ABSTRACT

Water is the most important natural resource for human existence. The critical importance of Fresh water for the survival of human race was recognized even in early civilization whose growth and sustenance were closely tied to water distribution systems.

The issue of sharing rivers water and problem of water shortage has become acute in the west Asian region. These problems are likely to become critical unless urgent and immediate action is taken both to increase and to conserve existing supplies of water resources. West Asia is a developing arid region and is facing the problem of water crisis. It has arid or semi-arid climate with average annual rainfall levels of less than 250MMY. It is also cyclone dominated area. Some parts of the region which are near the Mediterranean Sea, Experience a special type of climate called the Mediterranean climate. There winters are mild, summers are warm and rainfall is during the winter season. These are three major drainage basins: the Jordan drainage basin, the Litani drainage basin and the Euphrates- Tigris drainage basin.

The Jordan River is the most important source of water in the Jordan basin. The river flows through Jordan, Syria, Lebanon and Israel. The length of the river is 156 miles of which 73 miles is under Israeli controlled territory. Its total flow is 1880 MCMY of which 77 per cent is in the Arab states and 23 per cent in Israel. The Jordanian northern headwaters have three tributaries- the Hasbani in Lebanon, The Dan in Israel and Baniyas in Syria. The major tribatory of Jordan is the Yarmuk. The Jordan basic also includes Israeli occupied territories of West Bank, Gaza Strip and the Golan Heights. The Jordan system discharge an average annual flow of 1550MCM into the Dead sea.

For centuries, the Jordan River had been a symbol of life and peaceful co-
existence in West Asia. The creation of Israel in 1948 sowed the first seeds of discord over the sharing of the waters of the Jordan. From the early 1950's several plans and proposals were drawn up for the utilization of the waters of the river on a cooperative basis. Some of the important plans are: McDonald Plan (1951), Cotton Plan (1954), Arab Plan (1954), Baker Harza Plan (1955), Unified Johnston's Plan (1955), and Arab League Plan (1964). However, due to the intransigent attitude of the Israel's as well as Arabs none of the plans could be implemented.

Israel considers the control over water supply a strategic instrument and defensive technique that greatly affects regional balance of power. Predictably, Israel, policy has generated a lot of tension as the Arab riparian state have opposed. Israel's attempt to control the water of the Jordan river. After its failure to acquire water of the Jordan in cooperation with the Arab states, it embarked on its National Water Carrier Project. A major feature of the Israeli project was the irrigation of the Negev and its articulated water policy. The second river ones which there is acute controversy regarding the sharing of its waters in the Litani.

The Litani river originates in the south of Lebanon and is a national river in the Republic of Lebanon. The Litani is 170km long and has narrow ridge and width approximately 6km. Its basin has been divided into three major parts; the Upper basin, the Middle basin and the Lower basin. The area of its basin covers 2,290sq km that separates the Litani from the Hasbani river, a tributary of Jordan. The total flow of Litani is approximately 700 MCM.

The Awali river is also a major contributor in the context of waters of Lebanon. The water of the Litani have been a source of great attraction for the Jewish state since 1948. Prior to the establishment of the state of Israel, the Zionist Agency in Palestine made every possible efforts to include the Litani river within the boundaries of the future Jewish State. However, they failed in their efforts and the Litani remained with Lebanon. It was only in the late 1970's that Israel could manage to attain a foothold on the
Litani when it occupied a portion of southern Lebanon. With the second Israeli invasion of Lebanon in the early 1980's this occupation was further expanded and consolidated. Israel carried out extensive hydrological and technical studies, aimed at diverting part of the Litani's water into northern Israel. The movement towards a comprehensive settlement of the Arab-Israel Conflict which began in the early nineties has rekindled hopes of solving the water dispute in a peaceful manner.

The 1991 Gulf war acted as a catalyst in reopening peace talks in the region. The first round of the talks between the frontline Arab states and Israel took place in Madrid in October 1991. One of the items on the agenda of the multilateral talks was sharing of river waters in the region. At the subsequent rounds of negotiations Israeli government has shown a willingness to withdraw from southern Lebanon in return for some amount of assured water supply from the Litani. The Lebanese government too has indicated that it is not averse to sharing water with Israel if it can lead to faster economic development of the region as a whole.

The longstanding problem of sharing Litani waters can only be solved by adoption a pragmatic approach in the framework of regional cooperation. Both Israel and Lebanon can workout a formula where by water can become an instrument for promoting peace and regional development. What is needed is a willingness to make mutually beneficial compromises on the part of Beirut as well as Tel Aviv. Without such a positive attitude it is extremely unlikely that the vexed question of sharing waters can ever be solved in this turbulent region.

The Euphrates and Tigris are the major rivers in the Euphrates- Tigris basin. The Euphrates flows through Turkey, Syria and Iraq. The Euphrates is 1,480 miles in length from the confluence of Karasu and Murad- Suyu to Basra. Three Major tributaries of Euphrates originates in Turkey- Khabur, Sajur and Balikh rivers. The Firat is the main stream and it has four important branches the Karasu, the Murat, the Munzur and the Peri. The mean discharge of Euphrates is 31,820 MCM. The annual discharge varies
from 16,871 mem to 43,457MCM.

The Tigris originates in southern Turkey and then enters Iraq near the border village of Fiesh Khabur and then it flows through Fatha which separates Hamrin and Makhood uplands. The total length of Tigris is 1,718 km. The important tributaries are the Great Zab, the Lesser Zab, Diyala and the Adhaim.

The minimum discharge of the river is estimated to be 5,140 MCMY, and the maximum 440,000MCMY. During times of flood, the Tigris receives about 20,000 ppm, silt by weight. Tigris and Euphrates together drain 808,000sq km.

The Euphrates and Tigris rivers have been a source of livelihood since 4000 B.C. In this basin various old civilizations have developed and thrived. The region is called as the 'Cradle of Civilization'. The mesopotamian and Babylonian civilizations have flourished in this region. From the beginning of this century, the sharing states of Euphrates- Tigris drainage basin have all formulated plans and implemented projects to regulate the flood waters of Euphrates as well as utilize its water for multipurpose projects.

These rivers have immense regional importance. The economic prosperity of Turkey, Syria and Iraq revolve around the two rivers as they constitute the principal source of hydropower and agricultural development. As the upstream state Turkey has sought to exploit water in its territory, thereby causing acute concern to its downstream states. The relation between Turkey and Syria have been strained many a times mainly due to the former's efforts to control the flow of river. During the dry seasons which the Turkish and Syrian dams impounded part of Euphrates spring flood, a major crisis developed between Syria and Iraq that brought the two countries to the brink of war. Iraq and Syria traded hostile statements in which Iraq threatened to take any action necessary to insure the Euphrates flow and Syria protested that it was passing on to Iraq 71 per cent of the water it receive from Turkey. In the early 1980's Iraq and Syria complained against Turkey that it was holding back a main part of the water
from the Euphrates for its use. In 1982 a Joint Technical Committee was setup by Turkay and Iraq to discuss on exchange of hydrological data. But the problem of water allocation however has not been solved so far. Turkey's assertive position on the issue of Euphrates water right is unacceptable to both Syria and Iraq. They have therefore spurned Ankara's offer of joint ventures as long as their legitimate rights are not recognized by the Turkish government.

In the 1990's the problem of sharing Euphrates water has become more complicated as Syrian and Turkish irrigation works are nearing completion. Sewage and industrial development in the two countries threaten to lower water quality. Growing population is also a source of concern as the demand for domestic use has perceptibly increased in the past decade.

International Law regarding the sharing of river water resources is still in a nascent stage and a full fledged international legal regime pertaining to this issue can develop only with the cooperation of all riparian states.

Europe was the first continent which witnessed disagreement over the sharing of river waters. In 17th century controversy arose over navigation rights on the Danube and Rhine rivers. This controversy was resolved with the signing of several agreements which have become a milestone in the development of international law on navigation. The Rhine and Danube commission were primarily administrative bodies concerning navigation issue. The American continent too witnessed sharp disagreement over the sharing of river water in the 18th and 19th century. The treaties signed on the European continent at times provided the basis for cooperative action with regard to the allocation of river water. However in some cases the situation demanded a completely new set of ideas and rules which had to take account the particularities of a specific situation. There various treaties were signed in connection with the navigation boundary waters in an important landmark in the evolution of international rules regarding water rights. For instance; Jay treaty (1794), Rio-Grande treaty (1906), Columbia river treaty (1909), and Tijuana and Colorado treaty (1944).
International water treaties in the Afro-Asian continent are of relating recent origin and the earliest treaty that was concluded in this part of the world was concluded in 1929 between Egypt and the United Kingdom. This treaty was in the context of the diversion of the waters of the Nile river proportionately among riparian states. The British Government suggested that it should be based on following consideration: The legal principle is that the waters of Nile river, the combined flow of the white and blue Nile and their branches should be accepted as a single unite, designed for the use of people inhabiting their banks according to their needs and capacity to benefit from the Nile.

Just after the partition of India, a conflict developed between India and Pakistan in relation with the water allocation of Indus Basin. The treaty was signed between these two countries on May 4, 1948 for the utilization of water of Indus basin. The Ganges water agreement was signed on November 5, 1977 over the sharing of Ganges water at Farakka. Its aim was also to seek a long-term solution for a augmentation of the dry season flows of Gangas.

Treaties regarding international rivers in West Asia have been patterned on the lines of European and American water treaties. The earliest treaty in this connection was following: the Franco-British convention concluded in December 1920 involving the Tigris, Euphrates, Jordan and the Yarmuk rivers: It reflects the practice where the vested as well as reserved rights of riparian states were protected. During the mandate, Britain and France adopted several agreement to regulate the flow of international rivers under their jurisdiction to develop upstream consumptive uses in Syria and Lebanon. They agreed to permit Palestinian authorities to do work in Syria for the benefit of down stream users. The mandatory system provided legal machinery for resolving conflicts over water through bilateral consultations. In 1921 the treaty of friendship concluded between Persia and Russia stated that the two countries they "shall have equal rights of usage over the Atrak river and other frontier rivers and water ways". An important West Asian water treaty was signed between the United kingdom and France on 3 February 1922 in connection with the utilization of the Yarmuk waters in equal proportion. The Final Protocol of the Franco-Turkish delimitation commission, May 3, 1930 recommended that: "whereas its neighbourhood on the Tigris imposes on the riparian specific obligations, it becomes necessary to establish rules regarding the rights
of each sovereign state in its contexts with other water purpose.” In March 1946 the treaty of Friend Neighbourly Relation was concluded between Iraq and Turkey. As per this treaty both countries could carry out conservation works relating to the Euphrates and Tigris in order to regulate the flow of the two rivers with a view to avoiding the danger of floods during the annual period of high water. The main aim of this treaty was both countries can conservation relating Euphrates and Tigris, in order to regulate the flow of the two river during the annual period of high water.

In June 1953, Syria and Jordan signed a treaty concerning the joint development and utilization of the Yarmuk river waters. In July 1987 an economic cooperation agreement was signed between Turkey and Syria. Turkey was in favour of ad-hoc bilateral joint ventures in water and energy development and was prepared to cooperate on data management. It is obvious that; International water treaties in West Asia are few and even the over's that have been signed are of a general nature. Many questions still remain unanswered and these seems to be very little effort to deal with contentious issues. Do upstream states within which a river originates, leave specific, have priority over down stream states? Do population growth and other needs in are riparian state gave it priority over another? Should a riparian state be demanded to consume water in more economical ways? Should be demanded of one riparian state to use only certain sources of water and leave specific sources for supplying the needs of other? These and related questions are as yet unanswered in the region and there is very little by way of international water treaties regime to serve as a guide. The result is that each country prefers to go it alone and all practical considerations and pragmatics solutions have been sacrificed at the alter of populist and sometimes grandiose schemes. It is only in the 1990’s that the states in the region have shown some degree of willingness to eschew unilateral action and workout solutions on a cooperative basis in the light of existing unilateral laws and conventions.

From the foregoing analysis it is apparent that the instead of exploiting the river on a regional basis, each of these states has preferred to go it alone on whatever portion of the river that happens to lie within or along its borders. The result of this approach has been tragic, not only because such an approach is insufficient and uneconomical, but also and perhaps more importantly, such action has the potential of precipitation war among the shar-
Water, however, has often been seen as the primary strategic factor behind the political and military manoeuvring in region. Under such tensed conditions, issues that might otherwise be managed peacefully can always trigger extreme responses. Water conflict in West Asia have been zero sum water for one user means lack of water for the other. Factors of ideology and nationalism, prevent West Asian states from cooperating with each other to alleviate the problem of water scarcity. However, in the present scenario the only remedy lies in taking a regional approach to the problem. That is, water from certain countries could be diverted to other, according to the needs. This implies tacit recognition of the legitimacy of various demands. Thus factors like population growth and other needs in one riparian should be given priority over another. At the same time a riparian should be asked to consume water in more economical ways. It should also be demanded of one riparian to use only certain sources of water leave a specific source for supplying the needs of other. Conservation measures such a reduction of waste in irrigation, phasing-out of water intensive crops and price increases towards real value should be taken up an endangering basis. Neither time, money or hope should be wasted on regional water development projects. Care must be taken, however, to avoid plans that are grandiose or impossible part water development projects like the 1950’s plan of Eric Johnston failed to anticipate the level of hostilities in the region. In order to avoid past mistakes future project could be financed by the international monetary fund on the condition that the granting of money depended an unanimous agreement among the all riparian states.

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