

## THE HISTORY OF TRANSBOUNDARY WATER RESOURCES DISPUTES OF TURKEY AND TURKEY'S APPROACH

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The disputes over water, which is of one the fundamental needs of life, have a background as old as the human history. The relative imbalances in the distribution of natural water resources by countries, the disparities in their qualities, the rapid increase in population, pollution issue, uncontrolled and misuse of the water and like causes, lead to vital disputes.

Only the 1% of the total world water reserves carries the required fresh water qualities that are suitable for human life. In accordance with the evaluations of the United Nations Food and Agricultural Organization (FAO), 98 % of the fresh water at the Arctic Region, which constitutes the 2.6 % of the total world fresh water reserves, is in unusable condition. In contrary to present troubles, it is observed that water consumption have risen 400 % in recent years. (1)

Near to the end of 20th century and especially in the years of 1990's, scientists and strategists stated expressly in various scenarios that water is going to be a cause for wars. Turkey is shown as one of the prime actors of potential war scenarios of water disputes, due to its relations with the Middle Eastern countries, geography of disparate water resources. According to the evaluations of scientists, there are 26 countries that are poor of water resources in the world and nine of these countries are in the Middle East. The limit of being poor in water is defined as annual 1000 cubic meters water consumption per person. (2)

There is a popular belief that Turkey is rich in water resources. But, when compared with the countries, rich in water in the world, its clearly seen that it is not so. In water rich countries water consumption per person in a year is accepted as approximately 10000 cubic meters. This consumption is around 1830 cubic meters in Turkey. This rate is about 2362 cubic meters in Syria and about 5192 cubic meters in Iraq, who claim being poor in water resources. (3) If required precautions are not taken, it is forecasted that Turkey will get closer to "water poor" limit after the year of 2010. So, Turkey cannot be assumed as a "water rich" country.

In war scenarios, that Turkey is included; the probable disputes originate from international waters or transboundary water resources. It is worthwhile to explain both of the concepts. The first one, are the waters which have place in the lands of two different countries, making boundaries between these countries and they are subject to share by these countries. The second one, are the waters which originates in and flow through the lands of a country and by flowing over the boundaries of a neighboring country, running in the land of this country and finally flowing into the sea. But recently the terminology of "international waters" is replaced with "transboundary waters". Besides being used for navigation, "Transboundary water" phrase is becoming more widespread for the waters, which make boundaries between two or more countries, or for the waters which originate and run in different countries and that are utilized for irrigation, drinking, and as a source of energy. The proposal on the "Agreement on the Law of Use of International Waters Except Navigation" which was prepared by the United Nations International Law Commission

was voted and accepted in the General Assembly of United Nations in May 1977. The proposal defines the basins of the transboundary waters as International Water Routes. In that context, besides the countries of water basins, it is possible for other countries that have economic agreements with them, may also participate in the negotiations related to those waters. Turkey objected the proposal, which accepts Tigris and Euphrates rivers as transboundary international waters. (4)

Tigris and Euphrates rivers are the main water resources of Turkey, which cause disputes between Syria and Iraq. Tigris River originates from the Mountain of Dumlu near Erzurum in Turkey and by taking its main resources from the Eastern Anatolia region runs over the Syrian and Iraqi land and by uniting Euphrates there and named as "Shattul Arab" and flows into the Gulf of Basra. (5) The annual water potential of the river changes per seasons; and it is observed that yearly potential of the river falls to its 1/3 level in dry seasons. According to data of State Hydraulic Department (per 1937–1993 measurements), annual volume of the water is 31 billion 580 million cubic meters. The contribution of Syrian land to Tigris River is 3.4 billion cubic meters while Iraqi land has no contribution. Briefly, 87,7 % of total Tigris water sources from Turkey while 11,3 % of it comes from Syria. The volume of water between Iraqi and Syrian borders reaches 35–35,5 billion cubic meters yearly. (6)

Euphrates River originates from the Mountain of Hazer Baba near Elazığ in Turkey (another source of Euphrates is the creek of Maden, which originates from the Mountain of Maden (South East Taurus) feeded by the waters of Batmansu, Ilisu, Batan and Yanarsu which are originated from the mountainous area of Eastern Anatolia and other sources, Euphrates flows about 70 km.s by establishing the Turkey–Syrian border and runs through the Iraqi land. The 51,90' % of its water is generated in Turkey while 48,10 % originates from Iraq. (7) Syria, though has no contribution to the Euphrates River, and is the country that has the minimum total contribution to both of the rivers, is the initiator of the most of the water disputes.

It is necessary to mention also Syria's approach towards River of Asi by which Syria is a lower stream country. Though utilizing the water as required, Syria is accusing Turkey frequently by keeping the water of Asi, and leading international negotiations on the subject. Rising from the Bekaa Valley of Lebanon, Asi water flows towards north. Flowing along Syrian land via Humus and Hama cities, enters into Turkey's border and passes through Antakya and runs into Mediterranean near Samandag. Before entering Turkey, Asi flows along the Turkey–Syria border about 20 km.s and creeks of Karasu and Afsin rivers in Turkey joins to Asi. Annual average water rate is 2,5 billion cubic meters. Still claiming Hatay as a part of its own land, Syria assumes Asi as one of its national waters and utilizes as its own. In the summer season, completely shutting down the naturally decreased water and by polluting it with chemical waste, causing great damage in agriculture at the Amik Valley.

Aras River is another transboundary and boundary making river of Turkey. Feeded from the various sources of Eastern Anatolia, flows along Turkey – Caucasias – Iran borders and finally runs into Caspian Lake. Total length of the river is 1059 km.s, while 548 km.s of the river is in Turkey. Aras establishes 150 km.s boundary between Turkey and Armenia and then enters into Iran. So it is transboundary water, with this specialty. Today no major disputes exists on Aras River since required treaties signed among the parties and also in the future no major conflict is expected between Turkey, Iran and Armenia upon political and economic cooperation.

Maritsa River, which originates in Bulgaria, joins with Arda and Tunca Rivers near Edirne, which are flowing through Bulgaria and Western Thrace respectively. Tunca establishes 61 km.s length Turkey–Bulgaria border until joins to Maritsa River. Ergene River, which also joins to Maritsa River, is 280 km.s long and it totally flows in Turkey. (8) "A Master Plan for Maritsa Basin" was prepared in 1951 between Turkey and Greece against water floods. But the origin of the water is in Bulgaria. Since Bulgaria was not participated in this plan, required facilities could not be completed. The water is getting polluted due to its misuse by Bulgaria and the level of the water is decreasing in summers and its quality gets worse due to projects developed by Bulgaria. In winter times, solutions are looked for preventing floods by pumping the excess water by collecting them in dams, while in summers water is bought from Bulgaria. As can be seen, Turkey is in a search for developing projects to share its waters and even looking for a base for conciliation with Greece and Armenia, who sometimes have hostile attitudes towards Turkey. But the proverb, "First for me, than for friends" must be taken into consideration. Giving priority to Turkish people and their needs is very natural by considering the inequitable distribution of water per regions.

The first treaty on water issue with Syria, who is expected to create bigger disputes in future, is Ankara Treaty, dated 21 October 1921. The first 12 articles of the treaty, were envisaging the share of Kuveyk River by considering the needs of parties between Aleppo and the Turkish region at the north of Aleppo. The city of Aleppo could utilize from Tigris Water "by its own disbursements". (9)

Another agreement related to the use of international water in which Turkey is a party, is the Lausanne Treaty. Article 109 of the treaty briefly says, if a country's boundaries changes and the water systems that are used by this country is left in the land of the neighboring country or vice versa; a new agreement has to be made for the use of water by keeping the interests of parties and by reserving the extended rights. In case of a conflict the problem will be settled by arbitration. (10)

According to the mentioned Article of the Lausanne Treaty, with no important contribution to Tigris and Euphrates Rivers, Syria has no strong legal basis to claim for rights. But with the Article 13 of the "Friendship and Good Neighboring" agreement signed between Turkey and France (for Syria and Lebanon) in 1926, the article related to the equal share of Kuveyk River between Aleppo and its northern Turkish region in Ankara Treaty is accepted. With this agreement, Turkey accepted to give water of Tigris River to Aleppo. (11)

The protocol of "Arranging the Waters of Tigris and Euphrates Rivers " was signed as an attachment to the Article 6 of the "Friendship and Good Neighboring" agreement of 29 March 1946, signed between Turkey and Iraq. (12) Within this agreement; construction of "flow search stations" in Turkey for obtaining regular water and preventing floods and sharing their costs equally, informing Iraq about the search results and the facilities to be constructed in Turkey were included. The agreement has still find no implementation though has not a time limit and still in force.

Turkey had no major problem with Syria and Iraq since 1954, till the realization of Keban and Karakaya dams on Tigris. The construction of Keban Dam in 1964, caused anxiety to Syria and Iraq and both of these countries accused Turkey for gaining dominance over the Middle East by using "water" as a political tool. Actually Keban Dam project was a project that would not change the volume of water in the basin, without harming the storage facilities in both countries, just in the contrary arranges the 70 % of the Tigris Water. In 1964, in the phase of keeping water

in reservoirs, Turkey promised to give 350 cubic meters water per second to Syria and kept its word. (13)

Though accused Turkey with inequitable usage of water, by constructing dams on Asi River Syria has started to use water as wished and not give water to Amik plain. Syria constructed Tabka Dam on Tigris with the financial aid of Soviet Union. In 1974 construction of Keban and Tabka dams are completed and the time of keeping water in reservoirs coincided. That incident caused a conflict between Turkey and Syria and also led a major dispute between Syria and Iraq. Giving too little water to Iraq from Tabka Dam, almost caused a war between these countries. With the intervention of Saudi Arabia and Soviet Union a war situation was prevented.

Syria had also tried to prevent the construction of Karakaya Dam by several international attempts. (14) For the transboundary waters, World Bank proposed a model for negotiations as a preliminary requirement for financing of the Dam as requested by Syria and Iraq. Turkey did not accept this proposal since the model was based on energy generation rather than water consumption as desired by Turkey. Turkey continued technical negotiations and bilaterally announced that Turkey is going to give 500 cubic meters water per second valid until a water consuming facility constructed, till September 1976.

Development objectives of Turkey's by utilizing Southeast Anatolian sources, initiated by the construction of Keban and Karakaya Dams, created a new dimension in the disputes. The GAP (Southeastern Anatolian Project), which is realized in 1980, increased the disputes with Syria to the peak level. The project, which includes 22 dams, 19 hydroelectricity power plants, 2 major irrigation canals on Tigris and Euphrates, shall ensure the irrigation of 1.7 million hectares and the generation of 27 billion kilowatt electricity energy. GAP is a huge project, which also provides major opportunities for regional development. It includes not only irrigation or generation of electricity energy potentials, but also includes multiple social developments. (15) When Turkey gained technical and political control over the downstream waters with this project; Syria supported PKK terrorist organization by letting them reside in Syria, fed them and helped training of 30–40.000 PKK terrorists at the Bekaa Valley.

When we compare the size of productive land that is planned to be irrigated by Tigris Water by Turkey and Syria; Turkey projects to irrigate 59 % of the land that's in the quality of irrigation by GAP, while Syria plans to irrigate all of its land by Tigris Water. (16)

Syria and Iraq are approaching to water dispute from the angle of "vested right or historical right". The claim of these countries is that; they own a historical right by utilizing the water of these two rivers for about 10.000 years. Though Turkey has followed a policy, based on sovereignty principle, on water issue. (17) Nevertheless Turkey, by taking into account the global practice in approaching to water disputes, after the long tension periods and the negotiation of the dispute on international platforms, is changing its approach to basin principle for the just and rational utilization of the water. For the realization of equal and rational sharing of water among the three countries, Turkey has made a very important attempt by proposing the formation of a "Joint Technical Committee" for making studies on land, plants and engineering. "Joint Technical Committee", which was established by "Joint Economic Commission Protocol" signed between Turkey and Iraq, was given the duty of identifying the methodology for the determination of the acceptable and sufficient level of transboundary water. "Joint Technical Committee" is first held in 1982 between Turkey and Iraq, later Syria also participated.

Turkey brought the "Three Stage Plan For the Equitable and Realistic Usage of Transboundary Tigris and Euphrates Waters" project to the agenda in the 5th meeting of "Joint Technical Committee", which was held in 5–8 November 1984 (18). By taking into consideration the reports of International Law Commission, Turkey followed a positive approach while presenting the project. According to Turkey; Tigris and Euphrates, joining as (Shattu'l Arab), and flowing into the Gulf of Basra as a transboundary water system. Iraq joined these two rivers via Thartar Canal. So, some portion of the land of Iraq is or can be irrigated by the water of these two rivers. (19) Turkey repeated this three–stage plan proposal at 26 June 1990 meeting, held by the participation of three parties and also in bilateral meetings with Syria and Iraq in 1993. In the first stage; the inventory studies of water resources at the basin; in the second stage: determination of soil types and the criteria of drainage and at the third stage: evaluation and improvement of soil resources were proposed by Three Stage Plan. In the framework of the plan, Turkey's proposal for the joint realization of land and water resources inventory of the three countries was rejected by Syria and Iraq. Iraq was opposing the proposal while requesting more utilization of water, both of the countries rejected the identification of two rivers as a one water system and transfer of water from Euphrates to Tigris. Since they did not trust each other and the evaluation of the facts in their areas did not match with their interests, they requested to make evaluation studies "on the table" and with the data they provided. They claimed that the sharing must be in mathematical rate as 1/3. (20)

During Prime Minister Turgut Özal's visit to Syria in 1987, a protocol on Turkey's annual release of approximately 500 cubic meters water per second was signed. (21) According to the Protocol, if monthly release was to be low, it would be compensated in the following month. Turkey, that has no written commitment on the volume of water to be released, signed this agreement with the expectation of Syria would cut its support to PKK terrorist organization. Nevertheless Syria did not act as expected and returned to its former politics, after passively supported the terrorists a while. By continuing hostile approach, making wrong investments, with uncompleted projects and insufficient technology, and by exaggerating its irrigatable land, Syria accused Turkey with every opportunity when facing with any problems during the use of water.

Syria, by implementing electricity and water cuts in its country during the impounding of the Atatürk dam, publicized Turkey to its public, Arab world and world public opinion as cutting the water on purpose. Actually Turkey, during this period continued to release water from the waterways underneath of the dam and officially informed the parties, gave information to Iraqi and Syrian specialists about the precautions and by releasing 763 cubic meters water from 20 November 1990 to 13 January 1990 (start of impounding), assisted Iraq and Syria to accumulate the excess water in their dams. Average water released per second was about 509 cubic meters during impounding of the reservoir between 13 January to 13 February 1990. Even that amount shows goodwill and efforts to keep its promises. In that period Syria tried to impress world public opinion by accusing Turkey to use water as a tool to dominate its neighbors. Further accusing Turkey by acting against good neighborhood spirit, Syria continued to support terrorist organization PKK. In order to prevent this support and to act as required by its relations, Turkey kept going on its political and economical approaches. In 20 January 1993, Prime Ministers of Turkey and Syria met in Syria and a joint declaration was released after negotiations for the determination of the amount of water to be allocated to parties before the end of 1993. Syria seemed as to seize its support to PKK for a short period, but when the proposed Ministries' meetings in May could not be held, soon re–opened the camps by claiming incompliance with agreement. (22)

Though similar problems exist with Iraq too, since Iraq has not brought the water matter to the agenda in recent years, it seems as problems only exist between Turkey and Syria. Actually, in each attempt Ankara has made related to Tigris and Euphrates Waters, Iraq has reacted like Syria, and not hesitated to play the card of terror. Today USA is in power in Iraq, who is the chief architect of "Global Status quo" and who supports "basin principle" in global water disputes since 1920. (23)

Israel, one the closest "strategic partners" of USA, is observed as the country that deeply in need of water in the Middle East. For this reason, while Turkey follows consistent transboundary water politics in scientific and objective measures, must also analyze USA's, Israel's and EU's water strategies prior to determine its strategy.

Actually, Turkey has developed certain projects in that direction. One of these projects is Manavgat Water Project. The mentioned project envisages the collection of some water of Manavgat Creek near Belen Mediterranean region and transportation of them to the Middle Eastern countries by tankers or by giant plastic gallons. 4 million cubic meters water of Manavgat Creek flows daily into the sea. This project aimed to collect 500.000 cubic meters of this water. While half of this water was to be used for irrigation, other half, as potable water, was to be stored in two platforms on the sea for distribution. (24)

Another important attempt is "Peace Water Project". This project came to the agenda in 1987, envisaged to transport the water of Seyhan and Ceyhan Rivers, flowing into the sea, to the Middle Eastern Countries (Syria, Jordan, Israel) with pipelines. Project is twofold as East and West directions. West Direction reaches to Syria, Jordan and Saudi Arabia over Seyhan and İslahiye. Daily water transportation capacity of this direction is 3.5 million cubic meters. Eastern direction reaches Kuwait, Bahrain, Qatar, and Shorjah in United Arab Emirates over Iraq. Daily water transportation capacity of this direction is calculated as 2.5 million cubic meters. (25)

The realization of this project is very difficult in the view of today's political circumstances. Because, these states have conflicts with each other and they do not want to depend on water, which flows through pipelines laid in the lands of others. The project is technically possible, but almost impossible from political and economical points of views. Actually the cost of the project is high, but if compared with the cost of desalination of the seawater, it is one third of it. (26) The primary requirement of the realization of the Peace Water Project is the achievement of peace and security environment in the region. More important than that, Turkey should not take such a responsibility prior to complete its own needed investments.

Jhon Kolar is the architect of "Small Scale Peace Water Project", which is presented as an alternative to this project. This project envisages the transportation of Göksu and Manavgat Waters, which are in the south of Turkey like Ceyhan and Seyhan, to Jordan. The second alternative of the "Small Scale Peace Water Project" envisages the transportation of water to Syria via pipelines. There, Syria, by not using the water of Yarmuk River and directing it to Taberiye Lake, to establish a Water Bank till Israel or Golan Hights and meet water requirements of Syria, Jordan, Palestine and Israel. (27) Peace Water Project was not favored by Syria and other states of the region since Turkey gains influence; besides Israel also benefits. Jordan requests Manavgat Water for a symbolic price even for free of charge. Turkey, deservedly, does not accept that. (28)

It is obvious that Syria and Iraq are not keeping the water dispute on the agenda not only for their water needs, but using it as a tool for social solidarity in their internal politics. During impounding of Atatürk Dam; Syria, while tried to influence the world public opinion with the claim of Turkey's use of water as a means of political pressure and internally by artificial cuts of electricity and water tried to create social solidarity and national consciousness.

Turkey, except 1987 Agreement, has not taken any legal responsibility on transboundary waters. Besides, Syria by violating the Agreement in a short time, exhibited a behavior to cancel the Agreement unilaterally. Syria's future approach is not very clear since shows Hatay as it is own land, by arbitrarily uses Asi River.

In the century we are living; for the use of international or transboundary waters, Syria and other parties as well as Turkey, are in need of determining the most productive methods of water using with serious and scientific studies. Another item that must be considered is the evaluation of the subject matter in the integrity of the security requirements of the Middle East.

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