



## **Violations of the right to water in North and East Syria**

### **Contact:**

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#### **Rights Defense Initiative**

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Human rights violation report addressed to the following United Nations Special Procedures mandate holders:

- the **Special Rapporteur on the human rights to safe drinking water and sanitation, Mr. Pedro Arrojo-Agudo**
- the **Special Rapporteur on the right to food, Mr. Michael Fakhri**
- the **Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Mr. Tlaleng Mofokeng**
- the **Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, Mr. John Knox**

*Dear Special Procedures mandate holders, we are contacting you regarding the water crisis affecting the northern and eastern part of Syria along the Euphrates River starting at the border with Turkey in the city of Jarablus, Syria. This comes in a similar context as the previous communications sent to the Governments of Syria and Turkey on October 2, 2020, about the water situation along the Khabur River. We would like to recall this procedure and inform about recent developments.*

## Previous communications

On October 2, 2020, Special Procedures mandate holders (on rights to safe drinking water and sanitation, right to food, right to health, and rights of internally displaced persons) sent a communication to the governments of Turkey ([AL TUR 16/2020](#)) and Syria ([AL SYR 3/2020](#)) regarding the deprivation from safe access to water of around 600,000 persons in north and east of Syria. This was caused by the recurring interruptions of the major source of water in the region, the Alouk water pumping station along the Khabur River in Ras al-Ayn where Turkey and affiliated Syrian armed groups have effective control over. The interruptions were caused notably due to electricity cuts in areas under the control of Turkish-affiliated armed groups. This affected the cities of Hassaké (Al-Hasaka in Arabic) and Tel Tamer between October 2019 and October 2020. The governments of Turkey and Syria were asked to provide information and explanation regarding the interruption of the water pumping station, and the water and power cuts which have occurred in Al-Hasakah area. The Special rapporteurs also asked the Turkish and Syrian governments to provide information on measures taken to protect water distribution systems of the areas that it has effective control over, as well as on measures adopted to ensure water supply to protect the population against the spread of diseases such as COVID-19.

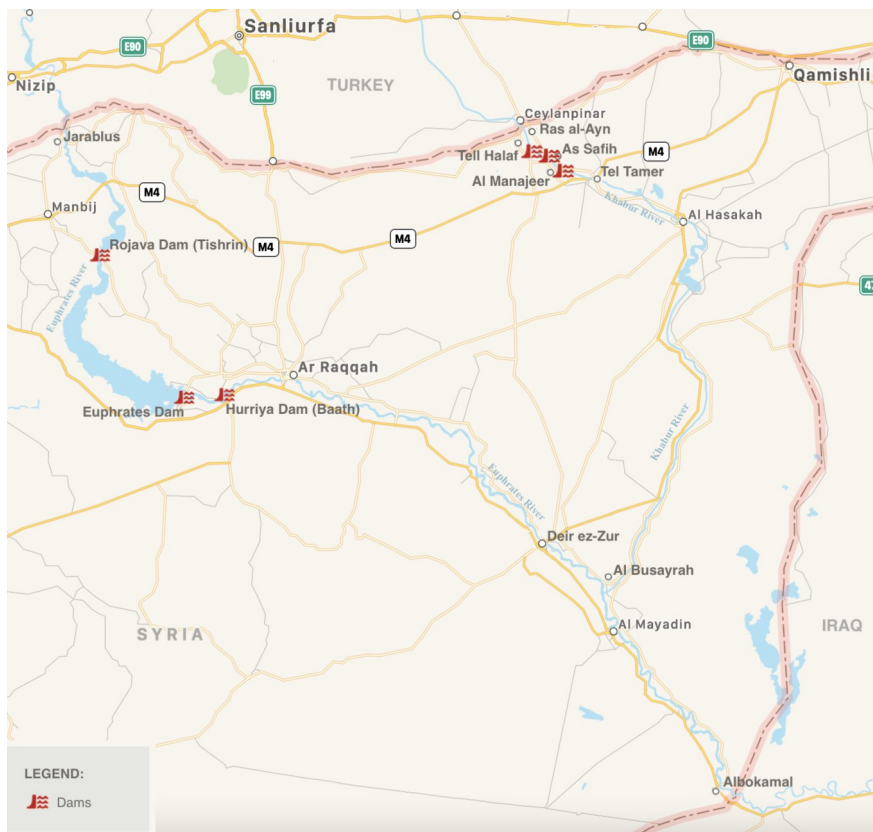
The [response from Turkey](#) from December 2, 2020, contains examples of assistance the Government has provided to the population, and reminds the three counter-terrorism operations launched since 2016. Turkey denies the effective control attributed to its Government over the north and east part of Syria. The Turkish Government attributes the control over the Alouk water pumping station to the Syrian Government, but however recognizes its own assistance in providing security to the station. The Turkish Governments also denounces alleged “terrorist organizations” which supposedly cause water cuts from the Tishrin Dam along the Euphrates River.

The Syrian Government provided responses to the communication on [November 10, 2020](#), and on [December 15, 2020](#). The Syrian Government indicates that the Turkish occupation forces have cut off the water from the Alouk pumping station on November 30, 2020, and was still cut by at least December 15, 2020. The Syrian Government denounces the expansionist and colonial goals of the Turkish Government and reaffirms the de facto authority of the Turkish Government over the Alouk area. The Turkish Government uses water shortages as a weapon to achieve political, military and economic gains. Syria denounces Turkey’s acts as war crimes towards the Syrian People. The Government of Syria then depicts the repeated attacks on Alouk and its water pumping station which occurred from October 2019 to October 2020. The response documents finally contain efforts undertaken by the Syrian Government to attempt fixing the situation.

The responses provided by the Turkish Government are partial and not satisfactory. Karen Koning AbuZayd, the Commissioner on the Independent International Commission of Inquiry on the Syrian Arab Republic (IICISAR), said in a [press release in February 2021](#) that “there are basic human rights and humanitarian needs – food, water, health care, and education – that must be met regardless of which group controls a given territory”.

Although these interventions were relevant, a true follow-up, notably from Special Procedures mandate holders, needs to be conducted on this situation to halt the water crisis in North and East Syria. For your consideration in this regard, we wish to bring additional and subsequent information regarding the violations of the right to water in this region, the Khabur River, as well as along the Euphrates River.

## Geographic and political context



In red, the dams built by Turkish forces in the Euphrates and Khabur rivers, in North Syria region occupied by Turkey

Source: Apple Maps (modified by us)

### - Khabur River

The Khabur River starts in Turkey and enters the Syrian territory near the cities of Ras al-Ayn and Tell Halaf, passes through Tel Tamer and Hassaké, and joins the Euphrates River near Al Busayrah in Syria. As it was stated above, since October 2019, radical and armed groups funded by Turkey interrupted the water flow from the Alouk water pumping station over 20 times which led a million people without access to water around Tel Tamer and Hassaké.

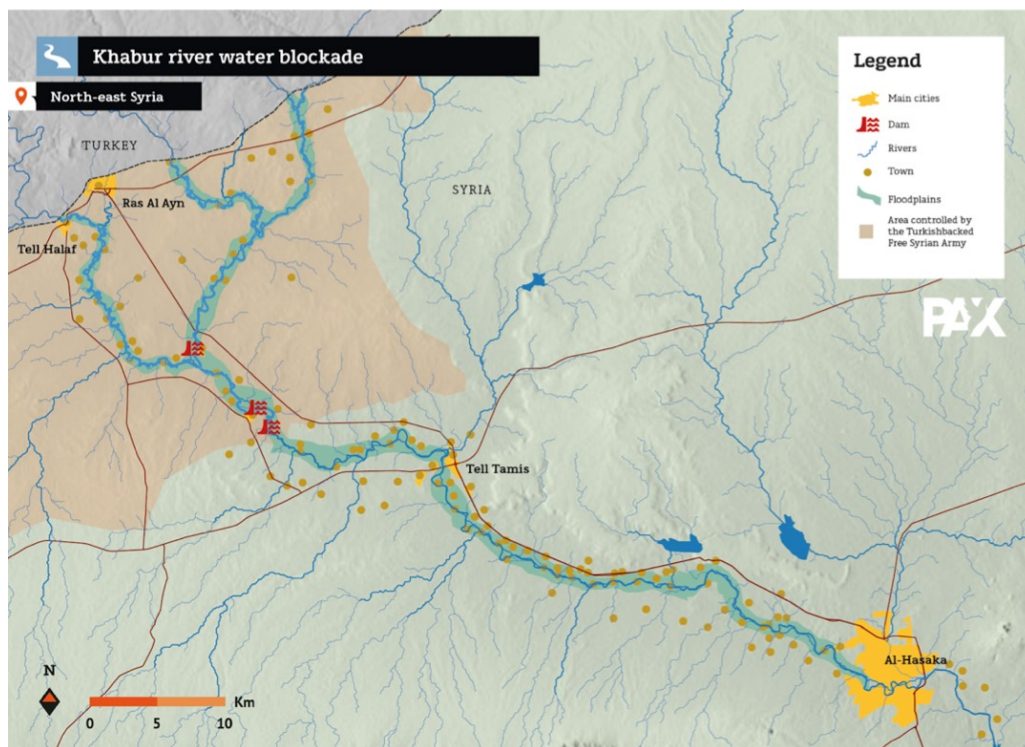
Since the previous Special Procedures communications sent in October 2020, three dams were built on the Khabur River in the area controlled by Turkish-backed groups. Indeed, since May 2021, climate change-related droughts were coupled with water retaining.



*This image shows the water being retained upstream due to the construction of a dam in late May 2021 in As Safih, Hassaké along the Khabur River, right before the dry season (July).*

Source: [PAX Report](#)

The first dam was built on May 22, 2021, south of the village of Tall al Assafir, the second dam was built on May 27, above As Safih, and the third on June 1<sup>st</sup>, 2021, in Al Manajeer right above the first dam. Another dam was constructed in mid-October 2021 in an area held by the Syrian Democratic Forces (SDF), the official defence force of the Autonomous Administration of North and East Syria. All adds up to over 100 kilometers of blocked water on the Khabur River which is dammed at over 50% between the Turkish border and Hassaké. In the last months (September-December 2021), the amount of water provided to the villages by Turkish controlled dams decreased by 80%. As a consequence, many people from the villages that depend from this river (in particular from Tel Tamer and Hassaké) have left the region due to the lack of water resources for living and working. To this, we should add the fact that the summer of 2021 was one of the hottest ever recorded in the region, adding up to the water shortages.



Source: [PAX Report](#)

## - Euphrates River

On the other hand, the Euphrates River runs approximately 680 km in Syria after crossing Turkey. It enters the Syrian land near the city of Jarablus, passes through the city of Albokamal, then enters the Iraqi territory. Three dams were built on the Syrian portion and are used as hydroelectric power plants: the Rojava dam (Tishrin), the Euphrates dam (Tabqa) and the Hurriya dam (Baath). The three dams usually provide power and drinking water to around five million Syrians. In 1987, Turkey entered into a bilateral agreement with Syria allowing 500 cubic meters/sec of Euphrates water (over 15 billion cubic meters yearly). In 1990, Syria signed an agreement with Iraq which stipulated that Syria must divide its share from the Euphrates water with Iraq. The Syrian share is 42% (6.6 billion cubic meters throughout the year or 210 cubic meters/sec), and Iraq's share is 58% (9.14 billion cubic meters throughout the year or 290 cubic meters/sec).

Nevertheless, a 70% decrease in water levels was recorded in the Euphrates River due to the retaining by Turkey. The Euphrates River has been in sharp decline since January 2021 because of Turkey's interest in the strategic and international importance of the River. Indeed, three of the largest dams in Syria (cited above) are located on the Euphrates River. It should be noted that the minimum monthly quantity of water coming from the Euphrates River to Syria in March 2021 was estimated to be 227 cubic meters/sec, despite the 500 cubic meters/sec agreement with Turkey and continued to decline up until May 2021 and as the summer season approached. This was happening despite the fact that people needed more water in the summer season, notably for drinking consumption, irrigation or animal farming; and water from the Euphrates River was also extracted in Deir ez-Zur to be transported to Hassaké, along the Khabur River in North and East Syria, also affected by water shortages as mentioned above.

### **Allegations**

People in the affected area support the idea that the water shortages are caused by Turkey, directly through its army or indirectly through the radical and armed groups that it supports, to destabilize the Autonomous Administration of North and East Syria (AANES). The Turkish-backed groups cut off essential water supplies in the region they have control over in order to starve the population and induce their displacement as a method of warfare.

As a result, the population of North and East Syria entered in a humanitarian catastrophe as the quantity of water is getting more and more limited. This leads to the unavailability of most pumping stations for drinking and irrigation water as the minimum level to allow efficient functioning is not reached. This also reduces the ability of the water to self-purify and drain in the lower Euphrates stream and increases the number of pollutants and their concentration in the water. This leads to different types of health problems (kidney, skin and parasitic diseases, urinary tract infection, poisoning and dehydration cases), especially among children, which also increases the risk of an outbreak of Covid-19. Only in the hospital of Hassaké, dozens of children died this summer because of water pollution.

It was reported that around 500'000 people from the region are left without water (out of a population of 5 millions). This imposes new physical and economic burdens on civilians in difficult conditions as they are forced to purchase water from tanks (which depending on the period can be scarce, unclean and/or unsafe, causing more food and water insecurities). At the national level, reports speak about over 12 million Syrians facing severe consequences from the lack of rain and water in the Euphrates River.

This poses a threat as well to livestock and agricultural resources. Therefore, the 2020/2021 harvest season was very poor and this situation not only affects current crops but it will also have an impact in the next two years, according to the FAO Analysis on the Syrian Arab Republic 1980-2021. This is particularly worrying as the population of this region depends for 80-90% of local food production. This situation is causing a massive rural exodus to the cities. Nonetheless, in the cities the economic situation is catastrophic, leading these people to live in slums or to emigrate abroad.

Moreover, the dams are not achieving technical efficiency, which leads to shutdowns of electricity production, of which many economic activities depend on. The electrical supply between January



and May 2021 decreased by more than 50%. In addition, Syria is not able to respect its obligation to provide Iraq's share of 290 cubic meters/sec, which puts potentially an additional seven million people at risk of losing access to water from the River. The humanitarian, economic, and environmental crises are thus becoming worse.

The allegations mentioned above infringe the rights of millions of people to access to safe water and sanitation, which are components of the right to an adequate standard of living, which is itself considered as indispensable for the enjoyment of the right to health, the right to physical integrity, the rights of the child, the right to the enjoyment of land, as well as the specific rights of rural communities (peasants and other people working in rural areas). Water shortages and water retaining upstream cause deprivation of hydration and food. The low levels of the Rivers threaten the communities living in the Euphrates and Khabur basins who depend on agriculture and irrigation. The rights to water and sanitation need a strong focus on the most disadvantaged and marginalized groups such as women and children. Moreover, since Turkey has a military presence in Northern Syria and collaborates with radical and armed groups established in the same region, the Government of this country has an obligation to ensure respect for international humanitarian law.

### **International instruments**

The right to water was explicitly recognized at the international level at the United Nations Water Conference (Mar del Plata, 1977) in the following terms: "all peoples, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in quantities and of a quality equal to their basic needs" ([E/CONF.70/29](#)).

As for the UN General Assembly, it declared in 2010 that : "the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights" ([A/RES/64/292](#)).

As per paragraph 1 of article 25 of the Universal Declaration of Human Rights, the affected communities have the right to an adequate standard of living for the health and well-being, including food, which comprises access to water. Articles 11 (adequate standard of living) and 12 (standard of physical and mental health) of the International Covenant on Economic, Social and Cultural Rights, accessed by Syria on 21 April 1969, and ratified by Turkey on 23 September 2003, enshrine the right to water. Indeed, the Committee on Economic, Social and Cultural Rights indicated in its General Comment No. 15 that "[a]n adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements" ([E/C.12/2002/11](#), para. 2). The Committee states that the right to water is included in the right to an adequate standard of living in article 11 of the Covenant ([E/C.12/2002/11](#), para. 3). Further in the General Comment No. 15, the Committee notes that States need to respect and protect the right to water which means that they need to refrain from interfering directly or indirectly with the enjoyment of the right to water and they need to prevent third parties from interfering in any way with the enjoyment of the right to water ([E/C.12/2002/11](#), paras. 21 and 23). It is also mentioned that "[t]he obligation includes, inter alia, refraining from engaging in any practice or activity that denies or limits equal access to adequate water; arbitrarily interfering with customary or traditional arrangements for water

allocation; unlawfully diminishing or polluting water, for example through waste from State-owned facilities or through use and testing of weapons; and limiting access to, or destroying, water services and infrastructure as a punitive measure, for example, during armed conflicts in violation of international humanitarian law” (E/C.12/2002/11, para. 21). The situation also requires promoting Goal n°6 of the 2015 Sustainable Development Goals which calls to "Ensure availability and sustainable management of water and sanitation for all". This also impacts several other goals such as exacerbating poverty (Goal n°1), food security (Goal n°2), human health (Goal n°3), climate action (Goal n°13), and life below water (Goal n°14). In this context, and taking into account the fact that water is crucial for the survival of people, we must recall article 6 of the International Covenant on Civil and Political Rights, establishing the right to life.

The situation addressed in this report affects many children, which goes against the Convention on the Rights of the Child, ratified by Syria on 15 July 1993, and by Turkey on 4 April 1995. Article 24 indicates that States parties must ensure the enjoyment of the highest attainable standard of health for children and should ensure adequate nutritious foods and clean drinking water. The Committee on the Rights of the Child stated in its General Comment No. 7 that States must ensure “access to clean drinking water, adequate sanitation [...] which are essential for young children’s health, as is a stress-free environment. Malnutrition and disease have long-term impacts on children’s physical health and development. They affect children’s mental state, inhibiting learning and social participation and reducing prospects for realizing their potential”.

A gender perspective should be considered while dealing with this case. Indeed, women are also affected by the situation and as stated in the Convention on the Elimination of All Forms of Discrimination Against Women, accessed by Turkey in 1985 and by Syria in 2003: “States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right [...] to enjoy adequate living conditions, particularly in relation to particularly in relation to housing, sanitation, electricity and water supply [...]” (article 14(2)(h)).

Additionally, because affected communities comprise peasants, the allegations violate article 21 of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas ([A/RES/73/165](#)). This provision links all human rights and human dignity to the right to safe and clean drinking water and to sanitation. This is notably essential for farming, fishing and livestock keeping. Paragraph 4 of article 21 indicates that States have the duty to protect and restore water-related ecosystems, including rivers. Subsequently, paragraph 5 enjoins States to “prevent third parties from impairing the enjoyment of the right to water of peasants and other people working in rural areas”.

Finally, in a report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, it was mentioned that, according to decisions from the International Court of Justice (*Pulp Mills on the River Uruguay (Argentina v. Uruguay)*) and from the Inter-American Court of Human Rights (Advisory Opinion OC-23/17), a majority of fresh water in ecosystems is shared by several States which have an “obligation to cooperate internationally to ensure that transboundary rivers, lakes and aquifers are managed in an equitable and sustainable manner, by sharing information, transferring technologies, building capacity, increasing research, honouring international commitments and ensuring just and

sustainable outcomes for vulnerable and marginalized communities” ([A/HRC/46/28](#), para. 59). The Special Rapporteur also gives the recommendation to States to “[g]uarantee, in legislation, environmental flows for rivers and wetlands, ensuring that the quantity, timing and quality of freshwater flows are sufficient to sustain healthy aquatic ecosystems and the human livelihoods and well-being that depend on them” ([A/HRC/46/28](#), p.19).

Additionally, the International Law Commission said in the Third report on the law of the non-navigational uses of international watercourses that “withholding, by diversion or other means, of water from a system State so as to place in jeopardy the survival of the civilian population or to imperil the viability of the environment is prohibited in peacetime and in time of armed conflict”, ([A.CN.4/348](#), 11 December 1981, p. 169). According to the ICRC rules on customary international law, deliberate starvation of civilians is considered a violation of the laws and customs of war subject to criminal prosecution (Rule 53), and attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population is prohibited (Rule 54). Moreover, it is indicated in Additional Protocol I, adopted by Syria in 1983, and Protocol II to the Geneva Conventions of 12 August 1949, that objects indispensable to the survival of the civilian population comprise foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works.

### **Requests/Recommendations**

In view of the above, we request the Special Rapporteurs to urge the State of Turkey;

- to respect its international legal obligations and commitments with respect to human rights;
- to stop limiting water access from the rivers to North and East Syria and respect, promote and fulfill the right to water of the population;
- to immediately remove all dams in the Euphrates and Khabur River halting the blockade of water downstream;
- to commit to peaceful dialogue over solutions relating to climate-linked degrading natural resources;
- to provide access to remedy for communities and individuals affected by the aforementioned violations.

Finally, and in view of the above, CETIM requests the Special Rapporteurs to visit the region in order investigate the allegations of human rights violations described above.