**Mandate of the Special Rapporteur** **on the human rights to safe drinking water and sanitation**

**Thematic Report to the** **78th session of the UN General Assembly "****The rights to water and sanitation as a tool for peace, prevention and cooperation".**

What are some of the main challenges that right holders, civil society organizations and communities face in accessing and managing water resources in transboundary water ecosystems, and what strategies can effectively address these challenges?

The lack of public participation in decision-making processes can be considered as one of the central weaknesses of management of transboundary water sources, particularly where water governance continues to favour economic interests over equity and adaptive practices. In the Middle East and North Africa (MENA) for instance, challenges to public participation are characterised by general lack of transparency, weak accountability, and the exclusion of key stakeholders. While the past decades have seen a strong increase in civil society and environmental activism, severe limitations on the involvement of civil society organizations and communities in decision-making across basins continue to present a major obstacle to sustainable and inclusive water management.

Poverty and unemployment can be common in areas that are rich in resources as grassroots representatives are not given an adequate role in any decision-making concerning local environmental economy or water ecosystem conservation or management. Those most affected tend to be poor rural communities. This is especially true for minorities and indigenous peoples, who are also usually far removed from formal environmental governance and management structures. Even in the field of environmental activism, women, indigenous peoples, minorities, people with disabilities and other marginalized groups are often perceived as passive targets for aid rather than as change-makers and knowledge holders.

In Southern Iraq, the local population has been deeply affected by water stress of a transboundary water ecosystem. the impact of poor or inadequate services, water supplies and lack of economic opportunity is compounded in the impoverished areas where Black Iraqis live. Neighbourhoods such as the Basra’s Al-Zubeir district which ranks in the lowest per-capita income quintile[[1]](#footnote-1), are characterized by extreme poverty and neglect. Many of their neighbourhoods also lack a clean water supply and proper sewage facilities and are prone to electricity shortages. These conditions are fuelled by persistent and deeply entrenched social discrimination against the community which sustains their socio-economic deprivation. The impact of water stress on Black Iraqi community health and economic life is poorly documented and as such their representation and inclusion in accessing or managing water resources or even social activism on these issues is limited.

In the absence of effective government-led environmental initiatives, civil society organizations play a key role in enabling environmental peacebuilding, building trust between communities, and addressing local environmental issues. Decentralizing water monitoring/governance structures to riparian communities could be an effective strategy to address such challenges. New technologies that allow for localized water quality monitoring have made citizen science and community-led management increasingly possible.

How have transboundary water issues, such as disputes over water allocation, water quality, infrastructure development and environmental impacts, contributed to violence, social unrest, conflicts, and/or displacement in your region or community?

Transboundary water issues, and the poor management of resources in the face of climate change increase the risks of conflict, especially in places already fractured by socioeconomic inequality, ethnic and religious divisions, or ideological divides. The main victims of transboundary water issues tend to belong to impoverished and/or marginalized communities with limited ability to defend themselves from exploitation and abuse or seek protection or accountability from the law and authorities. The scale and cascading impacts of climate change mean that water crises are increasingly being recognized as a security issue.

One of the key areas of water-related injustices in transboundary water ecosystems arise from infrastructure development. Inadequate, unplanned or environmentally destructive dams and irrigation systems, often constructed under the banner of national development, all conspire towards violations of the rights of minorities and indigenous peoples worldwide, a rise in land disputes, social unrest and conflicts across many parts of the globe.

In Kyrgyzstan, the legacy of Soviet water infrastructure is fuelling border disputes and the violation of the rights of the Uzbek minority in that country. Water conflict has degenerated into inter-state violence in many border villages across Kyrgyzstan and Tajikistan in recent years. During May 2021 clashes, 41 people died and 224 were injured on both sides of the conflict. More than 20,000 local residents were evacuated, and houses, schools, shops and restaurants were burned down. In October 2022, a group of environmental activists known as the ‘Kempir-Abad 22’ were unlawfully detained after campaigning against the Kyrgyzstan government’s decision to hand over a major water reservoir to neighbouring Uzbekistan\*.

For communities that have distinct relationships with land and water, transboundary water issues are particularly complex. On the borderlands of Nigeria and Niger Republic, the Komadugu or Yobe River is an important historic waterway and resource both for farming and pastoralist communities living in this semi-arid part of West Africa. For hundreds of years, the Fulani people\* – a cross-border community considered to be an ethnic minority – have lived by the side of the Komadugu River, their livelihoods and cattle farming are inextricably linked to river access and the availability of nomadic routes. Cultural rights for the Fulani do not involve claims over ancestral lands, yet routes and the ecological understanding of land as an ever-changing flux are nonetheless vital to their worldview and heritage. The right to routes which are not necessarily fixed or which can shift due to environmental conditions, makes the Fulani claim to their ancestral *burtali* [cattle routes] hard to recognize within existing legislation on both sides of the border.

Conflict between local communities has arisen as environmental pressures have pushed pastoralist groups further south, across the border into Nigeria. Difficulties in accessing water for pastoralist communities in Niger is further exacerbated by discriminatory government policies that have prioritized the building of dams on various rivers across the region. Some farmers have also started enlarging their farms and have destroyed forests, so the encroachment on Fulani routes has continued to worsen, further exacerbating inter-ethnic conflict and violence between farmers and Fulani herders. Mass killings and protracted cycles of revenge have become commonplace in the region. Although Fulani communities have been portrayed as the cause of widespread violence across the Sahel, inter-ethnic conflict is the result of extreme conditions and the desperate competition for survival in a part of the world fast becoming uninhabitable due to climate change. Legislation and government policy are inadequate when it comes to addressing the farmer/herder conflict. Neither farmers nor herders in this region abide by central government rules, but instead follow traditional and religious leaders.

In the absence of comprehensive basin-wide agreements between the riparian countries, environmental infrastructure such as dams have also been used as [tools to exert political power](https://www.savethetigris.org/wp-content/uploads/2019/01/Paper-Challenge-B-Dams-FINAL-to-be-published.pdf) over downstream populations. This creates new vulnerabilities for local minority and indigenous communities. Not only is environmental infrastructure in transborder ecosystems a target or object of violence, but its management and access are sometimes used as weapons of land and resource control.

In Turkey, the building of the Southeast Anatolia Project\*, a series of hydroelectric infrastructure projects on the Turkey-Syria border, is criticized as being a tool of discrimination and violence committed against Kurdish populations and their cultural heritage. For instance, the filling of the Ilisu dam reservoir threatens to flood the Kurdish ancestral city of Hasankeyf, marking a deliberate attempt to obliterate Kurdish culture. As a result, 80,000–100,000 Kurds have already been displaced and forced to move to suburbs in nearby cities. According to many critics of the project, the government of Turkey has constructed the Ilisu dam to defeat the Kurdish insurgency in the area, and to gain influence over Iraq and Syria through its weaponization of water.

In Iraq, recovery of the marshland ecosystem is still hindered by factors including upstream dams across [Turkey](https://www.equaltimes.org/will-turkey-s-thirst-for-dam#.YTDz145Kg2x), Syria, [Iran](https://www.equaltimes.org/has-iran-mismanaged-its-way-into-a#.YTDz6o5Kg2x) and Iraqi Kurdistan, which have reduced water flows. What water remains is heavily polluted by the dumping of 70 per cent of Iraq’s industrial waste into rivers and sea and an estimated 5 million cubic metres a day of raw sewage water that is pumped directly into the Tigris. In 2018 an outbreak of water-related illnesses hospitalized over 100,000 people due to the pollution of Basra’s traditional source of water. In June 2018, violent protests erupted in Basra city and failures of water management were at the heart of civil society grievances centring around lack of services, economic deprivation, corruption, and foreign interference.

Transboundary water issues converge and intersect with underlying ethnic, political, and religious tensions, leading to many forms of conflict. Water stress in countries across the world, coupled with increased competition for resources among already vulnerable groups, is leading to the exacerbation of these conflicts, including inter-ethnic conflict, inter-state warfare, indiscriminate attacks by armed extremist groups, gender-based violence, and mass killings of minority and indigenous activists, including those calling for water justice.

Notably, the control of transboundary water sources does not always equate in rights realization for minority communities in the controlling state. In Iran, severe water shortages and other environmental and land related issues in Khuzestan, Isfahan and Sistan-Baluchestan pose a great risk to the minority population’s right to health and adequate standards of living. Border territory of Sistan-Baluchestan, where the Baluchi ethnic group forms the majority of the population, is Iran’s poorest province. Most of the population lives below the poverty line – 64 per cent and 77 per cent in urban and rural areas respectively. The province performs poorly on many key development indicators, as well as having the highest illiteracy and infant mortality rates in the country, an estimated two thirds of the province lack access to clean drinking water. In Iran, drought and mismanagement of water has been displacing communities and fuelling protests for years. In 2021, when the people of Khuzestan protested against life threatening water shortages, the state offered no short-term solution, and instead flooded the streets with security forces which were brought in from other provinces to crackdown on protestors. One of the most notorious examples of how lethal force was applied against protesters took place in mid-July that year in over 20 cities in Khuzestan Province, subsequently extending to other areas including Isfahan, Lorestan, East Azerbaijan, Tehran and Karaj. The demonstrations have been referred to as the ‘Uprising of the Thirsty’. Over 360 individuals were arrested and widespread use of unlawful force against protesters, many of whom belong to the Arab minority, was documented, including the killing and injuring of participants.[[2]](#footnote-2)

The Grand Ethiopian Renaissance Dam (GERD)\*, one of the largest hydropower mega-projects in Africa, has also become a linchpin in the dynamics of conflict caused by the various groups vying for power in the region. By allowing a major hydropower project to go ahead in a region affected by the marginalization of minority and indigenous communities, insecurity, environmental degradation and inter-ethnic violence, the historical tendency to oppress Gumuz farmers and dispossess other local communities has escalated to the point of serious human rights violations, including denial of water access, lack of services, violence and mass killings. Inter-ethnic and political conflict between the Gumuz people and neighbouring communities including Amhara people, is directly exacerbated by the building of the GERD, not least given the unrest and social pressures caused by the resettlement process. More than 20,000 Gumuz farmers have been displaced as a result of the construction of the dam. Furthermore, as the brutal war in Tigray has been conflated with ethnic conflicts already raging in the region, various ethnic groups have turned their attention to the GERD – intended to be a symbol of national progress and unity through hydropower development – as a legitimate war target.

Similarly in Iraq, decades of armed conflict and international sanctions have contributed to the deterioration of Iraq’s public water infrastructure and after years of war, violence and mismanagement, water is both a source and victim of conflict. Marsh Arabs of southern Iraq have experienced multiple and interlinked forms of ecological destruction, which have all but wiped out their way of life. What makes the situation of Marsh Arabs\* even more challenging is the way in which their unique relationship to the environment has historically been the target of state-sponsored violent conflict. It has been through the deliberate degradation of their wetland ecosystem that Marsh Arabs have historically been controlled, oppressed and eliminated.

For many minorities and indigenous peoples, deteriorating transboundary water ecosystems are inevitably leading to food and livelihood insecurity. This adds pressure on what little resources remain, risking increased social tensions, especially in rural and marginalized communities where authorities are yet to establish sufficient climate change mitigation and adaptation policies. Across the world, water stress is resulting in migration to cities whose infrastructure is even now incapable of supporting the existing populations. In Iraq, tensions between marsh communities and local farmers have risen in recent years as buffalo herders, faced with dried-up riverbeds, have been forced to move their buffaloes into local fields. It is likely that, as climate change places ever greater pressures on Marsh Arab livelihoods, violent conflict may increase. This phenomenon is not only impacting marshland communities but also minorities in disputed territories such as Kirkuk and parts of Nineveh. Here, issues relating to water scarcity compound pre-existing tensions caused by conflict and land disputes, leading to second and third waves of migration following conflict forced displacement.

What is more, climate induced urbanization not only increases competition for livelihood opportunities in areas of displacement and risks social tensions between host communities and internally displaced populations, but in conflict-affected areas, the economic need is a driving factor into enrolment in security forces or armed groups as young people are unable to find other jobs that afford them a decent standard of living. Environmental degradation, and water stress in particular, must be considered as a factor in the ongoing militarization of affected areas such as the south of Iraq and Iraq’s disputed territories.

* These examples are drawn from Minority Rights Group’s forthcoming flagship *Minority and Indigenous Trends 2023*, focussing this year on water and with a Foreword kindly written by the Special Rapporteur. The report will be available after June 2023 here: minorityrights.org/trends2023

1. <https://www.iri.org/sites/default/files/basra-series2-report-4-bleed.pdf> [↑](#footnote-ref-1)
2. <https://minorityrights.org/publications/iran-protests/> [↑](#footnote-ref-2)