

The Marshlands of Southern Iraq: A Very Humanitarian Dilemma

Sayyed NADEEM A KAZMI

Al-Khoei Foundation, London & New York

Introduction

The issue of the Marshlands and their inhabitants - human, animal and plant - encapsulates many divergent themes: scientific, economic, political, cultural and legal. And contrary to most analyses it covers a relatively wide geographical area outside Iraq. But whatever the theme we propose to follow - and in whatever context we wish to pursue a given topic - the common denominator in most discussions surrounding this issue is the environmental destruction of the Marshlands, with the Government of Iraq being accused of a systematic policy that has proved catastrophic both for Iraq's people and their unique natural surroundings, as well as Iraq's neighbours. In the latter context, activities in the Marshes have had perhaps the profoundest effect on the Islamic Republic of Iran.

The Marsh Arabs are one of - if not THE - world's oldest surviving civilizations. The word 'survival' is extremely pertinent when talking of the Marshlands and the Marsh Arabs themselves epitomize no less the forgotten victims and survivors of conflict, displacement and economic and socio-political turmoil. Not least in this equation is the international geopolitical dimension, inextricably linked with the vast reserves of untapped oil beneath the Marshes bed.

First, to put things into some recent historical context: In March, 1991, immediately following the Gulf War, an uprising occurred among the people of Southern Iraq, particularly those based in the Shi'a Islamic holy cities of Najaf and Karbala. The Marsh Arabs, who are mainly Shi'a Muslims, took part in this uprising both in terms of active opposition to the Iraqi Government and playing hospitality to rebels fleeing or hiding from Iraqi Government forces.

I travelled to the border region of the Marshlands, in South-western Iran, in May 1991. I was one of the first to visit the area just a month or so after the failed uprising. Indeed, many of the refugee camps I visited, whether in Shush or Shushtar, Dezful or Ahwaz were full to overflowing with refugees, mainly from the Marshlands region. They related to me tales of

torture, executions, of young children tied onto the front of tanks to act as deterrents for rebel snipers, of a scorched-earth policy against them and their environment by the Iraqi forces.

What, for me, made the plight of the Marsh Arabs particularly sad was that here were an unrepresented people - fishermen and natural agriculturalists - who had no voice anywhere in the world. Despite all that they had suffered, they showed a great zest for life and love of nature in their material simplicity and ascetic quality of life. They were not interested in this or that ideology - simply to live a life at one with the environment, at one with the water in a very special environment which is, according to the Marsh Arabs' own mythology, the original Garden of Eden where mankind first experienced the Enlightenment of God that would lead humanity to excel all other creation, so that humans were to become what the Holy Qur'an refers to as the "vicegerents of God on Earth".

The Situation inside Iraq and its Effect on Iran

An earlier assessment by the United Nations described the post-Gulf War situation in Iraq as 'dismal'. "The cumulative effects of economic sanctions, hyperinflation, unemployment and [the] .. drop in crop production has led to 'disquieting levels' of suffering. Lack of supplies and spare parts led to increases in disease, including diarrhoea, cholera, typhoid and malaria. Many thousands of Iraqi children have died since 1991. Malnutrition is rife and infant mortality remains high. In this context, the Special Rapporteur for Human Rights in Iraq, Mr Max van der Stoel, described the southern region, which comprises the Marshes as well as the Shi'a holy cities as "particularly disfavoured".

The Marshlands

The Marshlands of southern Iraq are one of this planet's most unique and significant ecological regions. Geographically, they are principally the Huweiza, the Amara and the Hammar Marshes which are politically divided into the provincial governorates of Basra, Misan and Nasiriya (DhiQar).[2] The region is located in the lower section of the Tigris-Euphrates basin between 33° and 30°N and 45° and 48°E. It covers approximately 17,000 sq.km. and is home to a variety of rare and endangered species, including the Pygmy Cormorant, Dalmatian Pelican, Red-breasted Goose, Imperial Eagle and Basra Reed Warbler. The Marshes have been described by the World Conservation Monitoring Centre as a site of primary ecological interest. It is an area of rich fertile wetlands that is roughly the size of

Wales in Great Britain, that stretches from Amara south to Basra and from Nasiriya east into Iran.[3]

The Marsh Arabs are a disparate conglomeration of ancient tribes that have been described as a "vulnerable minority living on marginal land".[4] Anthropological studies have shown a direct link to the Sumerians, one of the earliest civilizations, although they have a variety of origins. They are distinguished by their unique habitat and way of life that they have developed in response to the natural environment. They have maintained a system of almost complete reliance on the local marsh waters and are expert rearers of buffalo, from which they manage dairy production. They are also arguably the finest fishermen in the Gulf region, having developed a successful marketing system that has, for centuries, allowed them to supplement their existence.

The population numbers are hard to discern given the far-reaching dislocation of the indigenous tribes, but estimates have suggested that at least 200,000 people lived in the heart of the Marshes before the Gulf War - and that this number was swollen by approximately 50,000 following the Iraqi Government's repression of the Shi'a in 1991. There has been a substantial decrease in population in the last 30 years, a period which has seen a huge increase in the Iraqi population overall. The Marsh Arabs have experienced a significant outmigration for reasons other than those related to the conflict, such as the continuing harshness of the environment. In addition, there is the disruption caused by the presence of opposition forces in the area, and the flooding of local villages as a result of the construction of military earthworks. The greatest effect of this outmigration has been on Iran. Indeed, due to their proximity to Iran (the Huweiza Marshes extend into Iran), the region is perceived by the Iraqi regime as a threat. At the same time, the Iraqi Government stepped up its military and industrial involvement in the area thereby adversely affecting not only the cultural environment but the delicate ecological status quo. The draining and consequent destruction of the Marshes, which the Iraqi Government officially defends as a natural by-product of completing a longstanding desalination programme, has meant the almost total annihilation of the largest wetlands eco-system in the Middle-East, and an internationally protected wetland site.

In his statement to the Commission for Human Rights in Geneva, on 2 March 1993 [5], the UN Special Rapporteur for Human Rights in Iraq quoted a document, dated 8 February, 1989, in which a "Plan of Action for the Marshes" [6] stated, inter alia, that "strategic security operations such as poisoning, explosions and the burning of houses must be conducted .. in

the Marsh areas .. that consideration must be given to the possibility of regrouping Marsh villages on dry land ..".

Iraq began draining the eastern part of the Marshes, nearest the Iranian border, during its war with Iran in the 1980s. The 1989 document referred to here, which described the area as home to "deserters and hostile elements .. engaging in subversive activity", called for the cutting off of food supplies, banning the sale of fish, confiscating all motorized boats, using helicopters in a round-up campaign and "an economic blockade (to restrict) access to the vital requirements for everyday life". It may be assumed that this policy was directly associated with Iraqi governmental fears, harboured for decades but compounded by the Iranian Revolution, of Iranian expansionism. This xenophobia was encouraged by continuous Western support for Iraq in the shape of military and economic aid. To the West, during this time, it was still very much the fear of an Iranian-inspired Shi'a hegemony in the region that affected its - especially United States - foreign policy directives towards the Persian Gulf. One may safely assume, therefore, that the Marshes were part of the strategic equation of the West in the 1980s, and that the general Western attitude towards the Marshlands was driven by security considerations rather than questions of environmental or human concern.

Human rights organizations have expressed concern about the destruction in the Marshes. In their draft report (cited above), the US-based Middle-East Watch, warned that, "Unless this scheme is swiftly halted, and reversed, by Summer, 1993, the damage is likely to be irreversible - with disastrous ecological, social and human consequences for the region". Their estimated timescale was not wrong. Depopulated refugees continue to maintain, eight years on, that practically the whole of the Marshes Heartland - has now been drained. This has destroyed the wildlife, flora and fauna that depended on this wetlands, and many species now face extinction. Embankments and levees have been constructed along the Tigris River and channels intercept the flow of distribution back into the river depriving the Marshes of reflooding. It is no wonder, then, that such a scenario has been describe as an environmental and human genocide[7].

Environmental Destruction: Water Diversion and the Two Great Rivers

The purpose of the original Iraqi governmental project to drain part of the Marshes, known as the Third River, was to desalinate areas between the Tigris and Euphrates. There is a long-established tradition of water control and land reclamation in the area since the 1950s. During the Iran-Iraq War, c.120km.sq. was reclaimed west of the Tigris and large areas of the

border were flooded for defence purposes. The aim, according to Iraqi statement, is even now irrigation for reclamation of agricultural lands vital for overcoming food shortages, especially because of imposed sanctions, which have themselves had a devastating effect on Iraq's economy and society.[14]

Landsat images from the British Ministry of Defence showed new canals and earth barriers as far back as 1993. Compared to images from the early 1970s, it was clear that the Marshes have decreased by more than half and have dramatically changed in colour, from a lush green to a muddy brown. That was eight years ago, when there was more interest in the region from outside. Today, as much as 90% of the Central Marshes (Qurnah) are dry and, with no land to support them, the inhabitants have been forced to flee, mainly to Iran.[17] An estimated 200,000 people are dispersed inside Iraq.

The Shi'a Community of the Marshes and their Relationship with Iran

Contrary to most assumptions, the Shi'a Muslim community of the Marshlands, whether in Iraq or on the Iranian border, share little with their Iranian neighbours in terms of culture or social organization. It is worth noting that the Shi'a of Iraq distance themselves culturally and politically from the political dynamics of Persian Shi'ism. The Marsh Arabs are fiercely independent but this is tempered with a quietist attitude to politics that makes them an invisible population vis-a-vis the two neighbouring states. It is instead the perceived ability of the terrain - as a sanctuary for refugees and bandits as well as government agents from both sides - which both states fear most and which drives both their domestic policies towards the Marshlands. Although devoutly Shi'a, the Marsh Arabs are generally more relaxed towards religious rituals and the demands of their natural environment dictates, almost, that their attitude remains - in comparison - relatively laissez faire.

Yet, both the Iran-Iraq War, the Gulf War and the continuing erosion of the natural environment - creating an unprecedented depopulation - has galvanized the Marsh Arabs.

Shi'a Islam

Shi'a Islam is not an offshoot of Orthodox [Sunni] Islam but grew out of the important question of political and spiritual succession to the Prophet which, in turn, was related to the vision, both divine and spiritual, of what type of leadership was required by the Muslim community at the time of the Prophet's demise [8]. Briefly, the Shi'a faith is centred on a particular emphasis that the early caliphs who were elected to become the temporal leaders

of the Muslim Ummah, or community, were usurpers and that the reins of power should have gone directly to the Prophet's immediate family, namely Ali, who had been divinely appointed. Thus, although the Shi'a recognize the Caliphate as a political reality they do not accept its authority over and above that of the direct descendants of the Prophet Muhammad. The majority of Shi'a Muslims are known as Ithna' 'Ash'ari, or Twelver, because they recognize the infallible leadership of twelve Holy Imams, beginning with Ali, including Hasan and Husayn (Ali's sons, the latter of whom sacrificed his life on the plains of Karbala in opposition to the then Umayyad caliph, Yazid), through to the Twelfth Imam, Mahdi, the Awaited Saviour, who went into major occultation some time in the second Islamic century and who, like Jesus Christ (in fact with Jesus), is believed will return to bring justice and peace before the end of time. Indeed, the idea of an Awaited Saviour is common to both Shi'a and Sunni schools of thought.

More recently, Shi'a Islam, in particular, has been greatly misunderstood and demonized, especially in the Western media, and particularly so since the Iranian Revolution[9]. The subsequent rise of the Hizbollah and Amal militias in Lebanon has been subject to selective images and even more selective stereotyping in the West, which has also not helped the Iraqi Shi'a case. This has had a profound impact on both Western and Muslim psyches. Suffice to say, the lack of sympathy towards the Shi'a inhabitants of the Marshlands has had a knock-on effect in terms of international disregard for the environmental catastrophe in the Marshes region too.

Environmental Destruction: Threatened Wildlife

The Marshes are considered particularly important in ecological terms because they are home to 134 species of bird and a haven for two-thirds of all the Middle East's wildfowl in Wintertime. A number of globally threatened species could be wiped out if the Marshlands are dried, including the Dalmatian Pelican, the Pygmy Cormorant and the White-tailed Eagle. The rare Goliath Heron and Sacred Ibis are also likely to suffer falls in population. Mammals such as the Honey Badger and Jungle Cat have probably already vanished from the area. Globally rare species such as the Long-fingered Bat and Desert Monitor could face extinction before the Millennium. Up to 40% of neighbouring Kuwait's shrimp stock could be depleted because of the disappearance of vital spawning grounds. This would have a serious impact on the economies of other neighbouring states, notably Kuwait but also Iran, part of whose local economies rely on the Marshlands.

Threatened animals include fourteen types of bird, three types of mammal and one species of dragonfly. Mammals particularly endangered include the Grey Wolf and Smooth-coated Otter. Threatened birds include the White-headed Duck, Lesser White-fronted Goose, Red-breasted Goose, Marbled Teal, Pallas's Fish Eagle, Cinereous Vulture, Imperial Eagle, Lesser Kestrel, Corncrake, Sociable Plover and Slender-billed Curlew. Examples of other rare and endemic species found in the Marshes include Harrison's Gerbil, Iraq Babbler and African Darter. The Basra Reed Warbler is probably already wiped out. Reptiles include the Caspian Terrapin, Soft-shell Turtle, Geckos, Skinks, and snakes such as the Spotted Sand Boa and Tesellated Water Snake. The permanent wetlands allow for the evolution of several forms of animal which are important for maintenance of flood, shellfish spawning and nursery, water quality and food chain support. All this notwithstanding the fact that we still do not yet know the biomass characteristics of aquatic invertebrates which are vital to the food chain. Cyprinids, for instance, are the dominant element in the fauna of the Marshes and are vital to the study of evolution. Thus, here perhaps particularly, there is a need for the littoral states to coordinate programmes for their preservation and study.

Birds

The drainage of the Marshes would have an adverse effect on migratory species around the world. The British Royal Society for the Protection of Birds has described the area as "the most important wetland in the Middle East and one of the top ten in the world". The region is one of the most important wintering grounds for migratory waterfowl in Western Eurasia. Waterfowl from Siberia gather in the Marshes to replenish their reserves of fat. In severe weather further north, they will use the Marshes as a sanctuary. Furthermore, the Marshes are one of only eleven non-marine wetland areas classified as an Endemic Bird Area (EBA) since they supported almost the entire world population of two species, the Basra Reed Warbler and the Iraq Babbler. On this basis alone they were of global importance for bird biodiversity, according to the report by the WERG (Wetlands Ecosystems Research Group of Exeter University, UK). The report states that the impact of the destruction will be felt beyond the Marshes.

Environmental Destruction: Displaced Humanity

According to the United Nations High Commissioner on Refugees (UNHCR), hundreds of thousands of Iraqi refugees remain abroad - mainly in Iran, but also in Saudi Arabia, Kuwait,

Syria, Turkey, Pakistan and Jordan. Most of those attempting the hazardous journey to Iran (which has to be made at night as the Iraqi regime has armed patrols along the Huweiza) do so primarily for medical reasons, which can take up to three days.

Disease is rife among the refugees, whether internally displaced or in camps in south-western Iran. Cholera, skin and gut infections, diarrhoea, typhoid, food poisoning, eye diseases, conjunctivitis, gynaecological and pelvic inflammatory diseases, dental and gum diseases, and sunstroke have all been listed. Drainage can cause poisoning of the waters because lower water levels means a higher concentration of acids and salts. Raw sewage leads to dysentery. Polio, measles, mumps and other childhood diseases are rampant because vaccines are either unavailable or difficult to access.

Environmental Refugees as Bio-Indicators of Environmental Destruction

Those who flee are mainly environmental refugees - those who are forced to flee the land of their origins, for whatever reason, because such land is no longer able to support them (Fell, N, cited). International law confers refugee status on those who have a "well-founded fear of persecution" for reasons of race, religion, nationality, membership of a particular social group or political opinion. However, there is no recognition that environmental decline could be a cause of displacement. The Marsh Arabs clearly qualify as refugees within the international definition but there are equally many people who do not. And even though they qualify, this does not automatically confer protection on them in practical terms, despite the efforts of receiving states, notably Iran.

The Climate Institute report, *Environmental Exodus*, by Norman Myers (Green College, Oxford, UK, 1996)[22], estimated that there are 25m environmentally displaced people in the world today and that this figure is likely to rise to 50 million by 2010. One reason why they are so difficult to identify is that often such people are displaced within their own countries. According to Stuart Leiderman: (University of New Hampshire, USA): "Strict definitions obstruct rather than facilitate addressing the plight of uprooted humanity".

Law

A number of international legal statutes in response to the situation in the Marshlands of Southern Iraq may be cited. One could, hypothetically, make reference to, inter alia, the Declaration of Principles Concerning Friendly Relations and Cooperation Among States in Accordance with the UN Charter (1970), the Draft Code of Offences Against the Peace and

Security of Mankind (1954), the Additional Protocols to the Geneva Conventions for the Protection of Victims of International Armed Conflicts (Protocol 1), the Convention on the Prohibition of Military or any Other Hostile Use of Environmental Modification Techniques (ENMOD), the Kuwait Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution, and so on. Restoring the ecological and environmental integrity of the region could invoke the Helsinki Rules on the Use of International Rivers (1966), the particularly relevant sections of the Geneva Conventions and their optional protocols, the UN Declaration on the Human Environment (1972), the Convention on the Protection of Indigenous Tribes and Cultures and the Biodiversity Convention on the Environment and Development (1992). A start would be to get Iraq to immediately ratify the Convention on the Conservation of Migrating Species of Wild Animals (1979) as well as the Convention on the Conservation of Wetlands of International Importance Especially Waterfowl Habitat (Ramsar Convention 1975).

The ILO (International Labour Organisation) Convention on Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries (1957) may also be relevant and is largely self-explanatory. The oppression of the Marsh Arabs could also fall under the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide, Art. 2 of which unambiguously states that genocide means "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group", by killing members of this group, causing serious mental or bodily harm to them, inflicting conditions calculated to bring about its physical destruction in whole or in part. Other relevant instruments are the UN Declaration on Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities (1992) and the 1977 Additional Protocol to the 1949 Geneva Conventions relating to Protection of Victims of Non-International Armed Conflicts.

Certain countries have put forward the idea that states have the unqualified right to use and dispose of the waters of an international river flowing through their territory. This notion of unlimited territorial sovereignty contradicts the Helsinki Rules on the Use of International Rivers (1966), a restatement of pre-existing Customary International Law. Despite massive population overspill from the Marshes, the Iranian side of the region appears to be largely unaffected.

A state is also obliged not to damage the environment within its own territorial boundaries. This is an obligation it owes to the international community at large as much as it is an

obligation to other states in International Law. Thus, it has been argued that International Law should be defined as the law of international society rather than merely the law of international states. Further illustration of the wider definition of International Law is the recognition of obligations to mankind: "the common heritage" criteria. For example, the Law of the Sea Convention (1982) states that the deep sea-bed and its mineral resources are "the common heritage of mankind". Ideally, the principle of "common heritage" should apply to migratory species as well, and dare I suggest, human beings. Iraq has an obligation under the doctrine of "guardianship", which entails that a state is host to an internationally important resource and must act as a caretaker thereof for worldwide (common heritage) benefit.

According to WERG, the notion of absolute sovereignty over water which is part of an international river basin is not acceptable. It runs counter to state responsibility and the modern reality of the Interdependence of States. Water usage must be equitable and reasonable. Turkey, Syria and Iraq as littoral states sharing the Tigris and Euphrates rivers, should work together to prevent harm downstream caused by upstream activity. WERG's recommendations, notably restoring drained areas, stopping engineering works, international arbitration, research and monitoring, and the establishment of an International Biosphere Reserve and World Heritage Site status for the Marshlands are all actions in which Iran can and should assume a leading role.

London, England

October, 2000

Select bibliography

- [1] The Oxford Reference Dictionary, ed. Joyce M Hawkins, Clarendon Press, Oxford, UK, 1986.
- [2] Current Human Rights Conditions Among the Iraqi Shi'a, Summary of Findings of a Middle East Watch Mission, Jan 28-Feb 14, 1993.
- [3] An Environmental and Ecological Study of the Marshlands of Mesopotamia, ed. E Maltby, Wetlands Ecosystems Research Group, University of Exeter, UK, 1994.
- [4] The Marsh Arabs of Iraq, Minority Rights Group, UK, February 1993.
- [5] Report of The Special Rapporteur for Human Rights in Iraq, Mr Max van der Stoel, to the United Nations General Assembly, New York, March 1993.
- [6] Plan of Action for the Marshes, Government of Iraq, 8 February 1988.
- [7] (Iraq: The Oil Question, Dialogue ed., N Kazmi, UK, Apr1996)
- [8] The Oxford Encyclopaedia of the Modern Islamic World, Volume 4, ed. John L Esposito , Oxford University Press, New York, USA/Oxford, UK, 1995.

- [9] The Shi'a and the Press, M Wood, Dialogue, UK, Jan1993
- [10] Shift in Attitudes Towards Iraqi Shi'a, N Kazmi, Dialogue ed., UK, Sept, 1992.
- [11] United States Department of State Report on Human Rights Practices in Iraq, Washington DC, USA, 1996.
- [12] Barbara Stapleton, The Independent, UK, November 1993?.
- [13] Draining Life from Iraq's Marshes, F Pearce, New Scientist, UK, 17 Apr1993.
- [14] The Objectives of River Training and Water Resource Utilisation in Southern Iraq, Iraqi Interests Section, Embassy of the Democratic Republic of Algeria, Washington DC, USA, 24 Mar1994.
- [15] Security Council Resolution 986 - A Disaster Waiting to be Contained?, Barbara J Stapleton, seminar on Iraq held at Christian Aid, London, UK, 10-11 Jun1997.
- [16] Iraq: An Unsatisfied Agenda, N Kazmi, Dialogue, UK, Jan1996.
- [17] The Marsh Arabs: A Scientific Response, N Fell, Dialogue, UK, Nov1996.
- [18] Iraq: Monitoring the Situation in the Southern Marshes, Ministry of Defence, UK, Autumn 1993.
- [19] The Rape of Eden, E Nicholson MP, The Scotsman, UK, Sat 9 Mar1996.
- [20] Hansard Report, House of Commons Adjournment Debate, UK, Fri 2 Apr1993
- [21] Prospects for Refugees from the Marshes, E Winter, Dialogue, UK, Dec1994.
- [22] Environmental Exodus, report by the Climate Institute, Norman Myers, Green College, Oxford, UK, 1996.
- [23] Iraq and the Rule of Law, International Commission of Jurists, Feb1994.
- [24] Marshes Report, Organisation for Human Rights in Iraq, UK, 1994.
- [25] Iraq: Racing to the Finish Line, R R Francke, Dialogue, UK, Aug1994.
- [26] The Future of the Iraq-US Relationship, L Kubba, Dialogue, UK, Feb1997.
- [27] Taking the Dictator to Court, N Kazmi, Dialogue, UK, Jun1995.
- [28] Iraq and the Question of Water Usage in International Law, N Kazmi, Dialogue, UK, Oct1993.

Additional Select Bibliography

- Iraqi Navigational Outlets (Centre for Research and Studies on Kuwait, July 1994)
- The Marsh Arabs: A Personal Journey, M Walsh, Dialogue, UK, Jun1997).
- Iraq's Brutal Decrees, Human Rights Watch/Middle East report, Vol 7, No3, USA, Jun1995
- Iraqi Environmental Protection Group report by Dr Ibrahim Bahrolloom and Sayyed Jafar (UK, 1994) al-Thawra, Baghdad, Iraq, Apr1991
- (The Massacres in the Marshlands, The South of Iraq 1992, Organisation of Human Rights in Iraq, London1993) [36]
- Human Rights Watch/Middle East report, Vol 7, No3, June 1995, Iraq's Brutal Decrees [24]