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**Economic and Social Commission for Western Asia (ESCWA)**

## REPORT

### ADVANCED-LEVEL SEMINAR ON NEGOTIATIONS AND DISPUTE RESOLUTION OVER INTERNATIONAL SHARED WATER RESOURCES IN IRAQ BEIRUT, 29-31 JULY 2008

#### Summary

The aim of holding this advanced-level training workshop was to strengthen the participants' capacity to develop a comprehensive vision and strategy for international negotiations on shared water resources involving a multi-disciplinary inter-ministerial team.

The activity was undertaken by the Water and Environment Team (WET), Sustainable Development and Productivity Division (SDPD) at the UN Economic and Social Commission for Western Asia (UN-ESCWA), in partnership with the Federal Institute for Geosciences and Natural Resources in Germany (BGR), in collaboration with the Ministry of Water Resources in Iraq. Present at the workshop were decision makers and water professionals from the Ministry of Water Resources, Ministry of Foreign Affairs, in addition to the Ministry of Planning and Development Cooperation. The workshop will capitalize on an interactive and participatory approach involving simulation exercises, role-play, discussions and debates, presentations, skills and mechanisms for establishing multi-disciplinary national teams for shared water negotiations.

The workshop exposed the participants to the negotiation process, based on several real life case studies catered to the actual situation in Iraq. The approach used was interactive, involving simulation exercises, role-play, discussions and debates, presentations, skills and mechanisms for establishing multi-disciplinary national teams for water negotiations.

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## INTRODUCTION

1. Technical cooperation at the regional level between ESCWA and the Federal Institute for Geosciences and Natural Resources in Germany (BGR) started in 1992 and was re-launched in 2005 with the overall objective to improve regional cooperation in the water sector among the ESCWA member countries. This project promotes the initiation and application of Integrated Water Resources Management (IWRM) processes in member countries, with special emphasis on the management of shared ground water resources.
2. Early cooperation and negotiations between riparian states are key to reaching an equitable management and utilization of shared water resources, thus maximizing benefits and preventing potential conflicts. With the aim to assist the member countries in enhancing their negotiation skills and approach, ESCWA, in cooperation with BGR, took the lead in organizing respective training courses for Lebanese (2003), Syrian (2004), and Palestinian (2004), and Jordanian (2007) delegates.
3. Until about 1997, Iraq was the only ESCWA country with over 300m<sup>3</sup> of water per capita per annum and, hence, the only Member State that was projected to remain above the “water poverty line” over the next 15-20 years. But the situation has changed drastically now, since the last war has resulted in a significant contamination of the available water resources. Considering that the country depended so far on surface water mainly, which has become significantly affected by pollution, Iraq is now on the verge of a water crisis. This situation is becoming more critical as Iraq remains dependent on surface water that comes mainly from the neighboring countries.
4. Among other things, the repercussions of the war and the political turmoil has left the country unable to secure its fair share of surface water from the Tigris and Euphrates, which are the major sources of freshwater to the Iraqi population. The upstream of both rivers are outside Iraq. 56% and 12 % of the water in the main Tigris channel comes from Turkey and Iran, respectively. Similarly, 88% and 9% of the water in Euphrates originates in Turkey and Syria, respectively. Statistics suggest that there will be a deficit of 59 billion m<sup>3</sup> in the year 2020, mainly because the country has very little control of its fresh water resources as well as population growth (Sami, 2003)<sup>1</sup>.
5. Therefore, it is essential that Iraq develops, coordinates with its neighbors and implements a comprehensive strategy towards shared water resources in order to safeguard future water supply for the growing Iraqi population. Decision makers and professionals involved in issues related to shared water resources need to be equipped with the necessary tools and information to initiate or continue a process of dialogue with riparian countries and to conduct successful negotiations to avert any potential shared water conflict.
6. This activity is a central part of the ESCWA-BGR project initiative to support cooperation among ESCWA member countries on shared water resources within the context of Integrated Water Resources Management (IWRM). Furthermore, this high-level seminar is an integral element of a potential wider support offered by the ESCWA-BGR project to Iraq and other member countries in this important field of regional integration.

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<sup>1</sup> Salar B. Sami. Demand management and pollution control. Country paper (Arabic) presented in the 2nd International Conference on Demand Management and Pollution Control, Sharm el Sheikh, December 2003.

## I. CONCLUSIONS AND RECOMMENDATIONS

7. The workshop was conducted in an open atmosphere, marked by fruitful discussions and strong commitment by all the participants.
8. The workshop concluded with a review of the course programme and an open, forward looking discussion on strategic considerations in current negotiations as well as, on potential next steps for the Iraqi side.
9. As strategic considerations, the participants raised the following points
  - a. Stakeholders – how and when to engage them. Stakeholders may have a positive influence on negotiations if engaged appropriately;
  - b. Secure legal advice for negotiation teams. Consider examples of agreements from other basins that have dealt with similar issues;

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11. The participants also emphasized the importance of continued collaboration and partnership with ESCWA and BGR on issues related to Shared Water Resources Management in the region.

## II. WORKSHOP SESSIONS

12. The workshop exposed the participants to the actual negotiation process, based on several real life case studies catered to the actual situation in Iraq. The approach used was interactive, involving simulation exercises, role-play, discussions and debates, presentations, skills and mechanisms for establishing multi-disciplinary national teams for shared water negotiations.
13. The seminar focused on Negotiation and Dispute Resolution skills and applied conflict management approaches. It included a number of interactive simulations to allow the participants to actively engage in the discussions.
14. Professor Dr. Jon Martin Trondalen, focused on the following themes:
  - a. Challenges and problems related to the management of international and national water resources generally and specifically for Iraq, focusing on non-legal mechanisms to improve collaboration among riparian countries;
  - b. Negotiation theory and practice, based on two interactive simulations designed specifically for Iraq;
  - c. Development of a negotiation strategy - how to translate concepts and policies into an operational strategy

## III. ORGANIZATION OF WORK

### *a. Venue and date*

15. UN-ESCWA, in partnership with the Federal Institute for Geosciences and Natural Resources in Germany (BGR), organized the High-Level Seminar on "Negotiations and Dispute Resolution over International Water Resources in Iraq". The training took place at the UN-House, Beirut- Lebanon from 29-31 July 2008.

### *b- Attendance*

16. Present at the workshop were decision makers and water professionals from different governmental institutions in Iraq namely the Ministry of Water Resources, Ministry of Foreign Affairs, in addition to the Ministry of Planning and Development in Iraq and representatives from Kurdistan Regional Government (List of participants contained in Annex I).

### *c- Opening Session*

17. The opening session took place on Tuesday 29 July 2008 at 9:00 am at the UN-House, Beirut. Mr. Hosny Khordagui, Team Leader of the Water and Environment Issues Team at SDPD welcomed all participants on behalf of UN-ESCWA Executive Secretary and highlighted the importance of the rational and sustainable management of shared water resources and the role of UN-ESCWA and its partner organizations in building capacity in negotiation processes and conflict resolution over shared water resources.

18. An evaluation questionnaire was distributed to the trainees in order to assess the relevance, effectiveness and impact of the meeting. The feedback received was positive with most of the trainees rating the quality of the workshop as excellent (63.6 %). The organization was found to be good and the presentations and printed material distributed during the seminar were deemed to be of excellent quality by most trainees (72.7 %).
19. The majority of the trainees found that the workshop met its objectives and its expectations (81.8 %), and a 72.7 % found that their expertise was very well suited for the meeting. Most of the participants believed they will be able to use the knowledge obtained in the negotiation (63.6 %).
20. In addition, all participants found that the workshop provided them with a good to excellent opportunity to establish contacts and a forum to exchange information and experience with other experts from other national institutions.
21. All the participants thought the meeting length to be expanded to include more modules on international environmental law; some suggested expanding the duration of the workshop to have a better chance to get exposed to, and analyze, more studies. All the attendees wanted follow-up activities that included more training workshops on international law, negotiations, and shared water resources management.

[REDACTED]

- giving more real case studies,
- providing all the material in soft copies in addition to the hard copies, as well as to
- develop a website that is concerned with negotiations.
- giving similar seminars for the other riparian countries to have a common understanding of shared water resources;
- conduct similar workshops to build the capacity of the staff in Iraq.

## ANNEX 1

### List of Participants

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ANNEX II

**ORGANIZATION OF WORK**

**FIRST DAY: Tuesday 29<sup>th</sup> of July, 2008**

**08:30 – 09:15**            **REGISTRATION**

**09:15 – 09:45**

- Opening Statement by Mr. *Hosny Khordagui*, Team Leader, Economic and Social Commission for Western Asia (ESCWA)
- Overview of the Training Workshop by Mr. *Youssef Al-Mooji* (ESCWA)

**09:45 – 10:00**            **COFFEE BREAK**

**SESSION 1**

**INTRODUCTION**

**10:00 – 11:00**

- Presentation of the participants and the trainer, Prof. Dr. *Jon Martin Trondalen*
- Introduction to the course, aims and scope of work
- Conflict Management Approaches

**SESSION 2**

**INTERNATIONAL WATER RESOURCES PROBLEMS AND CONFLICTS**

**11:00 – 12:00**

- Clarification of concepts and principles in international environmental conflict resolution
- Introduction to major international water resources problems and conflicts: The connections between international, regional and local water conflicts – Relevance for Iraq.

**12:00 – 13:30**            **LUNCH BREAK**

**SESSION 3**

**NEGOTIATION AND CONFLICT MANAGEMENT (PART A)**

**13:30 – 15:15**

- Negotiation and Conflict Management

**15:15 – 16:00**

- Brief introduction to the next day's "Interactive Colloquium"
- Summary and discussion

**SECOND DAY: Wednesday 30<sup>th</sup> of July 2008**

**SESSION 4**  
**Interactive Colloquium (Part I)**

**09:00 – 09:45**

- The Interactive Colloquium (Part I)

**09:45 – 10:00**

**COFFEE BREAK**

**10:00 – 12:30**

- Continuation of Session 4 (Interactive Colloquium)

**12:30 – 13:45**

**LUNCH BREAK**

**13:45 – 14:15**

- Assessment of the Interactive Colloquium (Part I)

**SESSION 5**  
**Applied Conflict Management Approaches**

**14:15 – 15:00**

- Applied Conflict Management Approaches (bi- and multilaterally, “track-two”)

**15:00 – 15:15**

**COFFEE BREAK**

**SESSION 6**  
**Mechanisms of Conflict Resolution**

**15:15 – 16:15**

- International legal and non-legal mechanisms and diplomatic means available for resolving international environmental conflict: (such as: Institutional mechanisms, transfer of funds and technology)

**16:15 – 17:45**

- Summary and Discussions.

**THIRD DAY: Thursday 31<sup>st</sup> of July 2008**

**SESSION 7**  
**Lessons Learnt**

**09:00 – 09:45**

- Confidence Building Measures (such as: Visiting Protocols, Water Monitoring and Verification Systems and Procedures) – Lessons learnt

**09:45 – 10:00**

**COFFEE BREAK**

**SESSION 8**  
**Interactive Colloquium (Part II)**

**10:00 – 12:30**

- The Interactive Colloquium (Part II)

**12:30 – 13:30**

**LUNCH BREAK**

**13:30 – 14:15**

- Continuation of Session 8: Discussions of the Interactive Colloquium, relevance to international water management challenges for Iraq.

**SESSION 9**  
**Negotiation and Conflict Management (Part B)**

**14:15 – 15:30**

- Negotiation and Conflict Management
- How to make right decisions under pressure?

**SESSION 10**  
**Summary and Conclusion**

**15:30 – 16:00**

- Lessons learnt, Summary and Evaluation of the course by the participants

**Annex III: EVALUATION (Percentages)**

QUESTION # A	yes	no			
Have you previously been part of international negotiations over shared water resources?	27.0	72.7			
<b>QUESTION # B</b>					
If Yes, in which function?	0.0	9.1	9.1	9.1	9.1
<b>QUESTION # 1</b>					
How would you rate the overall quality of the workshop?	very poor	Poor	Average	good	No response
	0.0	0.0	0.0	36.4	63.6
<b>QUESTION # 2</b>					
Was (were) your expectation(s) met?	Yes	No	Partially	No response	
	81.8	0.0	18.2	0.0	
<b>QUESTION # 3</b>					
How would you rate the usefulness of the workshop in terms of:	Very poor	Poor	Average	Good	No response
<b>QUESTION # 3a</b>					
3a: Relevance of subject to your work/area of expertise	Very poor	Poor	Average	Good	No response
	0.0	0.0	9.1	72.7	18.2
<b>QUESTION # 3b</b>					
Knowledge of skills obtained...	Very poor	Poor	Average	Good	No response
<b>QUESTION # 4</b>					
How would you rate the Workshop in terms of:	Very poor	Poor	Average	Good	No response
	0.0	0.0	9.1	63.6	36.4

QUESTION #	Very poor	Poor	Average	Good	Excellent	No response
<b>QUESTION # 4a</b> Clarity of presentations	0.0	0.0	0.0	27.3	72.7	0.0
<b>QUESTION # 4b</b> Quality of written material circulated by the organizers	0.0	0.0	0.0	45.5	54.5	0.0
<b>QUESTION # 5</b> How would you rate the overall workshop in terms of:						
<b>QUESTION # 5a</b> Providing a forum for exchange of information and experience...	0.0	0.0	9.1	63.6	27.3	0.0
<b>QUESTION # 5b</b> Providing an opportunity to establish new useful contacts	0.0	0.0	9.1	45.5	45.5	0.0
<b>QUESTION # 5c</b> Organizational arrangements for and during the Meeting	0.0	0.0	18.2	45.5	36.4	0.0
<b>QUESTION # 6</b> Should the duration of the workshop be	Expanded	About the same	Reduced			
	100.0	0.0	0.0			
<b>QUESTION # 7</b> Would you be able to use the knowledge obtained	Yes	No	Partially	No response		
	81.8	0.0	18.2	0.0		
<b>QUESTION # 8</b> Would you recommend that other specialists from your country/profession attend similar workshops?	Yes	No	Partially	No response		
	72.7	27.3	0.0			
<b>QUESTION # 9</b> Did you attend events on similar topic organized by other organization?	Yes	No	No response			
	18.2	81.8	0.0			
<b>QUESTION # 13</b> Would you like any follow-up action on the workshop?	Yes	No	No response			
	100.0	0.0	0.0			