

RELEASE IN FULL

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**From:** Sullivan, Jacob J <SullivanJJ@state.gov>  
**Sent:** Friday, November 4, 2011 7:55 PM  
**To:** H  
**Subject:** Convention on Transnational Rivers

Don't worry, I didn't forget!

Some further background. Exploring whether there is any way to move Turkey or China on this.

The 1997 UN Convention on Transnational Rivers codifies an international water law for shared rivers, stating that rivers must be used by their States in an equitable manner, and in particular, that an upstream state should not take action on a waterway that substantially harms or changes the downstream portion.

The Convention was adopted by the UN General Assembly in 1997 in a vote with 103 countries for it, 3 against (Burundi, China, and Turkey) and 27 abstentions. To enter force, the document required ratification by 35 countries, but was only ratified by 16. The United States did *not* ratify the Convention. We have stated that while the Convention is an excellent guideline for parties attempting to work out disputes over shared waters, each transboundary water problem is unique and should be addressed on a case-by-case basis, and the United States already addressed these issues by establishing our own international water agreements with Mexico and Canada. While China and Turkey have not publicly stated why they did not vote for the Convention, both countries are the sources of several major transboundary rivers, and losing upstream control of them has major economic and security-related implications.

China has refused to sign onto any international agreements that obligate the upstream nation to guarantee water to downstream neighbors. As the source of some of the largest transnational river systems in the world—including the Mekong, Indus, and Brahmaputra, China has much to lose from signing onto such agreements, especially in light of the country's plans to drastically increase hydropower generation through damming. China has 200 GW of hydropower capacity (a fifth of its total power generating capacity) and seeks to reach 430 GW by 2020. In order to meet this goal, not only are they planning to move forward with projects in controversial areas such as Tibet and Yunnan, they are also building dams in several South East Asian countries that the Mekong passes through in order to export the power generated back to China. Some analysts suggest that the Chinese may use their control over water supplies as a political tool.

In the case of Turkey, 99 percent of the country's transboundary waters are the Tigris and Euphrates, and Turkey is the source of both rivers. Hydropower and increased irrigation on farms is a key component of Turkey's strategy to develop Anatolia in the Southeastern region of the country, and maintaining upstream control of the Tigris and Euphrates is critical to that effort. Additionally, Turkey already has flow-rate agreements with Iraq and Syria and would argue that, because it has negotiated the amount of water it will allow to flow downstream, it has already met its obligation to allow other countries fair access to its transboundary waters.