Navigating the Tigris-Euphrates Water Basin Negotiations: Iraq's Path Forward

Negotiations over the use of the Tigris and Euphrates waters have been fitfully pursued ever since the beginning of large scale hydrological development in the region in the mid-1940's, and yet a comprehensive agreement on the management and use of the water basin remains elusive. The two watercourses flow through four countries, Turkey, Syria, Iraq, and Iran, however Iran has proved largely irrelevant to the negotiation process because of the limited amount of water which originates within its borders (Yetim, 2016). The power dynamics of the Tigris-Euphrates basin are characterized by strong asymmetry, with 90% of the waters of the Euphrates and 60% of the Tigris originating in Turkey ("Aquastat", 2009). However, water rights in this region have not historically been treated in isolation. Decisions regarding bilateral and trilateral water agreements were frequently affected by other political and economic priorities. The primary obstacle to a general agreement has been political volatility in the region. Relations between Turkey, Syria, and Iraq have fluctuated widely both due to internal and external circumstances, and the present situation represents a new low for political stability and accord between countries in the region. Thus, while Turkey dominates the balance of power over the Tigris-Euphrates basin, incentives and disincentives in other areas have opened up room for negotiation and promise to do so in the future.

Lessons and Opportunities from History

The confluence of national independence from imperial control and the desire to bolster developing economies using large-scale hydropower projects marked the beginning of negotiations over the Tigris-Euphrates watercourses (Dohrmann & Hatem, 2014). In the 1930's Turkey began its first surveys of the Euphrates to assess opportunities for developing the

waterway (Yetim, 2016). It is important to note that Turkey had a head start on the other two nations in achieving national independence (1922). However, Syria benefited from French research on waterway development and was able to pursue this objective quickly following independence from France (1945). Syria would go on to complete the first major hydroproject on the Euphrates, the Tabqa Dam, in 1973, with Turkey nipping at its heels. Both the Turkish Keban Dam, completed in 1974, and the Tabqa were conceived, planned, and implemented unilaterally (Yetim, 2016; Kibaroglu, 2002). Iraq, by contrast, would not complete its first major dam, Haditha, until 1987. (Kibaroglu, 2002)

By 1946 the first bilateral accord between two of the watercourse nations, the Treaty of Friendship and Good Neighbourly Relations, had been signed between Turkey and Iraq. A general document, it started off in the right direction by acknowledging Turkey's need to construct dams and observations stations on the Euphrates, the intention of allowing technical experts to gather and exchange information, and the granting of prior notice to Iraq on any Turkish water projects (Kibaroglu, 2002; Dohrmann & Hatem, 2014). All three countries shared interest in managing the highly variable water flow of the Tigris and Euphrates. However, the negotiation process was already in trouble, and the first tri-partite negotiation would not be held until 1965, over twenty years later (Kibaroglu, 2002).

The very first encounter between two of the watercourse nations over water governance took place over a different watercourse, the Orontes, which is worthy of brief mention because of the precedent it set. The Orontes originates in Syria and Lebanon, and flows north, only emerging briefly in Turkey (a hotly contested territory at the time) before emptying into the Mediterranean. Turkey lobbied Syria to negotiate regarding this watercourse, and was rebuffed by Syria, who

chose instead to unilaterally pursue development plans with the Soviet Union after it backed out of talks with the World Bank to avoid negotiating with Turkey (Yetim, 2016). When Turkey began upstream development on the Euphrates, the roles were reversed. The development of the first two Orontes dams was completed in 1960 (Yetim, 2016).

Subsequent negotiations over the Euphrates and Tigris demonstrated a tendency towards positional bargaining, particularly by the downstream states who wished to establish guaranteed water flow amounts. Turkey generally advocated for a more holistic water basin analysis to determine water needs and equitable use, however 'equitable' did not here mean equal (Kibaroglu, 2002). The downstream countries, especially Iraq, worried that such an assessment would not allow for future irrigation development and instead asserted their acquired rights through prior appropriation (Kibaroglu, 2002; Yetim, 2016; Dohrmann & Hatem, 2014). All parties have selectively employed international law to advocate for their position (Dohrmann & Hatem, 2014). Meanwhile, Turkey refuses to sign the UN Non-Navigational Uses of International Watercourses Convention at least in part because it fears it would hand the downstream countries veto power over upstream development and because it claims Article 5 is not clear enough in demanding water use efficiency (FAO, 2009; Kibaroglu, 2002).

The negotiation process was plagued from the very beginning by a chronic lack of trust. Political volatility in all three countries carved a history of shifting alliances in which it was difficult to create sustained relationships and adhere to long-term commitments. Iraq experienced several coups after independence, switched from a monarchy to a republic, settled in for a long dose of Saddam Hussein, only to be disrupted by the Iran-Iraq War, two separate U.S. invasions, weathered several changes in leadership post-occupation and the emergence of the Kurdish

Autonomous Region and ISIS. Syria has held steadier under Assad Sr. and Jr., however the emergence of the Islamic Republic of Iran and shifts in Iraq's politics triggered political reversals in Syria over water agreements, and recently the country dissolved into civil chaos after the 2001 Arab uprisings (Yetim, 2016). Turkey, founded by vehement secularist Kemal Ataturk, experienced several military interventions in domestic politics, struggled with Kurdish separatists, attempted to re-orient towards Europe and enter the EU, and then took a radical turn towards religious authoritarianism. These political upheavals have held the Tigris-Euphrates negotiations hostage to outside issues. Some progress was achieved in spite of this volatility, but the political shifts meant that country positions changed unpredictably. Frequently, progress on watercourse agreements stalled due to unrelated political demands or economic concerns.

While initial negotiations involved technical experts, later negotiations largely occurred between political officials and leaders (Yetim, 2016; Kibaroglu, 2002; Kibaroglu & Maden, 2014). This shift corresponded with the realization of the first major water projects and as more extensive water basin development plans were pursued (Dohrmann & Hatem, 2014). This further subjected water negotiations to political manipulation related to other issues. In recent years a group of scientists have attempted to build an independent epistemic community, the ETIC, with members from all three water basin states as well as some from the United States (Kibaroglu, 2008). These efforts were undertaken in the hope that the strength of the technical and scientific community could be leveraged to shift negotiations away from political grandstanding. The parties have frequently accused the other states of providing inaccurate data to support their positions, so a strong and multi-national epistemic voice would provide key support to the negotiation process

(Yetim, 2016). However, their efforts are effectively on hold since they cannot gather data due to Syria's ongoing conflict, ISIS, and inflamed Kurdish tensions in Turkey ("Euphrates", 2016).

A negotiated agreement is especially difficult to achieve in the Tigris-Euphrates basin because there is not enough water in the water basin to satisfy all three countries' stated demands (Yetim, 2016). It is possible that some of the countries overestimate the amount they require since these demands are not being made through an epistemic process (Dohrmann & Hatem, 2014). Nonetheless, hope may be found in other trade linkages and areas of national expertise (Dohrmann & Hatem, 2014). History shows that political actors in the region are capable of forming agreements and working relationships in spite of apparent enmity. Examples of this are: Syrian government coordination with ISIS to facilitate electrical power, Turkey's collaboration with the PKK on real estate development and oil imports, Iraq's working relationship with the PKK despite autonomy and separatists sentiments, the U.S./Iraqi coordination with Iranian forces against ISIS.

Water issues have not been negotiated in isolation, political goals (e.g. Turkey's procurement of Syria's withdrawal of support for Kurdish groups) and trade linkages (e.g. Syria's imposition of higher tariffs on oil transport via pipelines and Iraq's subsequent deal with Turkey to export oil via Turkey instead) shaped the countries' positions on water sharing (Yetim, 2016; Hipel, Kilgour, & Kinsara, 2013; Dohrmann & Hatem, 2014). Countries consciously weaponized unconnected issues in order to achieve their objectives with regard to water, such as Iraq's refusal to pay Turkey $79 billion in debt, which was incurred during the Iran-Iraq war, pending an agreement on Euphrates water (Yetim, 2016, p. 146). This has both hindered and helped progress in the past, but it is possible to use it to support an agreement. Where water allocations

come up short, other goods can be used to ameliorate the hardship incurred, such as exchange of technical expertise and resources, or favorable trade terms for other goods (Kibaroglu, 2002). While water is an important issue at present, it will only increase in importance in the future. Because it is a critical good for human survival it can be particularly intractable to negotiate around. It is important to pursue an agreement now, while the issues are relatively less pressing, so that future difficulties don't result in military conflict and national economies develop sustainably.

The most recent agreement on the basin took place in 2009 between Syria and Turkey established a Strategic Cooperation Council which made significant steps towards a watercourse management regime. The council signed agreements regarding dam construction on the Orontes, Tigris water allocations to Syria, efficient use of water, and collaboration on drought and water quality issues. However, the process became mired in issues, including technical and financial capacity, and all further efforts were effectively canceled by the Syrian civil war. The agreements used the European Union Water Framework Directive as a model, perhaps due to Turkey's bid for EU membership (Yetim, 2016). It is unclear whether Turkey's methods and priorities will remain the same when negotiations resume as it has since dropped its bid for EU membership and moved sharply towards illiberal governance and Islamicization of society. If the 2009 agreement can be revived as a starting point for future negotiations there may be cause for optimism for Tigris-Euphrates water management.

Iraq's Situation

Iraq's position in the Tigris-Euphrates water basin is not favorable. While civilization has flourished historically on the Tigris and Euphrates in Iraq, the waters flow through

predominantly hot and arid land in Iraq and are the primary source of water in the country. Iraq has struggled chronically with salinization and poor soils ("Aquastat", 2009; Yetim, 2016). Modern Iraq suffers from poorly developed irrigation systems, damaged and old infrastructure, and bureaucratic inefficiency and corruption which impedes development (Yetim, 2016; Filkins, 2017; Pearce, 2014; Abu-Zeed, 2016). Upstream hydro projects benefit Iraq by moderating the flow of both rivers, preventing severe flooding and moderating droughts. However, as upstream countries develop their agriculture and infrastructure and their populations grow the demands of these countries for increased water supply impede on Iraq's previous access to the water supply (Yetim, 2016). Turkey possesses the geographic advantage as the majority of headwater locations fall within Turkey. The region's politics are characterized by antagonism and unpredictability, and multiple parties have weaponized the rivers in the past by blocking or releasing the waters (Yetim, 2016; Filkins, 2017; Pearce, 2014; Abu-Zeed, 2016). Water issues in Iraq will only increase in severity, it is critical that Iraq secure its water supply and sustainably manage its water resources.

Recommendations for Iraq

A fair and adaptable negotiated agreement for Tigris-Euphrates water basin management which includes reassurances for downstream states is crucial for Iraq, the last state through which the waters flow. It is probable that no progress will be made toward a trilateral negotiated agreement until the conflict in Syria is resolved, as it is difficult to tell which party will emerge victorious or what form political leadership in the region will take afterwards. Nonetheless, Iraq has ample scope for improving its position in the interim. Iraq would benefit most from present investment in its own infrastructure. Major dams in Iraq are overdue for extensive repairs, putting large

populations at severe risk. Iraq can also take advantage of this time to develop and expand its irrigation systems as desired (Dohrmann & Hatem, 2014; Yetim; 2016; Pearce, 2014; Abu-Zeed, 2016; Filkins, 2017). This investment may strengthen its case for a larger share of Tigris-Euphrates water in any future settlement (Kibaroglu, 2002, Yetim, 2016). It would also be wise for Iraq to pursue irrigation reforms which combat salinization and improve water-use efficiency (Yetim, 2016; Abu-Zeed, 2016).

Iraq is also likely to stabilize before Syria does. If this is the case, then a bilateral management agreement with Turkey which establishes protocols for fluctuations in water availability due to precipitation variation and provides reassurances to downstream states could be a first step. If Iraq and Turkey can develop a management scheme based on sound epistemic information and fair dealing, then there is a good chance that the Syria will be persuaded to join. The input of a joint epistemic body like ETIC, which includes Syrian experts, would help ensure a fair agreement with high likelihood of sustainability. Furthermore, outside support from entities like the U.S., U.N., World Bank, or other countries may also help to build a sustainable agreement.

It may be beneficial to include broader development planning and support mechanisms in the agreement as well. Additionally, investing in deeper linkages between regional economies would help build trust and interdependence. However, it is still possible that Kurdish groups will push for independence and succeed. This would introduce a fourth party to the negotiation and impact Iraq's national wealth and power negatively. If this occurs, it is unclear whether Turkey would support Kurdish independence (Dohrmann & Hatem, 2014). Turkey would provoke severe tensions with Iraq if they did so, however, a water basin management framework and economic integration would perhaps provide Turkey with incentives not to do so.

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