

## **THE SEMANTICS BEHIND THE 'WATER OF PEACE': STRENGTHENING THE DEPENDENCE OF 'TRNC' ON ANATOLIA**

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The ceremony in the occupied northern part of the Republic of Cyprus (RoC) on 17 October 2015, in the presence of Turkish president Recep Tayyip Erdogan, for the inauguration of the 80 km-long underwater trans-Mediterranean fresh water pipeline<sup>1</sup> from the Anatolian coast of Anamur to the Panagra coast in the self-proclaimed 'Turkish Republic of Northern Cyprus' ('TRNC')<sup>2</sup> – beyond its obvious functionality – carries symbolic insinuations as well as strategic implications. The water scarcity on the Eastern Mediterranean island, consequent of the continually diminishing rainfall during the last decades – addressed effectively by the RoC through the timely construction of an adequate number of reverse osmosis desalination stations – was not followed in the occupied area of the Republic. The initial idea for the transfer of Turkish water to the island that dates back to 1976 was introduced by businessman Uzeyir Garih in 1995.<sup>3</sup> But after repeated failed attempts with giant floating balloons in 1997 by a Turkish subsidiary of the Norwegian Nordic Water Supply company and with high-cost tanker transfers by the Turkish State Waterworks Authority DSI,<sup>4</sup> attention was eventually focused by AKP's Islamist government of Erdogan on an ambitious project with deep national symbolism.

The technologically high-risk, financially expensive and energy consuming solution for the underwater 160 cm-diameter Mediterranean pipeline – the largest in the world, that could carry annually 75 million cubic meters of water – at a total construction cost of USD 576.3 million, submerged at 250 meters below sea level, was considered by Ankara as preferable to the lower-risk, effective desalination technology which carried less

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<sup>1</sup> <http://www.dsi.gov.tr/projeler/kktc-su-temin-projesi> [accessed 17 November 2015].

<sup>2</sup> The unilateral Turkish Cypriot declaration of the 'TRNC' on 15 November 1983 was considered as *legally invalid* by the Security Council of the United Nations, which also 'called all States not to recognize the purported State of the "Turkish Republic of Northern Cyprus" set up by secessionist acts': Resolution 541 (1983) of 18 November 1983 [S/RES/541(1983)] and Resolution 550 (1984) of 11 May 1984 [S/RES/550(1984)].

<sup>3</sup> 'Pipeline to carry Turkish fresh water to Cyprus now completed', *Hurriyet Daily News*, 7 August 2015, <http://www.hurriyetdailynews.com/pipeline-to-carry-turkish-fresh-water-to-cyprus-now-completed.aspx?PageID=238&NID=86603&NewsCatID=348> [accessed 27 November 2015].

<sup>4</sup> Sevgi Sayar, 'Northern Cyprus to drink Dragon Creek water in 2012', *Turkish Daily News*, 21 February 2007, translated in RoC, Press and Information Office, Turkish Mass Media Bulletin 22 February 2007, <http://www.moi.gov.cy/moi/pio/pio.nsf/All/7081DD62A2FB8597C225728A003DC409> [accessed 27 November 2015].

symbolic connotations. The discreet insinuation of the notional connection – an umbilical cord – between the occupied northern part of the island under ‘TRNC’ and ‘motherland’ Turkey, was perceived as vitally more important than the technical challenges – such as the buoyancy forces, the dynamic sea currents, shipping traffic, and the seven bar operating pressure<sup>5</sup> – of the project which began in 2011.

Apart from being in contravention of the rules of general international law owing to the illegality of the breakaway regime in northern Cyprus,<sup>6</sup> the laying of the Turkish underwater pipeline constitutes a direct violation of Article 8A of Laws 64(I)/2004 and 97(I)/2014 of the Republic of Cyprus that prohibits the installation and operation of underwater pipelines in the Exclusive Economic Zone (EEZ) and/or the continental shelf of the Republic without the permission of the Cypriot Minister of Communications and Works.<sup>7</sup> Similarly, it violates Article 5(1) of the Underwater Pipeline Regulations 579/2014, which prohibits the installation and operation of any underwater pipeline without the permission of the RoC.<sup>8</sup> Taking into consideration that all related laws and regulations of the Republic were enacted in accordance with the 1982 Montego Bay United Nations Convention on the Law of the Sea that was ratified as RoC Law 203/1988,<sup>9</sup> unilateral Turkish interventions are directly violating the principles of international law.

Practically, the Turkish water is expected to address the drinking and irrigation needs<sup>10</sup> of the ‘TRNC’ – despite the continually diminishing number of Turkish-Cypriots who turned into a minority within Turkish settlers and nationals – for at least the following 30 years. Strategically, the reported presence of underwater sensors and transmitters for the timely identification of pipeline faults and damages,<sup>11</sup> may also include underwater devices and automatically activated sonars that can detect submarine movements in the sensitive naval passage, between the

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<sup>5</sup> [http://reinert-ritz.com/free\\_pdf/TR-Reinert-Ritz\\_Turkey-Project.pdf](http://reinert-ritz.com/free_pdf/TR-Reinert-Ritz_Turkey-Project.pdf) [accessed 27 November 2015].

<sup>6</sup> ‘TRNC’ is the offspring of illegal use of force contrary to the prohibition of the use of force (Article 2(4) UN Charter), which is a jus cogens rule, therefore it cannot attain international legal personality.

<sup>7</sup> Law 64(I)/2004, Part I(I) of the *Official Gazette of the Republic of Cyprus*, 3831, 5 April 2004; Law 97(I)/2014, Part I(I) of the *Official Gazette of the Republic of Cyprus*, 4452, 11 July 2014, pp. 723-729.

<sup>8</sup> No. 579/2014, Part III(I) of the *Official Gazette of the Republic of Cyprus*, 4840, 23 December 2014, pp. 3230-3237.

<sup>9</sup> Law 203/1988, Part I of the *Official Gazette of the Republic of Cyprus*, 2363, 14 November 1988, pp. 2983-3396.

<sup>10</sup> It is estimated that 50.3% (37.76 million tons) of the annual transfer of water will be used for drinking and 49.7% (37.24 million tons) will be allocated to irrigation.

<sup>11</sup> ‘Pipeline to carry Turkish fresh water to Cyprus now completed’, *Hurriyet Daily News*, 7 August 2015, <http://www.hurriyetdailynews.com/pipeline-to-carry-turkish-fresh-water-to-cyprus-now-completed.aspx?PageID=238&NID=86603&NewsCatID=348> [accessed 29 November 2015]

northern coasts of Cyprus and the southern coasts of Anatolia, indirectly turning it into a semi-enclosed controlled sea.

While the Turkish 'project of the century' was celebrated in the occupied northern part of the island as an impressive achievement – a generous contribution of the Turkish 'motherland' to the local Turkish-Cypriots – behind it were disguised deeper incentives. Article 2 of the detailed agreement signed on 19 July 2010 between the Turkish Republic (TR) and the 'TRNC' clarified that all the underwater as well as the land facilities of the project, including those on the occupied part of the island – that were constructed by Turkish rather than Turkish-Cypriot companies – would belong solely to the TR and not the 'TRNC'.<sup>12</sup> Ankara's real intentions over the 'humanitarian' project emerged four weeks after its festive inauguration, when a *water crisis*<sup>13</sup> emerged between the TR and the 'TRNC', after the former unexpectedly cut the flow of Turkish water to the latter as a consequence of a Turkish disagreement over the Turkish-Cypriot request for the local management of the supplied water.<sup>14</sup> Although the Turkish government attributed the interruption to 'routine testing works',<sup>15</sup> it was revealed that Ankara rejected the local proposal for the management of the water by the Turkish-Cypriot company BESKI formed by the Turkish-Cypriot municipal authorities for this purpose.<sup>16</sup>

A well-intentioned observer may arguably ask: If Ankara is effortlessly using the supply and interruption of Turkish water to the 'TRNC' to regulate Turkish-Cypriot behaviour, how reliable and truthful are Erdogan's and Akinci's<sup>17</sup> 'water for peace' proposals to share this valuable

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<sup>12</sup> Interstate framework agreement between the government of the Turkish Republic and the government of the 'Turkish Republic of Northern Cyprus' regarding the water needs of the 'Turkish Republic of Northern Cyprus', signed between Cemil Cicek [deputy prime-minister of the Turkish Republic] and Irsen Kucuk [prime-minister of 'TRNC'] in occupied Nicosia, 19 July 2010.

<sup>13</sup> The emerging crisis appeared in the Turkish press before the festive inauguration ceremonies of 17 October: Omer Bilge, 'Authorization crisis erupts over pipeline carrying fresh water to Turkish Cyprus', *Hurriyet Daily News*, 2 October 2015, <http://www.hurriyetdailynews.com/authorization-crisis-erupts-over-pipeline-carrying-fresh-water-to-turkish-cyprus.aspx?pageID=238&nID=89290&NewsCatID=344> [accessed 29 November 2015]

<sup>14</sup> 'Turkey cuts flow of water to Turkish Cyprus due to rift over pipeline management', *Today's Zaman*, 20 November 2015, [http://www.todayszaman.com/anasayfa\\_report-turkey-cuts-flow-of-water-to-turkish-cyprus-due-to-rift-over-pipeline-management\\_404876.html](http://www.todayszaman.com/anasayfa_report-turkey-cuts-flow-of-water-to-turkish-cyprus-due-to-rift-over-pipeline-management_404876.html) [accessed 29 November 2015].

'Pipeline carrying water to northern Cyprus 'blocked due to crisis', *Hurriyet Daily News*, 20 November 2015, <http://www.hurriyetdailynews.com/pipeline-carrying-water-to-northern-cyprus-blocked-due-to-crisis.aspx?pageID=238&nID=91448&NewsCatID=345> [accessed 29 November 2015].

<sup>15</sup> Evie Andreou, 'Turkey denies cutting water supply to north', *Cyprus Mail*, 21 November 2015, <http://cyprus-mail.com/2015/11/21/turkey-denies-upply-to-north/> [accessed 29 November 2015].

<sup>16</sup> <http://www.ant1iwo.com/news/cyprus/article/223644/i-tourkia-kovei-to-nero-sta-katehomena/> [accessed 29 November 2015].

<sup>17</sup> Mustafa Akinci is the president of the 'TRNC'.

life commodity with the Greek-Cypriots in a prospective agreement for the solution of the Cyprus Problem?