

The Study of Environmental Irrigation Right of International Wetlands in Domestic law & International Convention with Emphasis on Hamoun International Wetland

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Introduction:

Environmental water rights refer to the water flow of a river, wetland or coastal areas that should exist to guarantee the integrity, efficiency and ultimately the survival of ecosystems. In international documents such as the Ramsar Convention, Convention on Biological Diversity and the World Commission on Dams resolution explicitly recognized the right of environmental wetlands on water rights. In addition, the right to clean air, right to life, right to health and the need to develop healthy relationships between countries, as a human right that have substantial grounds to justify environmental water rights. Based on these principles, environmental water rights are one of international peremptory norms that are binding to all State Parties and non-Parties. With regard to Hamoun wetland, apart from contractual obligations and according to human rights conventions the government of Afghanistan is obliged to allocate environmental water rights of the Helmand River; But Iran's share of agricultural and drinking water rights is based on a fixed contract. This article attempts to identify the environmental principles of the right to water rights in domestic law, international environmental documents and human rights.

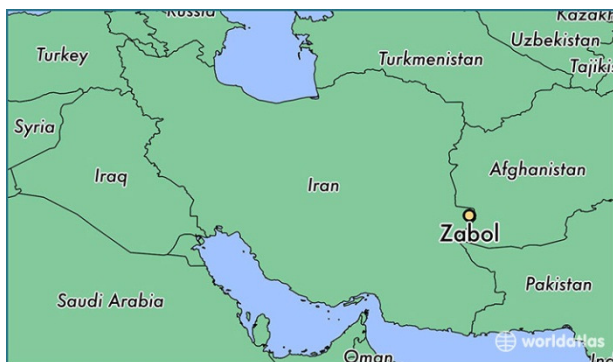


Figure A: Study area

Source: (<http://www.worldatlas.com/as/ir/13/where-is-zabol.html>)

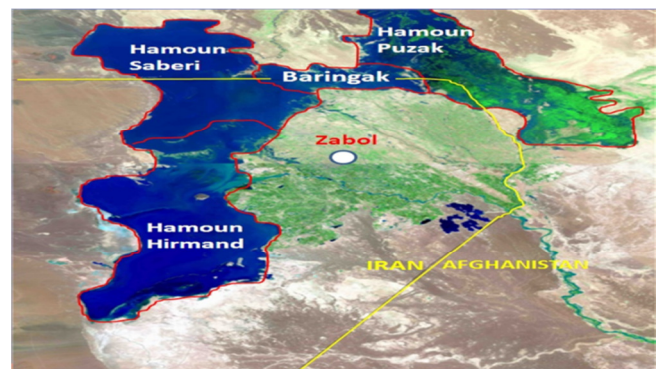
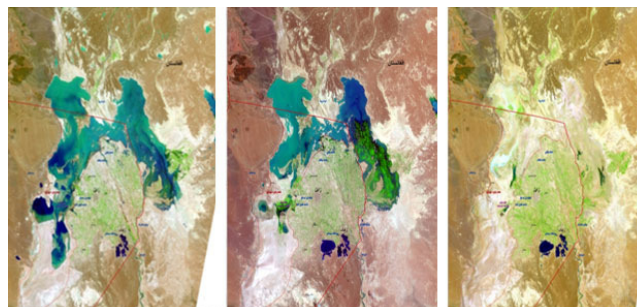


Figure B: Hamoun wetlands in high-water condition

Source: (<http://earthobservatory.nasa.gov/Features/hamoun>)



Hamoun wetlands area situation in spring 2005, 2009 and 2013, respectively (left to right)

Figure c: Changes in Hamoun wetlands

Source: (<http://earthobservatory.nasa.gov/Features/hamoun>)

Methods:

This research is a descriptive and cross-sectional study. The data collection was done through library search. In addition, official reports, documents and websites were visited for gathering complementary data.

Results:

Hamoun wetlands include two types of water rights:

1. Agricultural - economic water rights
2. The environmental water rights

The first type is mainly the issue of a contract between countries, and the contracts signed between Afghanistan and Iran has recognized the water rights to a certain extent. But discussing this water right causes sensitivities in political arena. However, the second type of water right (environmental water right) is considered a human right of countries benefiting the wetland, and the governments should sustain this water right and refrain from doing anything to reduce this right and breaching this commitment entails international liabilities. Restoring Hamoun wetland causes Iran's claim to be heard louder in international law. Unfortunately, not assigning Hamoun wetland water right has affected Sistan area-which is highly dependent on Hamoun wetland and Hirmand river- and has created many problems for people in this border area. Destroying Sistan people's income which is mainly through Hirmand river and Hamoun wetland has brought about various social and economic consequences such as unemployment, illegal activities such as drug, fuel and goods trafficking as well as dangerous social damages such as street children, unaccompanied women, etc. all of which are the results of Hamoun wetland drought. These conditions have ultimately affected the security of Sistan area and the whole country.