP are the Ataturk Dam and Hydroelectric Power Plant, and the Sanliurfa Tunnels. (Fig.3, 4) the total hydropower capacity of Atataturk Power Plant will be 2400 MWs (8x300) and an annual energy output of 8.9 billion kWh. The Ataturk Dam will be the ninth largest rock-filled dam in the world in terms of the embankment volume. The height of the dam from the foundation up is 169 meters. The most important of these projects is the Sanliurfa-Harran-Mardin-ceylanpinar irrigation schemes that will provide irrigation to 476,374 hectares. The water necessary for this projects will be supplied through two parallel tunnels each of which has an inner diameter of 7.62 m. and a length of 26.4 kms. The tunnels will discharge water from the reservoir of the Ataturk Dam at a rate o f 328 cubic meters per second. The discharged water will run for 4 kilometers north of the Sanliurfa-Harran plains and will be used to produce hydroelectrically energy at the Sanliurfa Hydroelectric Power Plant. The water will then be carried by two canals: The Sanliurfa main irrigation canal which will irrigate 43,041 hectares and The Harran Canal which will irrigate 98,794 hectares by gravity. The land to be irrigated by these two canals is the most fertile part of the region, historically known as "Upper Mesopotamia". The Mardin Main Irrigation Canal, on the other hand, will carry approximately 238 cubic meters of water per second and run for 300 kilometers towards the Mardin and Ceylanpinar Plains, to irrigate 186,000 hectares by gravity. Three pumping stations are to be built on the Mardin Canal and two main water storage facilities that will be filled-up during off-season in Mardin and Derik will provide water for the irrigation of approximately 150,000 hectares. The total irrigation area covered by the related projects (fig.5) is 876,000 hectars.[55]

- Objectives of GAP

The Southeastern Anatolia Project (GAP) is the biggest project of the republican era. When compared with similar other projects throughout the world, it is an ambitious project in terms of the geographical area it covers, its physical magnitudes and objectives. GAP is a multi-sectoral, integrated regional development project being carried out in 9 provinces of the Southeastern Anatolia Region that is a relatively underdeveloped region in Turkey. As an integrated project, it is not limited with the dams, hydro electric power plants, irrigation systems only; but it contains industries and investments for the development of socio-economic sectors such as agricultural development, industry, urban and rural infrastructure, communication, education, health, culture, tourism and other social services in a coordinated way. GAP sets its own objectives within the framework of the government's overall policy aimed at the elimination of the interregional disparity that gains a gradual importance. GAP coincides with the government policies to the effect that stirring the development potential in the underdeveloped regions will contribute to the national objectives such as the economic growth, social order and export encouragement. Actually, when GAP's development objectives are studied this trend can clearly be seen.[56]

- Why GAP?

Due to the conditions of the climate and mountainous terrain structure, the Southeastern Anatolia is one of the underdeveloped parts of the country. Therefore, the citizens residing in this region live in more difficult conditions than people living in the other parts of Anatolia. The Republic of Turkey started this huge project years ago to end these conditions and to enhance the quality of life in the region. Turkey is determined to complete it.

Today, terrorists activities occurring in the region result from difficult life conditions including unemployment, lack of infrastructure, high cost of living etc. This huge project has vital importance for security and future of the Turkey.

On the other hand, Syria and Iraq have strongly opposed the GAP constructed by Turkey. Their objections centered on the argument that the huge project would reduce the quantity of the water flowing to their countries. In fact, it has been planned to regulate this fluctuation in the quantity of water for the purpose of a more regular supply of water to downstream countries. The construction of the GAP will serve the interests of the downstream countries, as much as it will serve Turkey's interests. In fact, Turkey has paid particular attention while constructing the project to not wrong her neighbors.

THE CLAIMS OF SYRIA AND IRAQ REGARDING THE EUPHRATES-TIGRIS BASIN AND TURKEY'S VIEWS

- Arguments of IRAQ

The views expressed by Iraqi authorities and by various press and publication circles regarding the Euphrates-Tigris Basin can be summarized as follows:

Iraq maintains that it has "acquired rights" relating to its "ancestral irrigation's" on the Euphrates and Tigris Rivers. According to Iraq, there exist two dimensions of acquired rights. One outlines the fact that, for thousands of years these rivers have given life to the inhabitants of Mesopotamia and thus constitute an acquired right for this people. Therefore, no upstream riparian country is entitled to take away the rights of these inhabitants. The second dimension of acquired rights stems from the existing irrigation's and water installations. Iraq has 1.9 million hectares of agricultural land in the Euphrates Basin, including the ancestral irrigation systems left from the Sumerians times. Iraq also maintains that it has several established irrigation installations to irrigate these lands. During the initial impounding of the Atatürk Dam, Iraq has accused Turkey of violating "International Law" by not informing Iraq in a timely manner and by reducing the amount of flow below the committed level. The citizens of Iraq have been subjected to a very difficult situation as a result of these actions. In addition, it was argued that Turkey would cause damage to the downstream relevant states by building new dams and irrigation systems. Iraqi officials have also declared that the waters of the Euphrates and Tigris must be shared among the riparian through a mathematical formula, such as;

- Each of the riparian state will notify its water demand for each of its completed project as well as for the projects under construction or planned projects.
- Hydrologic data will be exchanged on Euphrates and Tigris waters.
- After gathering all relevant data, Joint Technical Committee (JTC) will, first of all, calculate the demands of water for the projects under operation, then for the projects under construction and finally for the planned projects. The determination of needs for these projects will be made separately.[57]

Under the Protocol of 1987, Turkey has undertaken to supply a monthly average flow of 500 m3/s at the Syrian border, until the "filling up" of Atatürk Dam is completed.[58] Iraqi authorities argue that the

Protocol has lost its validity, due to the fact that the filling up of the Atatürk Dam has been completed. Therefore, the final allocation must be made and an amount of water higher than 500 m3/s should now be released to the downstream countries. This amount should not be less than 700 m3/s. Taking into account the fact that annual average flow of Euphrates River is around 1 000 m3/s, Turkey should keep for itself only 1/3rd of the flow and let the remaining 2/3rd for Syria and Iraq, to be shared by those countries. In the opinion of Iraqi authorities and press circles, an allocation of this type would represent an "equitable and reasonable" approach.[59]

- Arguments of SYRIA

Syrian officials and press circles claim that Syria possesses acquired rights, dating from antique periods, over the rivers that pass through Syrian territory. On the other hand, Syria claims that the Euphrates and Tigris rivers are "international watercourses " and can be classified as "shared resources". The waters of those rivers must be shared among the riparian states according to a quota to be determined. They further claim that such an allocation should be realized through a simple "mathematical formula" which foresees that;

- Each riparian State shall declare its demands on each river separately.
- The capacities of both rivers (in each riparian state) shall be calculated.
- If the total demand does not exceed the total supply, the water shall be shared according to stated figures.
- In case total demand of water, declared by the three riparian, exceeds the water potential of a given river, the exceeding amount should be deducted proportionally from the demand of each riparian State.[60]

Syria further claims that, during the initial impounding of the Atatürk Dam, Turkey has acted against the spirit of good neighborliness and has caused a significant damage to the Syrian agriculture, as well as hydropower generation and water supply facilities. Syria believes that, by such actions, Turkey aims at exerting a political pressure on its neighbors. Syrian officials maintain that the Peace Pipeline Project and other water selling schemes can be interpreted as a product of Turkey's dreams of gaining leadership position in the Middle East. Syria further argues that the secret desire of Turkey is to dominate the countries of the region economically and politically by making them dependent on water. Besides, Turkey's effort to export water by pipeline, while not releasing sufficient amount of water to its neighbors, presents itself as a contradiction. Syria requests that the International Law Commission's (ILC) studies be finalized and that rules and regulations be established as soon as possible. In this way, all sorts of disputes between the basin States relating to sharing an international watercourse must be resolved in international bodies, such as International Court of Justice, in the framework of dialogue or arbitration's through such institutions. Syria demands that International Observers must be present in the negotiations between the basin States and in accordance with the opinions of those observers, UN must enforce mandatory sanctions to those countries that may hinder sharing procedures or established shares as a result of these negotiations.[61]

- Turkey's Views on the Arguments of its Neighbors

The concept of "acquired rights", raised by both countries, is a claim put forward in order to make Turkey release a greater amount of water and to make it more acceptable. On the other hand, many scholars believe that the "acquired rights" theory alone does not represent much significance. Professor Stephen C. Mc Caffrey, who has been the rapporteur of ILC as of 1985, points out the following:[62]

"A downstream State that was first to develop its water resources could not foreclose later development by an upstream State by demonstrating that the later development would cause it harm; under the doctrine of equitable utilization, the fact that a downstream State was "first to develop" (and thus had made prior uses that would be adversely affected by new upstream uses) would be merely one of a number of factors to be taken into consideration in arriving at an equitable allocation of the uses and benefits of the watercourse."[63]

This observation of Stephen Mc Caffrey indicates that "acquired rights" cannot be invoked to limit the utilization of water by upstream riparians. In other words, the "historical and acquired rights", claimed by Syria and especially Iraq, are inadequate in the sense that prior uses of water by downstream countries represent only one of many factors to be taken into account in reaching an equitable utilization of a transboundary river. In this context, Iraqi claim that the Tigris River flow of 48 Bm3 is its "ancestral right" becomes unfounded. Basing upon this "right", Iraq refuses water transfer from the Tigris to the Euphrates River, which could have been a vital element for realizing the irrigation projects of the three riparian countries on the Euphrates River. [64]

The idea of "sharing the common resources through a mathematical formula" has been put forward by Iraq in order to guarantee the utilization of water for its projects. Syria, with a similar approach, has supported this idea. The concept of "sharing the common resources by mathematical formula" represents a complete contradiction with the principle of "equitable utilization" which is the core of codification exercise in this field. On the other hand, the idea of considering a transboundary water as a "shared resource" is not a widely supported concept in the codification exercise on the transboundary waters. Due to the objections of many members, the expression of "shared natural resources" has been advised to be dropped in the Report of the International Law Commission of the UN to the General Assembly on the work of its thirty-ninth session, held in 1987. Consequently, this term has not been used in the subsequent Reports of the said Commission. The accusations relating to the initial impounding of the Atatürk Dam is completely unfounded. During this period, Turkey has released to the downstream riparian countries an amount of water more than it initially committed. Another crucial point is that irrigable lands declared by Syria and Iraq as per their irrigation projects, do not reflect the real situation. As explained before, many international scholars and water experts have stated that the amount of irrigable lands in both Syria and Iraq is in fact far below than the amount declared.[65]

THE EFFECTS OF THE WATER CONFLICT TO THE SECURITY OF THE REGION

The Middle East has become one of the most unstable regions in the world. We have seen the Israel war in 1967 and 1973, civil war in Lebanon in 1970's, Iran-Iraq war between 1980-1989, and finally, the invasion of Kuwait in 1990 by Iraq that led to a world-war crisis. Since a majority of Middle East countries

do not have a democratic political system, it has been always difficult to find solutions to problems among the regional countries, according to the International law. Leaders who hold the political power in Middle East apply policy and make much use of it to maintain their control on their countries. As we know, the Gulf War was started by the leader of Iraq, Saddam Huseyin who is still in impeachment of the resolutions of United Nation, just to maintain his power over Iraq.

When we take into consideration the opinions mentioned above, it is always expected to see new crises in the region while resources decrease and population increases. For example; Syria and Iraq can demand that Turkey should release more water in case drought hits those countries. Turkey may also declare that her own country may also be affected by drought and refuse to release more water than their normal needs as far as technical conditions are concerned. Syria and Iraq may use that against Turkey as a claim (that Turkey controls transboundary waters and does not release sufficient amount of water) and take it to the international platform. In such a crisis between Turkey, Syria and Iraq, Iran can make use of it to push their radical Islamic Regime to those three countries and also to the region that clearly would cause a great instability throughout the region.

On the other hand, since all Arabic Countries are lower Mesopotamia (Middle East) countries and share the same culture, they all can easily cooperate against Turkey. For example, the issue of water has been taken to the Arab League with the initiative of Syria and Foreign Ministry Council of Arab League has issued a declaration to support Syria and Iraq on 14 March 1996. Arabic Countries demonstrate that the water issue easily can be manipulated to create a new crisis. The construction of the Southeastern Anatolia Project that helps to regulate the waters behind the dams is not only to the benefit of Turkey, but also in favor of her neighbors Syria and Iraq in case there is a shortage of water due to drought.

While the GAP could have been useful for all countries in the region, it was misevaluated by Iraq and Syria. They started a campaign against Turkey that was aimed at destabilizing the country by supporting terrorist activities in Turkish areas. Their actions also threaten regional security. The Syrian and Iraqi governments are concerned about the construction of the GAP by Turkey because they believe it will permit Turkey to have a strategic imitative over them that may undermine their economic and political power in the future. While those two countries own claims are full of contradictions based on unfounded data, it is hard for Turkey to establish good relations with those countries while they support the terrorist activities against Turkey. It is also difficult to conduct operations that are in violation of international law with the intention of obstructing and delaying the great irrigation energy investments under the GAP and at the same time maintain good neighborhood relations. When the current technical data about the capacity of the Euphrates and Tigris Rivers are reviewed seriously, it is obvious that Syria and Iraq have been supplied with adequate water to meet their requirements.

It was observed that terrorist activities of PKK increased with the start of the construction of GAP since there is no state authority on the north of the 36 parallel. Turkish Armed Forces conducted military operations in that area by using the "hot pursue right" granted by international law with the intention of taking control of the PKK terrorist groups stationed in that area. In addition, reports indicate that PKK terrorist organization's major financial source was manufacture, transportation and marketing of drugs. Drugs are a big problem for all human beings. Turkey, by struggling against terrorist organization, also has a tough stand against the drug business and its affect on regional security. The Turkish government has spent a huge amount of financial sources, not only against terrorist

organization, but also for the development of GAP. Drugs will change the social and economic structure the region. Of course the supporting of the terrorist activities by Syria and Iraq to "share waters" is a hot and controversial issue and does not help the stability and security of the region. It is believed that a crisis caused be Iraq and Syria over the sharing of water against Turkey will not only be a threat to Turkey, but also to the NATO.

CONCLUSIONS

Turkey does not have limitless water resources. It is known that those water resources currently possessed will not be enough in the near future. Syria and Iraq, with the support of the other Middle East Countries, are trying to conclude an agreement that would be totally in favor of their own views for the usage of the waters of Euphrates and Tigris. It's believed that some of the countries negative political approach to Turkey result from those countries' concern over dependence on Turkey. Syria and Iraq governments claims to share the waters mathematically and their political approaches by ignoring the sovereignty rights of Turkey over waters has become a complex issue. The Iraq Government had threatened Turkey with war before the Gulf War and Syria has supported terrorist organization by providing a base and training camp in Syria and openly declared a "release water, otherwise I support terrorist organization" policy. Turkey has reacted with a policy of "water for peace and cooperation".

The rules of the transboundary water issue are not clearly established by international law. A certain agreement for one region could not be applicable for another region. For example, some of the agreements dictate that the lower geography countries pay a certain amount of money, while in other agreements, upper geography countries are not supposed to pay.

There is no affirmative information about the size of the agricultural fields to be irrigated as it is claimed by Iraq and Syria. On the other hand, both of those countries dismiss the discussion of the construction of the high-tech installments and development of irrigation techniques. It is believed that most of the water is used wastefully in poor technical conditions by those countries.

It has been demonstrated that the amount of the water released by Turkey is not less than the amount before the construction of the GAP. This is also true for the quality of water. Further GAP will also help the development of the entire region by establishing mutually beneficial ventures in agriculture and industry. These endeavors will not only help Turkey, but also to Iraq and Syria and other countries in the region.

Turkey approaches the issues with good intentions, including restoration of security in the region, promoting good neighborhood relations, and the increasing the welfare of its people. One also has to take into account that Turkey has her own sovereignty on those two rivers.

Turkey is a European Nation that has thoroughly accepted democracy and displays improved political, economic and social values. With these features demonstrated, Turkey, as a solid member of NATO, has as a main effort the protection of freedom and security of its fellow members. Turkey has been a force for peace and stability in the Middle East and will continue to be.

RECOMMENDATIONS

In fact, three is no water conflict between these countries. The waters of both rivers are enough for three countries if the water is utilized in an equitable, reasonable and optimal way. But Syria and Iraq have claimed that the water they receive from Turkey is not enough. And they want to exploit this unfounded situation. Therefore, if Syria and Iraq really want to cooperate with Turkey they have to articulate their real water needs and should discuss three rivers including Orantes at the same time.

Turkey does not have any natural resources, except water to produce electricity. For a long time Turkey has imported electricity from its neighbors. Therefore, she wants to use her watercourses to produce hydroelectric power.

The GAP area is experiencing unrest due to the activities of the PKK, Kurdish Separatist Organization. Because this area is undeveloped economically, the Turkish people and inhabitants in the area expect many things from this project. Since, the interests of Turkey in this area are vitally important, the huge project as needs to be completed soon as possible.

Parties should follow the "Equitable, Reasonable and Optimum Utilization" principle. Therefore, parties should apply demand management, modern irrigable techniques and collaborate with each other.

Furthermore, The Euphrates and Tigris Rivers have to be considered as forming one single transboundary watercourses system. All existing and future agricultural water uses need not necessary be derived from the Euphrates. Irrigation water for areas fed by Euphrates may also be supplied from the Tigris River. Therefore, Turkey could transfer water from the Tigris to Euphrates River to be able to release the enough water to downstream countries according to their real needs.

The Orantes (Al-Asi), Euphrates and Tigris Rivers should be discussed at the same time.

In spite of the many negative situations, Turkey will continue to deploy efforts in order to cooperate with its southern neighbors in accordance with technical and scientific basics.

Unless Turkey asserts that the UN Convention is not binding for Turkey, it should not attend any multinational negotiations.

Word Count: 13,844

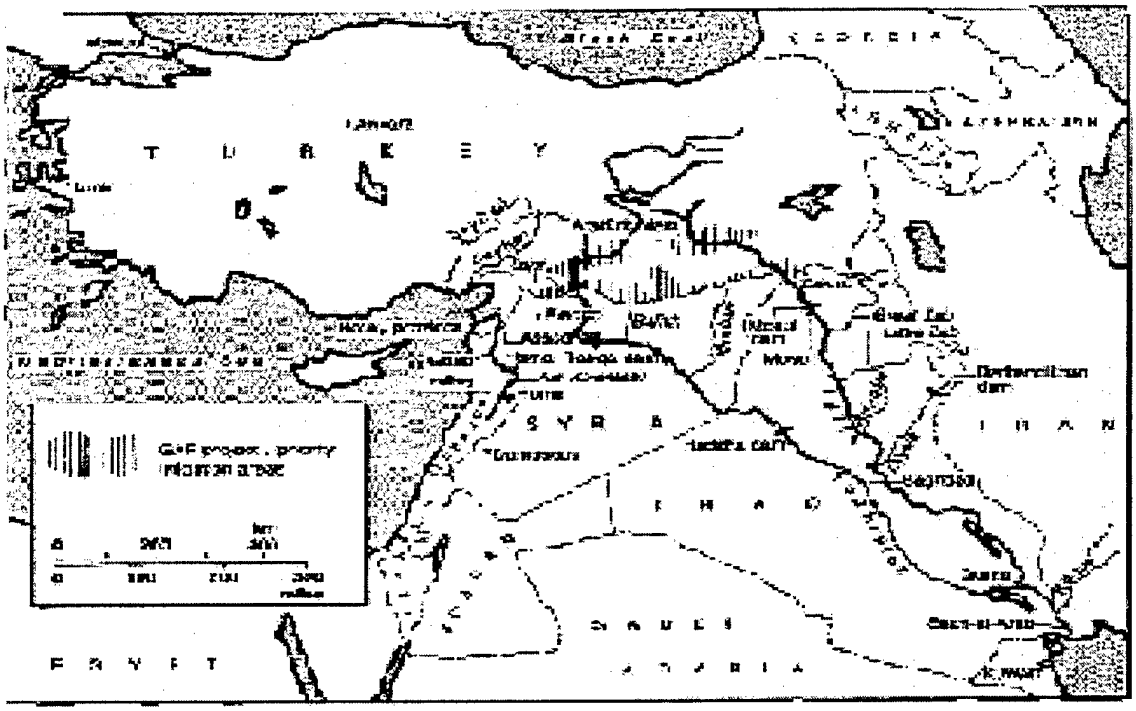

FIGURE 1 TIGRIS-EUPHRATES BASIN AND ORANTES RIVER

FIGURE 2 ATATURK DAM

FIGURE 3 SANLIURFA TUNNELS

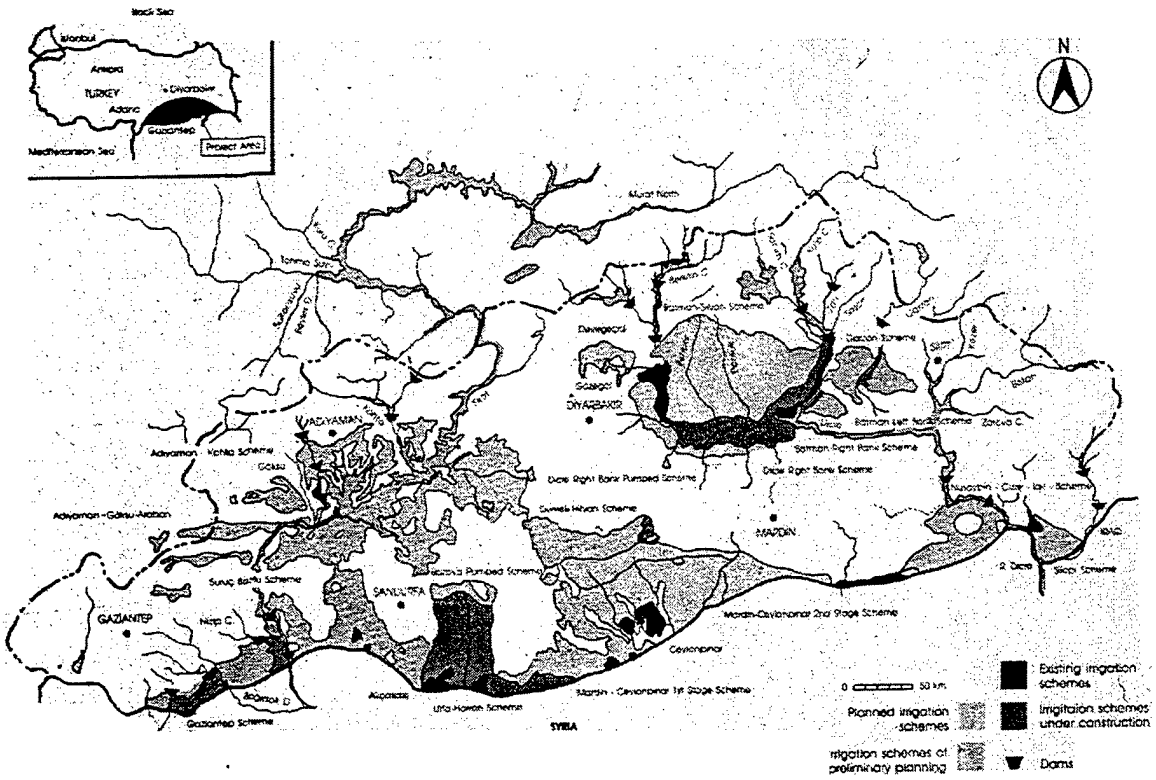

FIGURE 4 LOCATION MAP OF WATER RESOURCE DEVELOPMENT SCHEMES

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[58] The relevant article of the Protocol, dated July 17th 1987 and signed between Republic of Turkey and The Arab Republic of Syria, is as follows:

"During the filling up period of the Ataturk Dam reservoir and until the final allocation of the waters of Euphrates among the three riparian countries, the Turkish Side undertakes to release a yearly average of more than 500 m3/s at the Turkish-Syrian border and in cases where the monthly flow falls below the level of 500 m3/s, the Turkish Side agrees to make up the difference during the following month", (The Official Gazette of Turkey, December 10th, 1987)

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