

THE LAW OF INTERNATIONAL WATER COURSES AND THE MIDDLE EAST

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INTRODUCTION

Due to the rising population and its growing needs, the demand for water is inevitably increasing, not arithmetically but geometrically. While new technological innovations improve our ability to meet the new demands on water resources, it also plays an important role in increasing the need for water for production and creates new and additional problems for people and for the environment, e.g. sea pollution.

In many parts of the world and on many occasions, the need for fresh unpolluted water has caused disputes. In many of these disputes, the watercourse states involved reached a settlement either by negotiation or, exceptionally, by international adjudication, where decisions were based on equity and justice, aiming at an optimum and sustainable utilisation of the water. Generally, the riparian states were satisfied. To name some of those settled disputes:

- Lake Lanoux Case (France-Spain, settled by international adjudication)
- Colombia River Dispute (Canada-USA, settled by negotiations)
- Indus River Dispute (Pakistan-India, settled by negotiations)
- Colorado and Tijuana River Disputes (USA-Mexico, settled by negotiations)
- The Chad River Basin Dispute (Cameroon-Chad-Niger-Nigeria, settled by negotiations)
- The Nile River Dispute (Sudan-Egypt, settled by negotiations).

In the Eastern Mediterranean and the Middle East, water resources such as the Nile, the Jordan, the Tigris and the Euphrates rivers, are not rich enough to meet all the needs of the regional states. Since water is a scarce commodity in the region, all the water resources of the Middle East region should be optimally used and reasonably allocated among the watercourse states.

Two major rivers of the Middle East are the Euphrates and Tigris both of which originate in Turkey and flow through territories of Syria and Iraq. Some states of the Middle East regard the Euphrates as the panacea for the water problems of the countries lying to the south east of Turkey. However, this idea is based on a misconception because Turkey is not a water rich country, as can be seen when its future water needs are analysed and compared with its surface and ground water potentials. These misconceptions also raise the question of whether disputes between Turkey and its southern neighbours over the optimum and sustainable utilisation of the waters of the Euphrates and Tigris rivers are political or legal. This question

also has to be clearly defined. Differences of opinion between the watercourse states rely not only on their legal views but also on their material interests.

There are certain criteria that help us to determine whether a dispute is legal or political. It is obvious that the parties are in a conflict over which norm of international law ought to be applied to the case and in what manner it ought to be interpreted. These are the two basic criteria in determining a legal dispute. Under these criteria, the dispute between Turkey and its southern neighbours is obviously a legal one over the optimum and sustainable utilisation of the waters of the Euphrates and Tigris rivers. But, Syria and Iraq, by claiming that the dispute concerns their vital interests, argue that it is a political one and, by misinforming third-party states, they want to drag the dispute into political forums. Resolution 5553 of 21 March 1996 of the Council of the Arab League is clear evidence of this conviction. This resolution, contrary to the norms of international law, declared these waters 'international rivers' and called for a just sharing, albeit that these waters are not shared resources. Further, the resolution implicitly threatened Turkey by calling on international financial institutions to withhold any aid or loans to Turkey for projects either under construction or planned on the Euphrates and Tigris rivers until the other states on these watercourses, Syria and Iraq, give their agreement. In addition, the resolution called on Turkey to stop the flow of polluted water (as if it existed) to Syria and Iraq. In the future, when irrigation of the plains of *anlurfa* in Turkey is accomplished, the reuse of those waters, which will be polluted to an extent, will be diluted by 30 per cent with fresh water. Inevitably, this scheme will also mean Turkey saves through the optimal use of its natural resources.

Syria and Iraq, through their misleading policies and their implicit rejection of Turkey's well known proposal for a Three-Staged Plan, have only succeeded in prolonging this dispute which must be settled through negotiations for a just and equitable settlement. In fact, they have contributed to the escalation of the dispute, especially in international forums, by trying to win the political support of certain countries.

If Syria and Iraq really want to settle this dispute, they should provide all the technical data on objective and realistic grounds. As all statesmen and jurists know, no dispute can be settled without the consent of the concerned states, either by adjudication or by other political ways. To emphasise, since no agreement exists either bilaterally or multilaterally between Turkey, Syria and Iraq for the compulsory settlement of disputes, objective and sincere consent is essential if the riparian states want peaceful resolution of this dispute.

EUPHRATES AND TIGRIS:

INTERNATIONAL WATER OR INTERNATIONAL WATERCOURSE

When the terms of the Convention on the Law of the Non-navigational Uses of International Watercourses are analysed (article 1), we conclude that the Euphrates and Tigris ought to be defined as international watercourses. An international (transboundary) watercourse is a system of surface and ground water that constitutes a unitary whole due to their physical relationship and normally flow into a common terminus, parts of which are situated in different states. This definition excludes navigational criteria and, due to this, the concept of 'international water (river)' ought not to be used – it is the wrong concept for this case. It is impossible to navigate on the Euphrates and Tigris rivers above the Shatt-al-Arab region. The judgements of international tribunals for international rivers (e.g. the Permanent Court of International Justice and the Oder River Case) also took into account navigational criteria, or

the priority that would be given to navigation, for the validity of the term 'international water (river)'. A riparian state's sovereign powers over international waters (rivers) are much more limited than a state's over an international (transboundary) watercourse. In addition to this basic factor, an international authority or organisation governs or supervises the regime of an international river for certain cases and for certain uses.

Since the first half of the twentieth century, the concerned riparian (watercourse) states have accepted in various agreements, the international watercourse character of the Orontes, Euphrates and Tigris rivers. Such as the 1921 Treaty of Ankara, 1923 Lausanne Peace Treaty, 1939 Ankara Agreement, 1946 Treaty of Friendship and, since the 1980s, the Technical Co-operation Protocols. The minutes and the texts of the said protocols expressly declared those waters "regional waters (rivers)" and not "international waters (rivers)".

INTERNATIONAL WATERCOURSES

AND TURKEY'S GEOGRAPHICAL LOCATION

Turkey, due to its geographical location, is sometimes a lower and sometimes an upper riparian state to some international watercourses in the region. It is a lower riparian to the Meritza, Tundzha, Arda and Orontes rivers and an upper riparian to the Çoruh, Kuruçay, Arpaçay, Aras, Zap, Habur, Euphrates and Tigris rivers.

This geographic reality in the case of an absence of agreements between the watercourse states, puts Turkey at a disadvantage, before some of the provisions of the "1997 UN Convention on the Law of the Non-Navigational Uses of International Watercourses".

Both the norms of customary international law and some norms of the said convention limit the sovereign powers of the riparian states to some extent (mainly for consumption purposes) in order to achieve optimum utilisation.

Due to this, some of the Middle Eastern and East Mediterranean countries' need for water can only be met through the unused or surplus sources of national rivers. Those sources for the region, for the time being, could be the national waters (rivers) of Turkey, such as Seyhan, Ceyhan and Manavgat. Indeed, Turkey is willing and ready to meet the fresh water need of Northern Cyprus using the waters of the Manavgat. This project could also help those Middle East and Eastern Mediterranean countries in need of fresh water that really want to meet their demand. As an example of the export of water, during a draught in 1993, Turkey irrigated its soil in Thrace using Bulgarian water by paying an agreed charge.

RULES APPLICABLE TO INTERNATIONAL WATERCOURSE SYSTEMS

Turkey, being well aware that the Euphrates and Tigris rivers are international (transboundary) watercourses, fully complied with its international obligations arising from customary international law. It informed the lower riparian states, Syria and Iraq, and furnished them with the necessary technical data about its projects, their uses and contributions to Turkey and to them. Turkey also placed itself under international commitments for its promises to the lower riparian states because the rivers are international watercourses.

Indeed, during the construction of the Keban Dam, Turkey formally reiterated to the United States Agency for International Development, which was financing the project, the oral commitments it had given to Syria and Iraq to release sufficient water to those states during the impounding of the dam. This guarantee was later incorporated in a written protocol, first as 350 m³/sec. and later as 450 m³/sec., according to the terms of the verbal agreement reached with Syria and Iraq.

During the construction of the Atatürk Dam, Turkey planned to hold 48.5 billion m³ of water and promised Iraq in a protocol signed in Damascus on 17 July 1987 that it would release not less than 500 m³/sec. on average per year during the impounding period and until a final settlement among the three riparian states for the allocation of the waters of Euphrates. In this protocol, Turkey and Syria also committed themselves to co-operate with Iraq on the allocation of the waters of Euphrates and Tigris. After concluding the 1987 Protocol, Turkey not only fully complied with its international legal commitments but also released more water than it had promised. This is an indication of its goodwill, good neighbourliness and its generosity. Indeed, the annual flow released downstream in the years 1996, 1997 and 1998 was around 800 m³/sec.

The protocol not only reminds us of Turkey's rejection of its absolute sovereignty and its compliance with the established rules of international law, but also indicates that the waters of the Euphrates and Tigris can only be allocated by the three riparian states.

On the other hand, Syria and Iraq in a bilateral agreement made in 1993 and relying on the 1987 protocol, shared the waters of the Euphrates on the ratio of 42:58 and registered this document at the UN.

Additionally, bilateral agreements concluded in the 1980s between Turkey and Iraq and between Turkey and Syria referred to those waters as 'regional waters' and not as 'international waters' and not even as 'shared resources'.

In almost all international watercourse disputes, the parties aimed for a settlement that ensured an equitable and reasonable utilisation of the waters of those rivers. This aim was also an express recognition of the sovereign rights of the riparian states on waters in their respective territories. In addition and as a consequence of those principles, respect for each riparian state's rights and interests is also essential and ought to be the natural consequence of an equitable and reasonable utilisation. For a durable settlement, the utilisation efforts should also aim for an optimal and, in particular, sustainable usage. Those principles of state practice are reflected in the Convention on the Law of the Non-navigational Uses of International Watercourses too (article 5).

While utilising the waters of an international watercourse in their respective territories, states should also take into account some other principles of customary international law. Those principles are reflected in UN General Assembly resolution (3281/XXIX) dated 12 December 1974 concerning the 'Economic Rights and Duties of States'. Some of the principles in this resolution became provisions in the 1997 UN Convention. To mention some of the customary rules of international law from the resolution that are incorporated into the Convention:

1. Upper riparian states do not have absolute sovereign rights, but have sovereign rights in their respective territories over the waters of the international watercourse;

2. In their use of water, states should not infringe the legal interests of the other riparian states (expressed in different terms in the Convention, such as article 5/1);

3. In their utilisation of water, riparian states should not substantially harm the other riparian states (mentioned as "not to cause significant harm" in the Convention, article 7);

4. During the utilisation of those natural resources, there is no necessity to have the consent of the other riparian states, especially the lower riparian states. But, there is an obligation to engage in technical consultations, to co-operate and to give prior notice to the other lower riparian states of changes in usage. This prior notice is and should solely be for technical purposes and is not a matter of gaining the consent of the lower riparian states. Its sole purpose is to give the lower riparian states the opportunity to take the necessary technical measures. Principles regarding technical co-operation are reflected in the Convention (articles 8, 11, 12, 13, 14, 15, 16, 17, 18, 19). To require the consent of the lower riparian states would be a limitation and restriction on the upper riparian state's sovereignty and the exercise of its sovereign rights and is more than what international law requires.

Turkey has up to the present, fully complied with these principles and norms of international law in its utilisation of the Euphrates and Tigris rivers. The accords and protocols of the Joint Economic and Technical Commission that met 16 times from 1980 to 1993 for bilateral talks between Turkey and Iraq and between Turkey and Syria, and later tripartite talks provide clear evidence of Turkey's compliance with its international commitments.

FACTORS RELEVANT TO EQUITABLE UTILISATION

The Convention, parallel to international practice and to some of the norms of customary international law, requires states to utilise the waters of an international watercourse in an equitable and reasonable manner. For this, various relevant factors and circumstances affecting equitable utilisation should be taken into account. Those factors that stem from state practice and customary rules of law are indicated in the Convention in an illustrative manner and not in an exhaustive manner (article 6). For example:

- Geographic, hydrographic, hydrological and climatic factors, etc.,
- Social and economic needs of the riparian states,
- Population dependent on the watercourse in each riparian state,
- Effects of the usage on other riparian states,
- Existing and potential uses,
- Availability of alternatives of comparable value to particular planned or existing use, etc.

For the equitable and reasonable utilisation of an international watercourse, when a dispute or a need arises, states should enter consultations with goodwill and a spirit of co-operation.

To know whether Turkey's utilisation efforts on the Euphrates and Tigris are equitable and reasonable requires us to understand certain realities.

The Euphrates and Tigris riparian states are well aware of the fact that the waters of these rivers ought to be regulated. Turkey and Iraq, in their 1946 Treaty of Friendship and Good Neighbourhood Relations, took the first initiatives. Just after this, Turkey and Iraq and later Turkey and Syria made various agreements and we have already mentioned some of these above.

With the 1946 agreement, Iraq not only accepted and declared that suitable areas to block and regulate the waters of Euphrates and Tigris lie within Turkish territory, but also agreed to contribute to the expenses of the constructions to regulate water if they would also benefit Iraq. This provision was an express recognition of Turkey's sovereign rights. But Turkey's consumption utilisation, such as irrigation and similar usages, were beyond the scope of the 1946 agreement and were a concern of other separate agreements. But, this sort of a consumption usage never meant or means for Turkey a limitation on its sovereign rights beyond the rules of good neighbourliness established by the customary rules of international law, since international law recognises to the concerned state certain usages as a right of sovereignty, as long as those usages do not constitute a substantial harm to the other state(s).

Turkey, as mentioned above, of its own will and by joint consent, released an average of 450 m³/sec. per year during the impounding of Keban, not less than 500 m³/sec. on average per year during the impounding of Karakaya (1976) and not less than 500 m³/sec. on average per year during the impounding of the Atatürk Dam (1990).

The release of 500 m³/sec. on average per year from the Euphrates amounts to a potential of 16 billion m³ of water per year. This means to release around 50 per cent of the potential of the Euphrates since on average it annually carries 30 billion-32 billion m³ of water on Turkish territory. For a decision on equitable utilisation, Turkey's contribution of 89 per cent to the waters of Euphrates within its own territory should also be underlined, while Syria, by tributaries originating from Turkey, contributes almost 4 billion m³/year (11 per cent) and Iraq none. That all amounts to approximately 36 billion m³/year. Syria uses about 3 billion m³ of the water and Iraq about 9 billion m³ of the water per year, and the rest of the water (20 billion m³/ year) flows directly to the Gulf.

Turkey's contribution to the potential of the Tigris, which also rises in Turkey, is about 52 per cent of the annual flow and this amounts to 23 billion-25 billion m³/year. Iraq contributes about 48 per cent and Syria none to the annual potential of the Tigris (49 billion m³/year). Iraq uses about 12 billion m³ of Tigris water and the rest, 28 billion-30 billion m³/year, directly flows to the Gulf.

A factor that is also relevant to equitable utilisation is the length of the river. The Euphrates is 2990 km long, and 1220 km (40.8 per cent) of this is within Turkey, 710 km (23.7 per cent) is within Syria and 1060 km (35.4 per cent) is within Iraq. The Tigris is 1900 km long and 523 km (27.5 per cent) of its length is within Turkey, 40 km (2.1 per cent) is within Syria and 1337 km (70.3 per cent) is within Iraq. For geographical, climatic, hydrographic and geological reasons, there are not many areas either in Syria or in Iraq suitable for the construction of reservoirs, as Iraq acknowledged in the 1946 agreement.

CONSUMPTION DEMANDS OF THE RIPARIAN STATES

A state's demand for the utilisation of a river's water should in general be in correlation with its contribution to the potential of the river. In other words, contribution to the potential and

demand for utilisation, especially for consumption purposes, should be in a ratio to the contribution and be reasonable as the well established state practice indicates and justifies. Turkey, as stated above, contributes 30 billion-32 billion m³ of water per year to the annual water potential of Euphrates and 23 billion-25 billion m³ of water per year to the annual water potential of Tigris. In total, Turkey's annual contribution to both rivers is 53 billion-57 billion m³ of water. Turkey's estimated need for the waters of those two rivers is approximately 25 billion m³ of water per year. In other words, Turkey intends to use approximately 45 per cent of its contribution to the waters of those two rivers. The lower riparian states are in a conflict with the upper riparian state, Turkey, about the amount of water that will be utilised. In other words, the dispute concerns the material interests of the riparian states.

To display this in figures, Turkey's possible consumption target from the water of Euphrates is 18.42 billion m³ per year, while Syria's is 11.30 billion m³ per year and Iraq's is 23.00 billion m³ per year. They amount to a consumption of 52.92 billion m³ of water per year. This creates a water deficit of 17 billion m³ per year since on average the Euphrates carries 35 billion m³ of water each year.

The possible demands on the Tigris are as follows: Turkey 6.87 billion m³ per year, Syria 2.60 billion m³ per year and Iraq 45.00 billion m³ per year. This amounts to 54.47 billion m³ of water per year and means a water deficit of 5.80 billion m³ of water per year since the Tigris's annual water potential is 48.67 billion m³/year.

Euphrates:

An analysis of these figures indicates that the unrealistic demands of the lower riparian states can only be met if Turkey does not consume any water and leaves all the potential downstream.

For equitable utilisation, which never means equal sharing, the contribution of each riparian to the potential of those rivers and their possible respective consumption demands should be compared and taken into account.

UTILISATION OF WATER AND CONTRIBUTION TO THE ECONOMY

Utilisation will have positive effects on the economy of the concerned state. For the determination of equitable and reasonable utilisation, the positive contribution to the national economy of that country and any significant harm accruing to the lower riparian states should be taken into consideration.

While utilising the waters in their territory, states pursue different goals. Some of those installations constructed for utilisation might solely be for regulation, some might have a dual purpose such as regulation and hydroelectric generation, and some, in addition those other purposes, might be for irrigation.

Turkey's installations on both rivers generally have a multipurpose character. Such as those constructed or under construction on the Euphrates:

- Keban – for regulating water and hydroelectric generation (6 billion kWh/year);
- Karakaya – for regulating water and hydroelectric generation (7.3 billion kWh/year);

- Atatürk – (the sixth largest dam on the world) regulation, hydroelectric generation (8.1 billion kWh/year) and irrigation of 882,000 hectares of land;

- Birecik – (after-bay dam under construction for technical reasons just like the Baghdadi and Badush dams) for water regulation, hydroelectric generation (2.5 billion kWh/year) and irrigation of 66,000 hectares of land. The annual average flow of the Euphrates even after this reservoir will be 30 billion m³/year;

- Karkamç? – (an after-bay dam under construction for technical reasons) for water regulation and hydroelectric generation (0.6 billion kWh/year).

The two after-bay dams, Birecik and Karkamç?, will enable Syria to receive better regulated water.

Turkey makes almost no use of the waters of the Tigris for the time being, but is constructing the following:

- Kralköy - hydroelectric generation (0.15 billion kWh/ year);

- Dicle – hydroelectric generation (0.3 billion kWh/year) and irrigation of 126,080 hectares;

- Batman – water regulation, hydroelectric generation (0.5 billion kWh/year) and irrigation of 38,000 hectares;

- Ilısu – hydroelectric generation (3.8 billion kWh/year);

- Cizre – hydroelectric generation (1.2 billion kWh/year) and irrigation of 121,000 hectares.

To sum up, the direct contribution of the Southeastern Anatolia Project to the Turkish economy will be:

- Irrigation of 1,693,027 hectares;

- Hydroelectric generation of 27.3 billion kWh/year;

- A contribution of \$2.69 billion a year to GDP, according to 1993 prices.

These dams have a multipurpose character and, due to the need to generate hydroelectric energy power, Turkey has to release water downstream. This, not only leaves the lower riparian states with regulated water, but also gives them the advantage of receiving a guaranteed and stable water flow.

The information stated above is evidence of the valuable contribution the Southeastern Anatolia Project will make to the economy of the region and the country. Those are undeniable factors that ought to be taken into consideration for an equitable and reasonable utilisation of the waters of those two rivers that flow to a common terminus, the Shatt-al-Arab, just like they originate from a single basin.

ANNUAL WATER QUANTITY

The annual water quantity is another factor that ought to effect the determination of utilisation.

Due to a misconception, most people are of the opinion that Turkey has water, but the Arab countries do not or that Turkey is a water rich country.

Turkey can only put into economic use an amount of 98 billion m³ of water per year of its surface run-off. In addition to this, it has an underground potential of 12 billion m³ of water. At present, it can use only 40 billion m³ of this water, and the rest, 70 billion m³ of water, is unused. The economy strongly needs this water and its future use is planned. The water quantity per capita is another factor affecting the determination of equitable utilisation. Turkey has 1830m³ of water per capita per year, which is less than Iraq (2110), but more than Syria (1420), Israel (300), Jordan (250) and Palestine (100).

For the reasons stated, Turkey is not a water rich country. Water rich countries are those having 10000 m³ of water per capita per year.

TURKEY'S PROPOSAL FOR AN EQUITABLE AND REASONABLE UTILISATION: THE THREE-STAGED PLAN

To end the Euphrates and Tigris dispute over the utilisation of the waters of these rivers, in 1984, Turkey proposed a just and equitable settlement that would satisfy the parties not only for today, but also for future generations. This proposal was based on actual and objective data. The proposal aimed at continuous co-operation to strengthen regional peace and the well-being of the people of all three countries.

Turkey submitted the proposal to the Turkish, Syrian and Iraqi Joint Committee for Economic and Technical Co-operation in 1984 but it has not yet received a response. This could be due to a misinterpretation of the term 'equity', which does not mean 'equality', as the Syrians and the Iraqis want to understand and interpret the term.

These two rivers originate from a single river basin in Turkey, they are artificially linked to each other by the Tharthar Canal in Iraq and then they naturally join to form the Shatt-al-Arab, which is about 200 kms long, and this flows into the Gulf. In other words, it is a single river basin and ought to be considered as such if a genuine equity and an equitable utilisation is the aim.

For a just and equitable utilisation, certain factors and circumstances ought to be taken into consideration. Those were indicated in the Convention (article 6) parallel to the state practice and to the norms of customary international law. To name a few of them once more: the length of a river in a riparian states territory and its ratio to the total length of the river (geographic factor); evaporation (a climatic and hydrographic factor); lands to be irrigated and their efficiency (an economic factor); techniques to be used for irrigation and means of saving water (an efficiency factor); economic and social contribution of the utilisation of water to the region and to the country, etc.

Since 1984, Turkey has claimed that common criteria should be determined, that these should be based on scientific data and objective rules that the Euphrates and Tigris's three riparian states accept and that they would form the basis for equitable and reasonable utilisation and allocation. Turkey's plan is called the Three-Staged Plan for Optimum, Equitable and

Reasonable Utilisation of the International Watercourses of the Euphrates-Tigris Basin and was proposed to the governments of Syria and Iraq in 1984. The aim was that a group of experts from the three countries would implement this plan. However, Iraq did not view the plan with sympathy since it wants to meet all its water demands from the waters of Euphrates and does not want to take into consideration its utilisation of Tigris waters.

The fundamental features of Three-Staged Plan are:

- 1- Inventory studies of water resources,
- 2- Inventory studies of land resources,
- 3- The evaluation of water and land resources.

Inventory Studies of Water Resources: this first stage aims to exchange and check all available data using various gauging stations located in each country. The data would cover the level and discharge of water, rain and snowfall, temperature, evaporation, etc. on a monthly, seasonal and annual basis. For all this data, unified methods would be used in order to avoid misunderstandings and misinterpretations.

Inventory Studies of Land Resources: this second stage aims to exchange information concerning the quality of soil and drainage criteria used and will evaluate crop patterns according to the quality of soil and drainage conditions.

Evaluation of Water and Land Resources: the third and final stage of the project would be to discuss among the parties the types and systems of irrigation that could minimise water losses and to seek ways to increase efficiency and the modernisation of irrigation projects. To determine water consumption in each country for several purposes, it is essential to analyse the water demand and supply balance and if necessary to consider the possibilities of transferring water from the Tigris to the Euphrates to meet these consumption demands. In addition, methods and criteria for the economic viability of the planned projects would be discussed.

The criteria Turkey indicates in the Three-Staged Plan are objective and should be applied to settle disputes equitably and for the optimum and fair utilisation of water. These criteria are scientific and a third party would probably use them to determine justice and equity among the concerned parties. To emphasise once more, to contribute to justice and equity, the Euphrates and Tigris should be considered as a single basin river for technical and geographic reasons.

CONCLUSION

The Euphrates and Tigris rivers are not international waters but international (transboundary) watercourses not only due to the provisions of the 1997 Convention, but also according to international legal documents, such as the 1992 UN Convention on the Protection and Use of Transboundary Watercourses and Lakes. In addition, this is also according to international documents in force between Turkey and Syria, between Turkey and Iraq, and according to documents in force among the three riparian states.

Since, the Euphrates and Tigris are international watercourses, their use and utilisation can only be determined by the riparian states of those rivers. In other words, the waters can only be efficiently utilised by the riparian states. The non-riparian Middle Eastern countries' need for water ought to be met from their various national sources, from the national sources of the other states at the region or from the unused potential of the riparian states after the final allocation of the waters of those rivers. The reason why the other Middle Eastern countries cannot legally participate to the utilisation process is, according to the established rules of customary international law, that the riparian states have sovereign rights over the waters of an international watercourse on their respective territories.

Turkey is in favour of a just and durable settlement based on objective scientific data. For this, the two rivers ought to be considered as single river basin. If accepted, as such, the waters of those rivers would be sufficient to irrigate all the irrigatable lands of the three riparian states, which would be sufficient to meet their demands.

Since the rules of international law only deal with the rights and interests of the riparian states, in this case Turkey, Syria and Iraq, the water needs of the two lower riparians raise once more the importance of some of Turkey's national rivers, such as the Ceyhan, Seyhan and Manavgat, and the reconsideration of the Peace Pipeline Project. As long as Turkey continues to under utilise the waters of those rivers, they provide an alternative means to meet the water needs of Eastern Mediterranean and some of the Middle Eastern countries.

The demands made of Turkey to release more water from the Euphrates to meet the water demands of some of the Middle Eastern and East Mediterranean countries imply an additional restriction on Turkey's sovereign rights and would require Turkey to leave some of its national needs unmet.

If data was collected objectively and if the riparian states used the waters of the Euphrates and Tigris scientifically, the water would be sufficient to meet the demands of Turkey, Syria and Iraq. For this reason, it would be more appropriate not to talk about a shortage of water on Syrian and Iraqi territories but loss of water due to misuse and the old techniques used for irrigation in these countries. In addition, these countries still use old techniques to meet the other needs of their societies.