



**Why do Turkey's DAP and GAP Dam projects violate international laws?**

# National Project, Regional Threat

The GAP and DAP projects in Turkey, involving the construction of numerous dams on international rivers such as the Tigris, Euphrates, and Aras, pose a multitude of environmental crises and economic, social, and humanitarian challenges to the countries of Iraq, Syria, Iran, Armenia, and the Republic of Azerbaijan. These projects have led to the generation of delicate particulate matter (PM2.5), reduced water rights for downstream nations, the extinction of native fish species, wetland drying, desertification, sanitary agricultural crises, exacerbated unemployment, and increased migration as consequences.

By claiming that the water resources of the Tigris, Euphrates, and Aras are part of Turkey's internal waters without considering the environmental repercussions, these projects are proceeding unchecked.

In this context, Dr. Ahmad Kazemi, who holds a Ph.D. in Public International Law from the Islamic Azad University, has published an article titled "Projects of GAP and DAP in terms of International Law and the Role of Media" with a theoretical approach to "Environmental International Law" and "Environmental Human Rights," especially focusing on the concept of "preventing harmful use of the environment." He has conducted an investigation using a descriptive-analytical method.

The researcher seeks to answer the question: "What are the dimensions of international law violations in GAP and DAP?" The following report highlights some of the most important findings of this research.

## What are the Major Plans for 'DAP' and 'GAP'?

In 1936, the idea of the GAP or Southeast Anatolia project was formed with the establishment of two commissions for the Tigris and Euphrates rivers. This idea became more serious from 1980 with the merger of these two commissions, and the comprehensive GAP project took shape on a land larger than the Netherlands, Denmark, and

Belgium. Turkey has allocated 30 years and 32 billion dollars for the implementation of the GAP. The GAP includes nine less-developed provinces in Southeastern Turkey, including 'Gaziantep,' 'Adiyaman,' 'Sanliurfa,' 'Diyarbakir,' 'Mardin,' 'Batman,' 'Siirt,' 'Kilis,' and 'Sirnak.' The goal of this project is to build 22 dams and 19 power plants on the Tigris and Euphrates rivers, along with the development of irrigation networks on 1.8 million hectares of land.

The implementation of the "DAP" or Eastern Anatolia Project, a late and extensive dam construction project in Turkey, began in 1998. Unlike the GAP project, Turkey is strict about preventing the international community from obtaining information about it. The Turkish Ministry of Foreign Affairs also closely monitors the release of documents and records related to it. For this reason, there are varying statistics on constructing 10 to 90 dams and irrigation projects under the DAP project.

The DAP project, which is primarily constructed in the Aras and Kura river basins, directly affects Iran, Armenia, and the Republic of Azerbaijan. Some dams being built as part of the DAP project include the "Karakurt," and "Narin Castle" dams. Considering the extensive dam construction in Turkey within the framework of the GAP and DAP projects on the Tigris, Euphrates, Aras, and Kura rivers, and considering that Turkey is considered the upper riparian country for the shared rivers, the effects of these projects are a subject of international legal consideration.

## International Law and the Principle of Non-Harmful Environmental Use

International environmental law, as a branch of general international law, has evolved in recent decades to protect the environment and address environmental challenges through the establishment and enforcement of mandatory and non-mandatory legal rules by the global community. Recent developments indicate that the general principles of international environmental

law have been accepted by the majority of states and have evolved into customary and binding rules. Two principles, the "non-harmful use of the environment" and "state responsibility for environmental damage in the territories of other states," are particularly significant within this body of law.

From the perspective of "good neighborliness," the principle of "non-harmful use of the environment" is closely related. Based on this principle, a ruling in the case of Lake "Elon" between France and Spain emphasized that the application of the principle of "non-harmful use of land" is not limited to territorial boundaries. The fundamental rule of international law regarding "good neighborliness" can extend beyond common borders. The United Nations Economic, Social, and Cultural Committee, referring to its General Comment No. 15 on the "right to water" and citing Turkey's dam construction projects, explicitly states that member states must respect the enjoyment of the "right to water" by other countries. The absence of international treaty regulations regarding the international commitments of states in the dam construction process has led some countries to build numerous dams within their own territories based on the doctrine of absolute territorial sovereignty. As a result, adherence to customary rules of international environmental law centered on the "prevention of harmful use of the environment" has increased in the international community in recent decades.

Considering the absence of a multilateral and comprehensive treaty among the riparian countries of the Tigris and Euphrates River basins, the identification of customary international rules governing this river basin is inevitable to define the rights and obligations of these countries in disputes. This applies similarly to the Aras River basin. In this process, the theoretical concept of the "prohibition of harmful use of the environment" holds significance, as it is the most important and inspiring principle for the provision

of many international conventions in the field of international environmental law.

## The Consequences for the Region

Despite the positive portrayal of the GAP project in local media, it has significant environmental implications for the countries of Iraq, Syria, and Iran. Consequences such as the generation of fine dust particles in Iraq, Syria, and Iran, a decrease in the water rights of Iraq and Syria, the endangerment of native species and some Persian Gulf fish, agricultural crises, unemployment, and the threat to food security are just some of the negative outcomes of this sprawling project.

Similarly, Turkey, through the DAP project and its most important dams planned or under construction in the Eastern Anatolia project along the cross-border Aras River, has caused detrimental and even irreparable consequences for our country.

Issues such as the reduction of Iran's water rights from the Aras River, the jeopardy to the drinking water security of East Azerbaijan, the negative impact on Lake Urmia, agricultural crises, the threat to food security in the northwest, increased unemployment, decreased investment, and exacerbated migration in the northwest, the emergence of dust storms and fine dust particles in the northwest, and the challenge to the efficiency of the Khoda-Afarin Dam and other dams on the Aras are among the most significant repercussions of this major project for Iran.

Turkey regards international rivers flowing through its territory as its internal waters, granting itself the right to exploit them without regard to the sensitivities of downstream countries. This approach is rooted in the theory of "absolute territorial sovereignty," which has become obsolete for over a century and is not referenced by any international legal authorities.

Currently, the theory of "limited territorial sovereignty" is the prevailing and widely accepted theory