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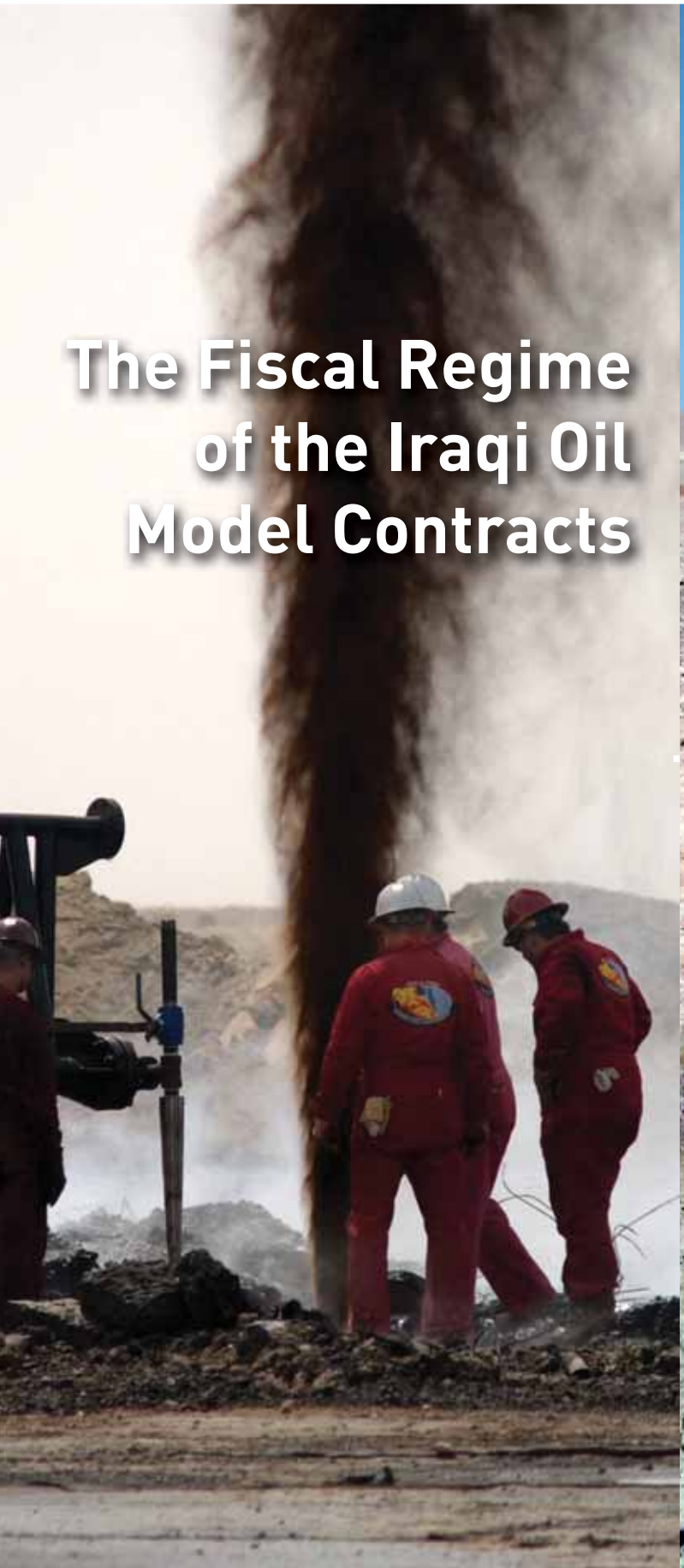

The Fiscal Regime of the Iraqi Oil Model Contracts

Water Stress in Iraq / The Arab World

28, 29 & 30 June 2010, Athens - Greece, Hypatia Mansion

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COMMENTS

Fiscal Regime of Iraqi Oil Contracts

Iraq concluded in 2009 Long-Term Service Contracts (LTSCs) with International Oil Companies (IOCs) that are scheduled to increase the country's oil production capacity from 2.5mn b/d to over 11 mn b/d. The fiscal regime of the contracts comprises many variables (signature bonuses. Remuneration fees, and, corporate income tax) that determine, among other factors, the direct revenue/cash flow of the operating firms. Furthermore, there are indirect benefits, such as long-term secured access to oil resources, the possibility of further business opportunities through contractual provisions. Finally, the paper identifies the critical and important variables and components comprising the fiscal regime of the model contracts, and provides development scenarios and strategies.

Fresh Water Stress in Iraq/the Arab World

The Arab world is one of the most water stressed regions globally. About two/thirds of the renewable water resources of the region originate from abroad. Approximately 80% of the region is barren desert. However, the problem does not lie with the resources only and their availability, but also how the water is consumed and utilized. Almost 50% of the renewable water resources are unitilized, according to Dia El-Din El-Quosy, writing in the 2009 Report of the Arab Forum for Environment and Development.

Iraq is experiencing, for the first time in its long history, a serious water shortage problem. The causes of the water scarcity are not entirely natural, according to Dr. Hassan al-Janabi, the Iraqi Ambassador and Permanent Representative to the Rome-based international organizations FAO, WFP and IFAD. The problems were mostly man-made and aggravated by natural occurrences of drought conditions. The most recent water shortage of 2007-2009, is an example where water control structures, including dams and diversion schemes in the neighboring countries of Turkey and Iran, have prolonged the drought conditions time. Furthermore, the paper analyzes the concept of "water security".

A referendum is scheduled in Sudan during January 2011 which will decide whether the country remains as one state, or divided into two. MEES: Energy & Geopolitical Risk published a detailed report in its December 2009 issue on the main oil and political differences (www.mees.com) between the North and the South.

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The Fiscal Regime of the Iraqi Oil Model Contracts *

people and advisors with BP, Lukoil, Statoil, and others have made specific reference to this fact.

Table 4 Recovery Payment Cap-ERPC ($mn) estimated at different oil prices-P ($/B)

Oilfield	MEO ($mn)	IPT-FCP B/D	ERPC ($mn) 50$/B	ERPC ($mn) 60$/B	ERPC ($mn) 70$/B	ERPC ($mn) 80$/B
Rumaila (S&N)	300 **1700[a]**	105,000 **150,000[a]** **200,000[a]**	945 **1350** **1800**	1134 **1620** **2160**	1323 **1890** **2520**	1512 **2160** **2880**
West Qurna1	200	30,000 **24,400[b]**	270 **220**	324 **264**	378 **307**	432 **351**
Zubair	200	20,000 **18,300[b]**	180 **165**	216 **198**	252 **231**	288 **264**
West Qurna2	250	120,000	1080	1296	1512	1728
Majnoon	300	175,000	1575	1890	2205	2520
Halfaya	200	70,000	630	756	882	1008
Gharraf	150	35,000	315	378	441	504
Badra	100	15,000	135	162	189	216

Source: calculation. Notes: a: 2010 work program. b: Revised after BLP was set in the final contract (http://www.upstreamonline.com/live/article207648.ece Accessed 1 March 2010). Najma and Qayara were excluded due to their very heavy oil. ERPC= ((ComPro*360*P)/2)/1000000. Supplementary fees are not considered

In fact the IOCs can recover much higher investment if they decide to invest more than the MEO to expedite the development efforts of the related oilfield. The ERPC can then be re-invested to attain higher production leading to the designated PPT. In Rumaila for example, BP/CNPC had agreed with SOC on 2010' work program with a budget of $1.7bn leading into additional production of 150,000-200,000 b/d by the end of the year[10]. Such accelerated development, as compared with the contracted MEO over three years, would allow BP/NCPC to generate much more revenues to finance the gradual expansion to reach the plateau target on or before the envisaged date.

11- Performance Factor-PF. The actual payable remuneration fee could be reduced even further in accordance with the performance factor formula if the net addition in production is lower than the contracted Production Plateau Target-PPT. The inclusion of this condition in the contract was to prevent N/IOCs from inflating the PPT with the purpose of gaining higher score to outbid other competitors and crowd-them out during the bidding process. Many within the industry expressed views accusing the bid process for such high PPTs. Energy analysts Richard Savage and Alex Martinos at Mirabaud Securities, for example, said these production targets are, "[i]nflated after a licensing process that encouraged competing companies to set high production targets for each field, with limited economic penalties if these are subsequently missed."[11]

There are two issues related to PF
The first issue is related to the activation of the PF. The enforcement and application of the PF shall cease for so long as the following cases apply: (i) Government imposed production curtailment; and (ii) where normal production is curtailed or suspended through failure of Transporter to receive the same at the transfer point through no fault of the operator or contractor.

The first restrictive condition has implications regarding for example OPEC quota requirements and related obligations, while the second could be related to demand conditions, infrastructureal limitations, and circumstantial conditions such as security.

The second issue is related to the highly probable "dilemma or catch 22" situation cause by the incompatibility between the contracted PPTs and the obligations under Best International Petroleum Industry Practices-BIPIP.

The Production Plateau Target- PPT and the RF are the two parameters in the bid process. Furthermore, it decides the additional/incremental capacity if and when the final development plan for the related oilfield was executed to attain such level. Finally, it has direct relation with optimal depletion rate of the related reservoir/oilfield. In short PPT has contractual, technical and financial aspects each of which has unquestionable significance.

The BIPIP is an important principle embodied in all model contracts under considerations. BIPIP means all uses and practices that are generally accepted in the international petroleum industry as being good, safe, economical, environmentally sound and efficient in exploring for, developing, producing, processing and transporting Petroleum.

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The dilemma/catch 22 of the Iraqi Contracts.

There is a highly probable "dilemma or catch 22" situation caused by built-in contractual hurdles resulting from incompatibility between the contracted Production Plateau Target- PPT and the obligations under Best International Petroleum Industry Practices-BIPIP.

PPT and the remuneration fee- RF are the two parameters in the bid process. Furthermore, PPT decides the additional/ incremental capacity if and when the final development plan for the related oilfield was executed to attain such level. Finally, it has direct relation with the optimal depletion rate of the related reservoir/oilfield. In short PPT has contractual, technical and financial aspects each of which has unquestionable significance. Furthermore, the BIPIP is an important principle embodied in all model contracts under considerations.

The "dilemma or catch 22" situation could be explained as follows:

1. Many oil technocrats and professionals have expressed serious doubts regarding the achievability, sustainability and eventual effects of the contracted PPTs. Some question the possibility of attaining that PPTs, others say that even if attainable they are unsustainable during the contracted period, a third group suggests that even if reached and maintained it would be at the expense of an optimal depletion rate of the oilfields, causing serious and costly damages to the related fields.

2. On the other hand, the contract was constructed on the principle the BIPIP mentioned above. In this respect, the optimal depletion rate is a fundamental yardstick in sound reservoir management and engineering.

3. If the Contractor adhere to the BIPIP obligations and obeys by the optimal depletion rate, this could lead into a production level below the targeted PPTs. In this case the contractor would be penalised in accordance with the provision of the Performance Factor-PF, or even permits the Iraqi regional oil company-ROC to invoke the termination clause of the contract- at the extreme. On the other hand, if the contractor complies with the PPTs obligation, to avoid the Performance Factor or Termination effects, it would violate the obligation of the BIPIP and could be liable for damages inflicted on the field by this negligence.

The above represent serious dilemma/catch 22 situation for both Iraq and the N/IOCs, which could force the two parties to revise the related contracts. How such an amendment affects the application and worth of the PF and/or the PPT depends on the negotiation and the relationship when amendment phase takes place. The Iraqi side should consider such eventuality and prepare for it during the period leading to the commencement of the peak production (PPT).

Post-Development Scenarios and Strategies:

The 11 oilfields concluded so far during the two bid rounds and Al-Ahdab have among them a current production capacity of around 1.630mn b/d, and when they are fully developed they would have a total production capacity of 11.180mn b/d. This means Iraq will have an additional/ incremental production capacity-IPC of 9.577mn b/d.[11]

This additional/ IPC of 9.577 mn b/d, when attained, is very significant and could have very serious ramifications, whether it is fully or partially utilised. In this regards, Dr Shahristani asserts Iraq's oil policy would aim to "put in place a production ceiling aimed at maximizing revenues."[13] This obviously presents very serious risk and uncertainty regarding full utilization of such an expensive capacity development. What is needed, therefore, is to move from the generalities to the specific by deciding what level of production ceiling to maintain what level of revenues under which situation

The Iraqi decision makers should start from now to explore all possible situations pertaining to such an incremental capacity with clear Vision, functional Mission and feasible Actions- VMA approach.

For this purpose, four possible post-development scenarios are explored, and A Strategy-Situation Matrix is suggested. They are presented in a conceptual not numerical form at this stage, but the Iraqi decision makers should develop their formal optimal and dynamic position under different scenarios.

The post-development scenarios are envisaged under High/Low Incremental Production Capacity Utilisation (HIPCU)/ (LIPCU) within High/Low Global Demand for Oil (HGDO)/ (LGDO.)

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The following is a very brief review of the proposed scenarios and strategies:

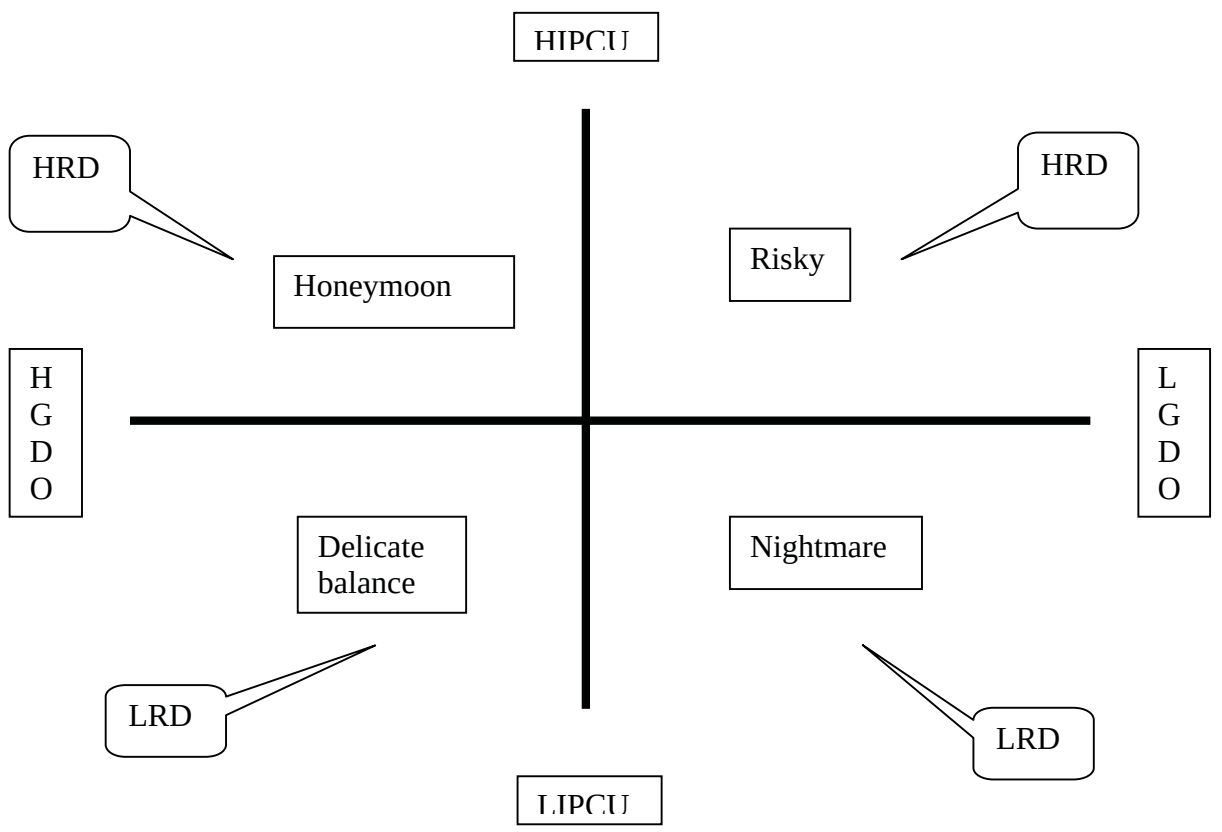
Honeymoon: This scenario occurs when global demand for oil is high enough to allow Iraq utilise most if not all its incremental production capacity. Such fundamentals-driven situation implies higher oil prices leading to higher oil export revenues and faster depletion of oil reserves (HRD).

Delicate balance: this situation is similar to the previous one but Iraq would be unable to utilise most of its incremental production capacity for a variety of reasons such as the OPEC quota. This remains to be a win-win situation since idle capacity is compensated by higher oil prices, to maintain acceptable oil exports revenues. The balance is delicate because this situation implies lower resource depletion rate (LRD) and if Iraq insist on higher utilisation this could increase supply and might reduce prices, and thus revenues.

Risky: when global oil demand is low so does oil prices and spare capacity at its peak. If Iraq uses more of its incremental capacity, it would push oil prices downwards. So what it gains by higher production it losses through lower prices, therefore it is a risky situation since it could lead to lower oil export revenues coupled with high depletion of oil reserves (HRD).

Nightmare: this is the worst case scenario which is characterised with low global demand for oil, lower prices and lower utilisation of the incremental production capacity, leading to lower oil export revenues. Though this situation leads to (LRD), the idle capacity has its own cost due to contractual obligations for paying remuneration fees during such a

Post-Development Scenarios



situation. This results in deepening the fiscal crisis of the state due to lower revenues and higher payment obligations.

Each of the above possible situations is very complex and highly vulnerable to exogenous factors effects. The implications of each situation on Iraq are far-reaching in all directions- positive and negative, depending on the actual timing of occurrence, duration and magnitude of each situation, and the factors and conditions that lead to such situations. The occurrence and re-occurrence are possible but unpredictable; the actual timing could be anticipated with prudent and persistent follow-up, accurate information and sound analysis; the durability is not possible to measure beforehand though with crises monitoring methodologies some indications and predictions could be made, and the same applies to the magnitude of each possible situation. Historically, while each situation is possible as part of the cyclical nature of economic activities worldwide, it is less likely that a specific situation could last for the duration of the 20 years plus covered by these oil deals.

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Thus, Iraq could very well face all or any combination of these four possible situations during the timeframe of these oil contracts. Therefore, Iraqi decision maker should start from now serious professional dialogue on these possible situations and the needed feasible policies to mitigate their highly probable effects. This entails debating, formulation and adopting a set of strategies to deal with each of these four eventualities. Flexibility, adaptability, dynamism and continuous revision should be among the features of such strategies. This is essential since the probability of facing any of these possible scenarios could be high and unpredictable.

Conceptual Situation/ Strategy Matrix-SSM

The following is a brief description of an example for strategy components with relation to the four possible post-development scenarios. The intention here is to provide conceptual framework, which can be elaborated and enhanced further.

Situation Analysis: Thorough, comprehensive, narrative and quantitative analysis of the situation covering all factors, variables, facts, and policies that had contributed/could contribute to the situation. Probability of occurrence, risk assessment, indicative parameters, early warning mechanisms especially for the worst-case scenario such as the "nightmare", should be explored carefully. Different methods are available and could be used to conduct such analysis for each of the four situations.

Impacts /Results Assessment: Each situation has and could have very different direct and indirect effects in the short term and impacts on the long term. Thus, the effects should be identified, quantified and analyzed from various aspects with different time horizons. Clear concepts, norms, measurement units, have to be developed with various methods for objective and independent verifications.

Policy Options: A set of policy options has to be explored, assessed and recommended for each situation. This has to deal with what to do with clear justification, timing aspects with desirable sequencing and prioritization of needed actions and finally how to implement such options. Policy options should be many and flexible and open for regular and prompt revisions when needed.

Institutional and Legal Frameworks: This is an important and crucial managerial and governance matter. It defines and specifies the institutions and entities that are in charge of formulating and implementing the strategy, describing their relevant role and functions, within established legal frameworks. All state branches, Judiciary, Executive and Legislative-(JEL-inclusive) should have a role to insure checks-and-balances, transparency and comprehensive oversight.

Technical annex: (Remarks and explanations on the methodology, statistical data and information, models, periodical revisions, and, objective verification, are to be elaborated)

Once again what this paper proposes is a "conceptual" framework for both the four scenarios and the strategies to deal with them. But the Iraqi decision makers have to develop these strategies into quantifiable and concrete policy options with institutional settings, legal frameworks, functional mandates and operational modalities.

Conclusion:

The fiscal regime of the model contracts has it advantages for both Iraq and the N/IOCs, and also disadvantages, especially, for Iraq. Earlier assessments of these contracts have led this author to conclude that they are not to the best interest of the Iraqi people as stipulated in the Constitution.

However, as far as the fiscal regime is concerned we conclude with the following:

1- Iraq, through the MoO, managed to get a reasonable "remuneration fee" for the oilfields offered under the two bid rounds concluded in June and December 2009, respectively. However, this should not cause complacency. IOCs through various ways and means, especially "transfer pricing" and "cost inflating" modalities could take in the right hand what they gave in the left one. Probably this is behind the recent early warning from MoO to BP not to inflate cost of production, as reported in the government-run daily newspaper AlSabaah[14] ;

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2- Even with these remuneration fees, which were originally considered by the IOCs as very low and unacceptable, the N/IOCs had expressed that they are expecting a rate of return on investment ranges from 15% to 20%. Four important factors could contribute to this generally very good rate of return on investment: the first is related to the early recovery of investment and remuneration. The second is the economies of scale due to the size of the oilfields, many of which are considered as supper-giant. The third factor is related to the low production cost and location advantages. The fourth factor is the long term contractual relationship which is equal to or more than 20 years. In addition to this favorable rate of return on investment, N/IOCs could secure strategic access and security of supplies, which has even more strategic significance for the integrated IOCs and for the states-supported NOCs.

3- The dilemma situation (PPT-BIPIP) is a very possible eventuality, and thus has to be addressed seriously, and a negotiated solution is needed to protect the interest of the Iraqi side.

4- Iraqi decision makers have to start from now to expedite the institutional capacity development regarding the fiscal regime to insure proper functioning and to protect the interest of Iraq in all phases of the contractual relationships.In this respect all aspects of related knowledge should be pursued: know-how, know-what, know-why, and, know-when.

5- Development scenarios, policy and strategy options have to be debated seriously and thoroughly within broader macro-economy sustainable development perspectives, and form national consensus and understanding to formulate them as soon as possible in order to put them in place when needed.

Table (5)
Basic Parameters for the Awarded Oilfields

Oilfield	**N/IOCs Consortium** (75%)	State Partner (25%)	CP-mbd (BLP)	PPTs-mbd/ Y	R F $/b)	S.B $m	IPT-FCP 000bd	Rese billio barre
AlAhdad	CNPC (100)	SOMO	0.000	0.115[a]/*Y	6	3	*	1.00[c]
Rumaila (N&S)	BP (50.666), CNPC (49.333)	SOMO	1.050[e]	2.850/ 7Y	2	500[b]	10% BLP	17.8
West Qurna1	Exxon Mobil (80), Shell (20)	OEC	0.300 0.244[f]	2.350/ 7Y	1.9	400[b]	10% BLP	8.6
Zubair	Eni (43.747), Oxy (31.253), Kogas (25)	MOC	0.200 0.183[f]	1.100/ 7Y	2	300[b]	10% BLP	4.1
West Qurna2	Lukoil (75), Statoil (25)	NOC	0.000	1.800/ 13Y	1.15	150	120	12.87
Majnoon	Shell (60), Petronas (40)	MOC	0.045[d]	1.800/ 10Y	1.39	150	175	12.58
Halfaya	CNPC (50), Total (25) Petronas (25),	SOC	0.003	0.535/ 13Y	1.40	150	70	4.098
Garraf	Petronas (60), Japex (40)	SOC	0.000	0.230/ 13Y	1.49	100	35	0.863
Badra	Gazprom (40), Kogas (30), Petronas (20) TPAO (10),	OEC	0.000	0.170/ 7Y	5.50	100	15	0.109
Qaiyara	Sonangol (100)	SOC	0.000	0.120/9Y	5.00	100	30	0.807
Najma	Sonangol (100)	IDC	0.000	0.110/9Y	6.00	100	20	0.858
Total			1.598	11.180	--	2053	----	63.69

Source: Compiled by the author. Notes: *: Not available. CP: Current Production. MEO: Minimum Expenditure Obligation. IPT-FCP: Improved Production Target-First Commercial Production as payment commencement condition. a: MoO announced that new information made available would increase the production plateau to 200,000 per day (as reported on Government run TV Channel Allraqia on 29th January 2010); b: Loan with LIBOR+1. c: More than. d: http://www.upstreamonline.com/live/article209880.ece Accessed 29 March 2010. SB: Signature Bonus. e: MEES reported 1,066 mbd (MEES, 53, nr. 2, 11th January 2010); f: revised after contractual setting of Baseline Production (http://www.

ثِق بها، إعتمِدها.

مَصرفُ لبنَانْ

upstreamonline.com/live/article207648.ece Accessed 1 March 2010). IR-bln: Investment Requirements in $ billions, comprising Capex and Opex. Y: Duration in years. §: Initial signature

[1] This paper was derived from two PowerPoint presentations made before the International Workshop "Future of Iraq: social, economic and political issues in question" organised by Japan Center for Middle Eastern Studies (JaCMES), January 16-17, 2010, Beirut, Lebanon, and Seminar on Iraq and the World Oil, organised by Centre for Global Energy Studies-CGES, 24 March 2010, London, UK.

[2] Jiyad, Ahmed M. (2009),' Preliminary Assessment Of Iraq's GSDPC Contract,' MEES v52n3, 17 July.

[3] Since December 2009 the Iraqi Federal Supreme Court has been considering charges against both the Premier and Minister of Oil submitted by former parliamentarian Shetha Musawi challenging the legality of the Rumaila oilfield contract, and the case is still under consideration.

[4] See UNCTAD,WIR 2007. P. 124.

[5] See Parliament website (in Arabic) http://www.parliament.iq/Iraqi_Council_of_Representatives.php?name=articles_ajsdyawqwqdjasdba46s7a98das6dasda7das4da6sd8asdsawewqeqw465e4qweq4wq6e4qw8eqwe4qw6eqwe4sadkj&file=showdetails&sid=3544 Accessed 25 January 2010.

[6] The Article on Taxes in DPSC is more complex and elaborated than in PFTSC with specific reference to possibility of stabilisation beyond 35% CIT.

[7] For the RF share for each IOCs in these concluded contracts see Ahmed Mousa Jiyad, 'Remuneration Fees Are Measured In Cents, Not Dollars!', MEES v53 nr 11 15 March 2010

[8] Jiyad Ahmed M., (2009) "Op-ed: Preliminary assessment of the GSDPC", in MEES-v52n30, 27 July.

[9] For these and other reasons the Legal Advisor to the Prime Minister expressed objection to such provisions and considered them against the laws. See Jiyad, Ahmed M (2010), 'The Legality of Oil Contracts Remains Questionable', in MEES v53n2, 11 January.

[10] MEES reported that for Rumaila, $1.5 billion is needed to increase the production by 100,000 b/d in the first 12 months (MEES, 53, nr. 2 11th January 2010.) However, the first joint management committee meeting held on January 20, provides higher and updated estimation on both budget and incremental production. See http://www.iraqoilforum.com/?cat=5 Accessed 16 Feb 2010. On the other hand the Iraqi TV Albaghdadia reported on 30th January 2010 that Iraq expects 100,000 b/d increase from Rumaila oilfield by July 2010.

[11] http://www.upi.com/Science_News/Resource-Wars/2010/01/29/Is-Iraqs-oil-strategy-too-ambitious/UPI-47401264801560/ Accessed 31 January 2010. In respons to such views the Minister of Oil made a strong statement to Reuters by stating, "These production target figures are contractual and were set in the contracts with the companies. The companies are obliged to implement them otherwise they should pay huge fines worth billions of dollars" See, http://www.reuters.com/article/idUSLDE60U09320100131 Accessed 5 Feb 2010.

[12] Iraq's IPC could be even higher if further development in the production capacities of other existing or new oilfields such as, Missan fields (Buzurgan, Abu Ghirab and Faqa) Nassiriya, KRG contracts and others are included.) In terms of reserves the 10 oilfields (excluding AlAhdab) have a total of 62,691 billion barrels representing 54.51% of Iraq's 115 billion barrels of proven reserves.

[13] http://www.mees.com/cms/2010/02/iraq%e2%80%99s-regions-look-to-reap-rich-oil-dividend/ Accessed 4 March 2010.

[14] http://www.alsabaah.com/paper.php?source=akbar&mlf=interpage&sid=99197

* The analysis provided in this paper is based on the model contracts that have been made available to the author. These documents are also available in the public domain on many websites, except for Al-Ahdab contract, which the author received from sources in Baghdad.

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Water Security in Iraq

Hassan Janabi*

Introduction:

Iraq is facing, for the first time in its long history, a serious water shortage problem. Aside from the seasonal variations in the flows of the Twin Rivers, the Euphrates and Tigris, ancient as well as contemporary Iraqis have never witnessed such a serious threat to water availability in the country. Most importantly, the causes of the recent water scarcity were not entirely natural. They were mostly man-made aggravated by natural occurrence of drought conditions. The most recent water shortage in Iraq in 2007-2009, is an example where water control structures, including dams and diversion schemes in neighboring countries, particularly in Turkey and Iran, have prolonged the drought conditions time, inflicting harm on Iraq's economy and environment, hence obliging the Iraqi Ministry of Water Resources to declare to the public that it may not be able to meet the water requirements for the summer season of 2010.

It is extremely difficult, if not impossible, for Iraq, which is a downstream country, to plan, manage and allocate its water resources, if the discharge in nearly all its rivers and tributaries is controlled by neighboring countries. Furthermore, all riparian countries are pursuing their own water resources development projects individually in the absence of any binding water sharing agreement. In the case of Iraq, the current state of water management practices in neighboring countries is damaging to its water security and in many aspects it is a destabilizing factor as Iraq's environment and rural economy continue losing their life support capacity.

What is "Water Security"?

Unlike the term "Food Security" which is well defined by the UN Food and Agriculture Organization FAO, there is no accurate definition of the term "Water Security". As water has a range of usages for diverse purposes, including for food production and agriculture, domestic or drinking and sanitation, commercial, industrial and recreational usages; the term "Water Security" may not have the same meaning per each usage.

Our understanding, of the term "Water Security" in this article is related to a few factors if all of them are completely or reasonably met then water security is said to be achieved.

1. Accessibility to the water resources is ensured in time and space. This is vital for irrigated agriculture, as

is the case in Iraq, where water must be available for seasonal crops at certain times of the year. Availability of water outside the required time would be of less value for agriculture and farmers would not be able to cultivate their farms.

2. Utilization of the water resources to achieve economic development is possible. Water is a significant economic input to achieve development and prosperity and as such water security is directly linked to the capacity of utilizing water resources in achieving economic growth.

3. Ability to manage the water resources sustainably and to ensure acceptable quality and quantity. Unless the country is able to manage its water resources in a way that ensures its sustainable supply and use without compromising the quality or quantity of the resource; water security would be vulnerable.

4. Ability to balance the competing demands for water such as for irrigation, domestic water supply and sanitation, hydropower, and, environmental requirements . Increased demand on water by all sectors is a challenge that must be addressed by resorting to the principles of Integrated Water Resources Management through which fair and balanced water allocation, pricing and governance are utilized to meet the competing demands for water.

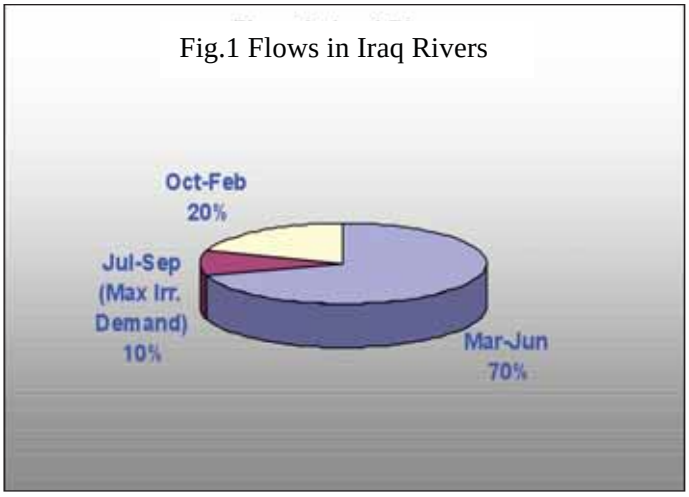
5. Long term Water Sharing Agreements with full participation of all stakeholders is achieved. This is critical to manage shared water resources in the area. The Euphrates River and the Tigris and most of the tributaries cross the borders of more than one country. Iraq is the downstream riparian state and is vulnerable to the water resources management practices in the upstream countries. In the absence of a long term water sharing agreement among the riparian countries, Iraq is by far the most disadvantaged country. The lack of Water Sharing Agreements represents a direct threat to water security in Iraq.

6. The environment is protected from pollution and degradation. It is extremely important that Iraq is able to protect its environment and provides for the restoration of the southern marshlands that have been deliberately drained by the former regime. The maintenance of Iraq's wetlands and the protection of biodiversity are preconditions for sound water management practices intending at ensuring water security.

Water Resources in Iraq:

The Euphrates and the Tigris rivers hydrology is a snow melt hydrology and is largely linked to the precipitation on the highlands of Turkey (and Iran in the case of Tigris River's tributaries). High precipitation of snow during the winter times would result in peak flows in the Euphrates and Tigris during the spring times and vice versa when the highlands receive low precipitation it would result in drought and water shortages in Iraq.
The water year or annual flow In Iraqi rivers is generally classified as wet, average or dry. Accordingly, water management plans and the seasonal operation of Iraq's hydraulic infrastructure, including storing or releasing, are based mainly on these three scenarios. However, devastating flood events took place in Iraq as well as severe drought and water shortages. The variation in the hydrological cycle manifested in the magnitude and sequence of floods or droughts is very critical. Generally, in the natural state of the rivers 70% of flows in the Iraqi rivers occur between March and June, 20% between October and February and 10% between July and September as shown in Fig.1

Fig.1 Flows in Iraq Rivers



The maximum demand on water is during the summer time where minimum flow has been historically observed. As a consequence, Iraq developed its water control structures, much earlier than its neighbors, to allow for storing excess discharges in the wet season and utilization in the dry season. As a consequence, Iraq developed an elaborate water system over time.
Although the first attempts to manage water resources in Iraq, both in terms of codification, as in the Code of Hammurabi, or construction of canals, dykes and control structures, took place in the ancient times; the real development in water resources management took place in the second half of the twentieth century. However, critical diversion structures like Hindya Barrage on the Euphrates and Kut Barrage on the Tigris were constructed in 1918 and 1939 respectively. They have played a major role in Iraqi agricultural production.
Currently, Iraq possesses a highly controlled and fairly flexible water system. However, one of the main features of Iraq's water system, at least in most its infrastructures, is the assumption that historical discharges in Iraqi rivers and tributaries would remain unchanged. As Iraq is the most downstream country, this assumption is now shaky. In the last three to four decades riparian countries resorted to unprecedented programs of dams building, resulting in significant changes in the natural cycle of water in the Euphrates river and in the lower reaches of the Tigris River (as a result of construction of dams and diversion schemes in Iran). This variation is evident in the Euphrates River recorded discharges at the Iraqi-Syrian border, as well as the substantially elevated salinity level and the encroachment of the Gulf water into Shatt Al-Arab.

The flow of the Euphrates at the border point has been declining since mid 1970's as shown in Fig.2., with the

construction and filling of a series of dams in Turkey (Keban, Karakaya, Ataturk, Birecik and Karkamis) and in Syria (the Baath, Tabqa and Tishreen).

The reduction in inflows at the Iraqi border with Syria is estimated at about 10 BCM per annum and the trend line for the last 30 years is very alarming. If the trend continues, Iraq will face deadly water shortage.

Fig.2 also shows that Dam construction, of the scale observed in Turkey, is a serious intervention in, and alteration of, the natural hydrologic cycle. The most devastating period on the Euphrates River was the period of the filling of the dam. The decline observed in the discharges of the Euphrates River between 1990 and 1994 is a consequence of the filling of the Ataturk Dam.

The monthly average flow for the periods 1925-1973 (before the construction of dams in Turkey and Syria) and after the construction in 1975-2005 is shown in Fig.3. The peak flows in the months of March, April, May and June observed in Iraq during the pre-dams period has been significantly reduced compared to the post dams period. However, more discharges have been recorded in the months from July to February in the post-dams period and this mainly due to the controlled releases from upstream dams in Turkey and Syria. Unfortunately the volumes of releases in the summer months are much less than the volumes retained during the wet seasons.

The series of Turkish dams provide full control on the flow of the river both in terms of quantity as well as the timing of releases. In the absence of water sharing agreement or coordination of the operating procedures in the three countries, this could be damaging to the economy, particularly the agricultural economy, and a threat to the ecosystem and biodiversity particularly for the season-sensitive species.

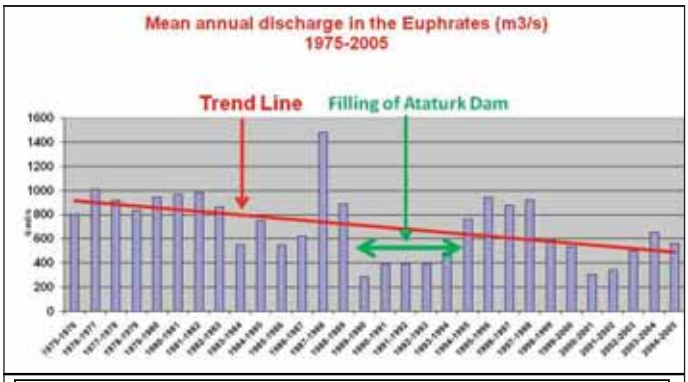


Fig.2 Mean Annual Discharge in the Euphrates R.

In fact Turkey continues to be the most active country in the world in the field of dam building. In the last 30-40 years Turkey constructed more than 650 dams of which more than 20 dams on the Euphrates and Tigris River basins where Turkey has, in the Euphrates River only, a storage capacity of 92 Billion Cubic Meters (BCM). This is more than three times the average flow of the Euphrates Rivers. Turkey is also pushing for the construction of Ilisu Dam on the Tigris River despite the pulling out of the European countries (Germany, Austria and Switzerland) from financing the project. The Ilisu dam, if constructed, will be a major blow to Iraq by reducing the Tigris discharges at the border with Iraq by nearly 50% of its annual average.

Iraq's new realities and the push for water security:

Throughout their long history, Iraqis always found water to be readily available and safe to drink and utilize. In southern Iraq, there was plenty of it everywhere in the Mesopotamian marshes all year round and ancient Sumerian civilization flourished on water. The abundant water provided everything that sustains human life in the area for thousands of years. The Sumerian way of life continued for five thousand years uninterruptedly up to the modern times.

However, the new reality of water resources in Iraq is somewhat different. There is less water flowing in the Iraqi rivers. Water management and operations in the neighboring countries are based on their needs only and they are unwilling, except in the case of Syria, to respond to the Iraqi demand to reach a fair and long term water-sharing agreement. Climate change and variability impact are reflected in less rainfall, elevated average temperature, shrinkage of vegetation cover and desertification, increased stresses on the vulnerable and newly restored Iraqi Marshes and extended drought. For instance, the last drought 2007-09 has been unprecedented in its severity and length. The Haditha Dam power generation capacity was interrupted for extended periods and no diversion has taken place to the Habaniya Lake and a major reduction in the areas of cultivated land in winter and summer seasons.

Nonetheless, the Iraqi Ministry of Water Resources succeeded in establishing good relationships with neighboring countries resulting in regular high level meetings and increased cooperation. The capacity of the Ministry of Water resources to ensure water security for Iraq must be supported including in terms of financial support and various other forms of support to be able to join forces and lead all national stakeholders, including the Ministry of Municipalities and Public Works, The Ministry of Environment, Baghdad Amanat and provincial authorities water-related departments. This is essential to implement its long term strategy and to introduce water reforms at the national level and influence the regional approach of water management.

To meet the five factors, listed above as indicators for water security in the country, Iraq requires adequately empowered and well resourced Iraqi water-related ministries and institutions to carry on with intensive efforts at national, regional as well as international levels.

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Fresh Water in the Arab Countries

The following report was commissioned by the Arab Forum For Environment and Development (AFED), written by Dia El-Din El-Quosy, and published as part of the 2009 Report of the Arab Forum For Environment and Development (www.afedonline.org). The following is a summary of the article by MEES.

The Arab world is one of the most water stressed regions in the world.

Facts & Figures:

"About two thirds of the renewable water resources of the Arab world originate outside the region. 80% of the area of the Arab countries is barren desert, and therefore the region is mainly arid with small pockets of semi-arid climatic conditions. The average annual rainfall varies between 0 and 1800 mm while the average evaporation are in more than 2000 mm/year.

"The area of the Arab world contains almost 10% of the dry land on earth while water resources do not exceed 1% of the world's total. Despite this water poverty, 80% of the water budget in the Arab world is allocated to agriculture, the highest water consuming development activity, while industry consumes 12% and the remaining 8% is allocated to domestic and potable use. Although about 2000 billion cu ms of rain falls every year on the Arab countries, the amount of effective rainfall that is beneficially utilized is much less than this figure; huge quantities are lost in evaporation from the water free water surfaces, evaportranspiration of aquatic plants in swamps and marches, or lost to the sea or the ocean.

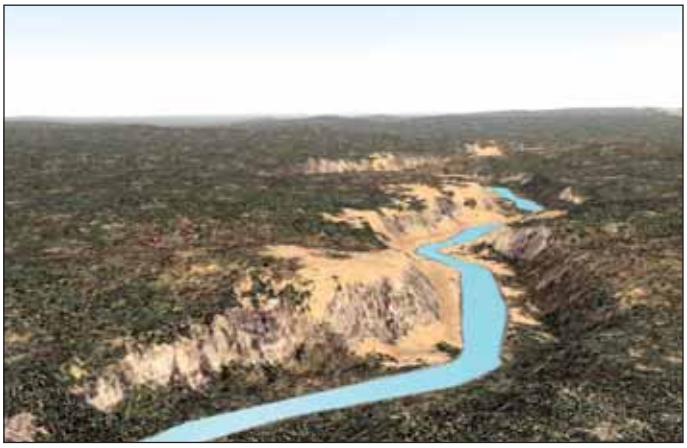
"There are 34 continuously flowing fresh water rivers in the Arab world; their catchments may be as small as 86 sq kms in the case of the Zahrani River in Lebanon, And 2.8mn sq kms in the case of the Nile.

"The percentage of water used in the Arab world out of the total available is less than 50%, which means that almost 50% of the renewable water resources are still unutilized. Nonetheless food imports to the region make up more than 50% of food consumption and only 25% of arable land is cultivated.
"Annual renewable water resources in the Arab region are about 244 bn cu ms/year of which 204 bn cu ms/year are surface flows and 40bn cu ms/year are renewable groundwater. Withdrawal in some Arab countries exceeds the renewable supplies, while others are just at the limit.

"It is not only the limited water resources that pose problems; the harsh climatic conditions and the use of the majority of Arab countries' water in water consuming activities like agriculture add to the magnitude of the issue. This is exacerbated by high population growth rates, which add a chronic nature to the problem and aggravate its impact. If all this is crowned by climate change, the situation might catch an intolerable condition which may

ultimately affect the environmental, economic, social, political and even security stability of the region."

Hydrological Division of Arab Countries:



The Arab countries can be divided from the hydrologic point of view into the following subdivisions:

- Al Mashrek countries: Iraq, Syria, Lebanon, Jordan and Palestine. In this region, Iraq and Syria are partially dependant on the Tigris and Euphrates rivers, originating from Turkey. The two countries have rainfall of reasonable intensity and groundwater potential in both countries is relatively high. Syria enjoys small flows caused by snow melt from the peaks of some local mountains. Meanwhile, Lebanon depends on a number of local rivers or rivers shared with one or more of the neighboring countries. Furthermore, the per capita shares of water in Lebanon as well as in Syria and Iraq are the highest among all Arab countries. Finally, Jordan and Palestine are the water poorest in this region since they depend upon the Jordan river and small quantities of rainfall and groundwater.

- Al Maghreb countries: Libya, Tunisia, Algeria, Mauritania and Morocco. All five Maghreb countries depend mainly on rainfall and partially on modest groundwater reserves.
- Nile Basin Countries: Egypt and Sudan. The southern part of Sudan enjoys ample precipitation which can meet the prevailing evaporative demand; however, rain gradually vanishes north of the capital Khartoum. The natural flow of the Nile forms 95% of the Egyptian water budget, with the remaining 5% composed of minor quantities of rain which falls on the coast of the Mediterranean and Red Sea (about 1.5bn cu ms/year) plus modest reserves of groundwater aquifers.

- Arabian Peninsula: Saudi Arabia, Kuwait, United Arab Emirates, Qatar, Oman, Bahrain and Yemen. This is the poorest region with respect to water resources, where rainfall is rare by all standards, groundwater either does not exist or has already been depleted and surface water is virtually non-existent. The region depends on its water needs mainly on the desalination of water from the Gulf. Yemen is the only country in the Arabian Peninsula which depends on rainfall and partially on groundwater.

- Sahel Countries: Somalia, Djibouti and Comoros Islands. All three countries are dependent on rainfall with modest potential of groundwater.

Conclusions:

"The Arab world is one of the most arid areas of the world. The area of Arab countries contains almost 10% of the world's dry land, while the region's population is only 5% of the world population. Alarmingly, water resources in the Arab countries are very limited, making up only 1% of the world's renewable fresh water. Almost two thirds of water in the Arab world originates in non-Arab countries miles away. Almost 80% of water resources are used in the agriculture sector which consumes vast amounts of water due to severe climatic conditions. Fast growing population and the need to raise people's standard of living increase water consumption dramatically. The expected effects of climate change might aggravate the situation by reducing river flows and rainfall as well as deteriorating groundwater quality.

"Mitigation of the causes of climate change includes: less and efficient consumption of fossil fuel, more production of renewable energy and more cultivation of forestry and green areas. Adaptation measures include: protection of low-lying lands and river deltas from inundation and sea water intrusion, change of cropping patterns, adoption of water saving techniques and introduction of integrated water resource management. Finally, Arab countries have to reconsider water allocation among different development activities where water use efficiency represented by production per cubic meter of water overrules production per init area of land, i.e., optimization of water use which gives maximum economic return per unit volume of water.
"The Arab world will face not only increasing temperatures but, more importantly, also disruption of the hydrological cycle, resulting in less and more erratic rainfall that will aggravate even further the already critical state of water scarcity and difficulties with water allocation among different development activities.

"Most poor residents of rural areas will suffer and will require a range of coping strategies to help them adapt to climate change. Strategies will include diversifying production systems into higher value and more efficient water use options. Improved water use efficiency can be realized by following supplementary irrigation techniques, adopting and adapting existing water harvesting techniques, conjunctive use of surface and groundwater, upgrading irrigation practices on the farm level and on the delivery side, and development of crops tolerant to salinity and heat stress. Water quality should also be maintained at higher levels by preventing contamination through sea water intrusion. In addition to the above general water saving measures, a number of country specific steps have to be taken according to each country's needs and requirements."

South Sudan President Sworn in; Referendum is Next

JUBA, Sudan — The president of southern Sudan was sworn in on Friday, eight months ahead of a scheduled referendum on whether the south will secede from the north.

President Salva Kiir told about 1,000 people gathered on a blistering morning that he would promote unity and consolidate a democratic system of government.
New billboards have recently replaced campaign signs in the southern capital of Juba, signaling a shift in the southern government's priorities toward preparation for January's referendum. "We are close to the nation we have all wished to see," reads a new billboard on the road from the airport into town.

The south and the northern government, led by Sudanese President Omar al-Bashir, must still negotiate how the two regions will share oil revenues and divide access to the Nile River waters before the referendum. Divisions of the country's debts and assets, and questions of citizenship and minority rights also still need to be negotiated.
Analysts worry that the 5-year-old southern government will struggle in completing a daunting array of tasks prior to the holding of its self-determination referendum.
Bashir is expected to be sworn in next Thursday. He is wanted by the International Criminal Court for atrocities committed in the western Sudan region of Darfur, and Human Rights Watch this week urged European diplomats to not attend his inauguration next week.

The group said that "governments that are committed to justice for atrocities committed in Darfur" should boycott the ceremony.

Kiir won last month's vote in a landslide, getting 93 percent of ballots cast.

In his speech, he pledged to improve the education system in the south, where the U.N. estimates that less than 50 percent of children receive five years of primary school education, and where 85 percent of adults are illiterate.
Kiir said that the percentage of women in southern Sudan who die in childbirth is "shameful," and that progress must be made in extending health services throughout southern Sudan's vast, largely remote and rural peripheral regions. He also called for reconciliation within the south, which has been devastated by decades of conflict.

In attendance Friday were Ugandan President Yoweri Museveni, former Kenyan President Daniel Arap Moi and Sudan's second vice president, Ali Osman Taha.

Source: Associated Press - http://www.google.com/hostednews/ap/article/ALeqM5g8Q-mU44e7q6T1aMmk9RIeEmiykgD9FR9NMO0

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