

No. 31937

**SYRIAN ARAB REPUBLIC
and
JORDAN**

**Agreement concerning the utilization of the Yarmuk waters
(with annex). Signed at Amman on 3 September 1987**

Authentic text: Arabic.

Registered by the Syrian Arab Republic on 20 June 1995.

**RÉPUBLIQUE ARABE SYRIENNE
et
JORDANIE**

**Accord relatif à l'utilisation des eaux du Yarmouk (avec
annexe). Signé à Amman le 3 septembre 1987**

Texte authentique : arabe.

Enregistré par la République arabe syrienne le 20 juin 1995.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE SYRIAN ARAB REPUBLIC AND
THE HASHEMITE KINGDOM OF JORDAN CONCERNING THE
UTILIZATION OF THE YARMUK WATERS

The Government of the Syrian Arab Republic and the Government of the Hashemite Kingdom of Jordan,

Desiring to strengthen the bonds of Arab brotherhood and the special relationship existing between the two fraternal countries; taking into account the results of the negotiations between their representatives in Damascus on 4 and 5 July 1987 and from 9 to 11 August 1987 concerning the utilization of the waters of the Yarmuk river as provided for in the Agreement concluded between the two countries in Damascus on 4 June 1953,² and considering the advantages which the two countries would derive from the efficient collection and use of the waters of the Yarmuk Basin for the irrigation of arable lands and the generation of electric power,

Have resolved to conclude this Agreement and for this purpose have named as their plenipotentiaries:

For the Government of the Syrian Arab Republic: Mr. Abd al-Rauf Kassem, Prime Minister;

For the Government of the Hashemite Kingdom of Jordan: Mr. Zaid al-Rifa'i, Prime Minister;

who, having communicated to each other their respective full powers, found in good and due form, have agreed on the following provisions:

Article I

For the purpose of this Agreement it shall be understood that:

- (a) "Syria" means the Government of the Syrian Arab Republic;
- (b) "Jordan" means the Government of the Hashemite Kingdom of Jordan;
- (c) "The State" means Syria or Jordan as the context requires;
- (d) "The Jordan Valley" means the valley of the river Jordan;

(e) "The Wahdah dam and reservoir" means the dam on the river Yarmuk for the collection of the water and the reservoir for its storage situated in the territories of Syria and Jordan near the Maqarin generating station;

(f) "The Wahdah dam generating station" means the electricity generating installation situated on the south bank of the river Yarmuk inside the Wahdah dam;

(g) "The Yarmuk scheme" means the Wahdah dam and reservoir, the electricity generating installation, the buildings and installations required in connection with this scheme near the Maqarin generating station and the diversion of the Hejaz Railway line;

¹ Came into force on 25 November 1987 by the exchange of the instruments of ratification, in accordance with article XIV.

² United Nations, *Treaty Series*, vol. 184, p. 15.

(h) “The Joint Commission” means the Syria-Jordan Commission referred to in article IX of this Agreement.

Article II

The two Governments, recognizing that, for physical and legal reasons, the additional water and the hydroelectric power needed by the two States may be provided in an economical and effective manner by constructing the Wahdah dam, have accordingly agreed to construct the following installations:

(a) The Wahdah dam and reservoir, namely the dam for the collection of the river flow and the reservoir situated on the river Yarmuk in the territories of Syria and Jordan near the Maqarin generating station in Syria, such water being utilized for the generation of electric power, for the irrigation of land in Jordan and for other Jordanian schemes, for the irrigation of land in Syria situated below the site of the dam and along the course of the river to an altitude of 200 metres above sea level;

(b) The installation for the generation of electricity using the waters of the reservoir leaving the dam;

(c) The diversion of the Hejaz Railway line in the Yarmuk Valley as required by the scheme, and the construction of the other works and installations necessary to the scheme.

Article III

Regard being had to the provisions of article IX of this Agreement, Jordan shall assume responsibility for the establishment of the Yarmuk scheme and for the financing of every stage of the studies, plans, construction, operation and maintenance.

Syria shall furnish the necessary facilities and assistance to enable personnel employed on the scheme to obtain access to parts of the scheme located on Syrian territory in order to undertake duties connected with the scheme at all stages of the work, within the framework of Syrian regulations and in accordance with the provisions of this Agreement.

Article IV

Each State shall undertake to compensate the owners of land, estates and buildings on its territory which are expropriated for the purposes of the Yarmuk scheme in accordance with its own laws and regulations. Syria shall undertake to settle all claims of individuals relating to water rights and to compensate such claimants, while Jordan shall undertake to be responsible for all compensation and expenses paid in Syria in respect of such expropriations and claims.

Article V

Syrian and Jordanian workmen shall be employed, as needed, in the construction of the Yarmuk scheme. Syrian and Jordanian technicians shall be employed during the period of study, implementation, operation and maintenance. Companies from the Syrian construction public sector shall cooperate for the purposes of the establishment of the project with Jordanian construction companies.

Article VI

Jordan shall undertake to design and build the Wahdah dam to a total height of 100 metres including floodgates, in order to store the waters flowing in the Yarmuk river after the filling of the reservoirs of the Syrian dams which are specified with their storage capacity in the annexed table. Syrian shall have the right to retain the total content of these reservoirs as an integral part of this Agreement. The design and construction of the dam shall ensure that it may in future be raised in height in order to increase storage capacity (height and capacity), where such measures are technically and economically justified and agreed on by the two States.

Article VII

(a) Syria shall retain the right to the use of the waters of all springs welling up within its territory in the basin of the Yarmuk and its tributaries, with the exception of the waters welling up above the dam below the 250-metre level, and shall retain the right to use water from the river and its tributaries below the dam for the irrigation of Syrian land along the course of the river.

(b) Jordan shall have the right to use the overflow from the Wahdah dam reservoir and generating station to generate electricity.

(c) The electric power generated by the Wahdah dam hydroelectric installation shall be divided between Syria and Jordan in the proportion of 75 per cent to Syria and 25 per cent to Jordan.

Article VIII

Syria shall assume the responsibility of implementing the diversion of the Hejaz Railway line and constructing all the necessary buildings in accordance with the requirements of the scheme. Jordan shall undertake to assume all expenses connected with the implementation and construction.

Article IX

A Joint Syria-Jordan Commission shall be established for the implementation of the provisions of this Agreement, the regulation of the rights and obligations which the two States have assumed thereunder, the exercise and performance thereof and consideration of all questions arising out of its implementation.

The Joint Commission shall be deemed a legal corporate body and its members shall enjoy diplomatic privileges and immunities in the State of which they are not the representatives.

The Joint Commission shall be composed of three members from each State. The leader of each side shall be an Under-Secretary of State or Minister of State. The Joint Commission may seek advice from experts and consultants and may employ such assistants, technicians and officials as may be required for the conduct of its work. The aforementioned shall be selected from the nationals of either State or of third States.

The external relations of the Commission shall be conducted by the two leaders of the representatives of both sides acting jointly, not individually.

The Commission shall undertake all the tasks assigned to it under the terms of this Agreement. In the event of any difference arising between its members which they are unable to resolve conclusively to the satisfaction of the representatives of

both Parties, its members shall report the matter forthwith to their Governments, which shall settle the difference and find an objective solution that will ensure the smooth continuation of work while guaranteeing the rights of both Parties under the terms of this Agreement.

The Joint Commission shall draw up its rules of procedure, which shall be approved by the heads of both Governments.

Article X

Representatives of the two States, members of the Joint Commission, employees of the technical bodies working on the scheme and all other persons working on it shall have the right to travel for work-related purposes in the areas in which the Wahdah scheme installations are situated and in neighbouring areas to be specified by the Joint Commission. Prior authorization to that effect shall be obtained from the Joint Commission in the form of special identity papers issued by the Commission, to the extent necessary for the carrying out of studies and investigations, and construction, administration and maintenance operations. The bearers of such papers shall not be subject to any restrictions resulting from the application of the passport and similar laws and regulations in force in either State. In all other respects, however, the domestic legislation of each State shall remain in full force within its territory.

Article XI

The two States shall undertake, each within its own territory, to comply with recommendations of the Joint Commission regarding measures to prevent or reduce silting in the joint reservoir such as preventing the washing away and removal of the earth, preventing the growth of weeds and blocking cracks and other measures to facilitate the maximum use of the capacity of the reservoir. The cost of all such measures shall be borne by Jordan.

Article XII

Each State shall have the right to make use of the portion of the lake formed by the dam that is situated in its territory and to exploit, utilize and maintain it for purposes of tourism and pisciculture that do not conflict with the administration of the Wahdah dam installations.

Article XIII

The boundary line between the two countries shall remain as it was prior to the construction of the Wahdah dam and its installations and shall be considered as drawn on the surface of the water.

Article XIV

This Agreement shall be ratified in accordance with the constitutional procedures of both Contracting Parties and shall enter into force on the date of the exchange of the instruments of ratification.

This Agreement may be amended by means of annexes, which shall be ratified and the instruments of ratification for which shall be exchanged in accordance with the procedure for the ratification of this Agreement.

IN WITNESS WHEREOF, the two Parties have signed this Agreement in two original copies in the Arabic language, each copy being equally authentic. Each Party has received a copy of the Agreement.

Article XV

The Agreement between the two States concerning the utilization of the Yarmuk waters, signed at Damascus on 4 June 1953, is hereby abrogated.

DONE at Amman on 3 September 1987.

For the Hashemite Kingdom
of Jordan:

ZAID AL-RIFA'I
Prime Minister

For the Syrian Arab
Republic:

ABD AL-RAUF KASSEM
Prime Minister

TABLE ANNEXED TO THE AGREEMENT BETWEEN THE SYRIAN ARAB REPUBLIC AND THE HASHEMITE KINGDOM OF JORDAN CONCERNING THE UTILIZATION OF THE YARMUK WATERS

<i>Watercourse</i>	<i>Dam</i>	<i>Storage level (m)</i>	<i>Storage capacity (millions of m³)</i>	<i>Remarks</i>
Al-Dhahab	Al-Sahwah (Al-Balatah)	1,100	1.00	
	Rasas	1,000	0.035	
	Ghadir al-Suf	700	0.16	
	Al-Ghariyah al-Sharqiyah	570	5.00	
	Uthman	525	0.17	
Al-Zaydi	Al-Muta'iyah	570	1.00	
	Al-Ain	1,350	1.15	
	Harran	1,200	1.95	
	Sahwat al-Khidr	1,420	8.75	
	Dar'a al-Sharqi	550	15.00	
Al-Arram	Sheikh Miskin	540	15.00	
	Ibta 1-2	500	4.50	
	Tafas	450	2.10	
	Adwan	425	5.675	
Al-Allan	Tasil	535	6.60	
	Al-Ghar	465	5.05	
	Saham al-Jawlan	440	20.00	
	Al-Hishah	740	0.85	
Al-Raqqad	Al-Manzarah	945	2.02	The waters of these watercourses is discharged behind the Maqarin dam
	Ruwayhinah	870	1.01	
	Burayqah	775	1.08	
	Kudnah	735	30.00	
	Ghadir al-Bustan	590	0.12	
	Jisr al-Raqqad	505	0.90	
Abidin	420	5.05		

Note: 1. The Al-Butm dam has a capacity of 2.1 million m³.

2. The Al-Rumi dam has a capacity of 6.4 million m³.

The catchment basins of the two above-mentioned dams are closed and do not feed the tributaries of the Yarmuk.

Irrigation

The Lower Yarmuk irrigation scheme irrigates 6,800 ha, and the Upper Yarmuk irrigation scheme irrigates winter crops over an area of 10,500 ha.