

The First Section is the Legal Reality of the Tigris and Euphrates Rivers

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Abstract

Before World War I, the legal reality of the Tigris and Euphrates rivers and the use of their waters were free of political or economic problems, as the source and mouth of the two rivers were under the sovereignty of one state, the Ottoman Empire. With the exit of both Syria and Iraq from the Ottoman occupation after World War I, Turkey was concerned with the source and upper course of the Euphrates and Tigris Rivers, while Syria was concerned with the middle course of the Euphrates and Iraq with the middle and lower Tigris River and the mouth and lower course of the Euphrates River. Since then, the region has witnessed political and economic tensions over the use of the waters of these two rivers, as each country seeks to achieve its own water interests. This has led to water disputes between these countries, the development of plans to better manage water resources, and the achievement of consensus and cooperation between these countries.

Keywords: *Legal, rivers, water disputes.*

Introduction

Before World War I, the legal reality of the Tigris and Euphrates rivers and the use of their waters were free of political or economic problems, as the source and mouth of the two rivers were under the sovereignty of one state, the Ottoman Empire. With the exit of both Syria and Iraq from the Ottoman occupation after World War I, Turkey was concerned with the source and upper course of the Euphrates and Tigris Rivers, while Syria was concerned with the middle course of the Euphrates and Iraq with the middle and lower Tigris River and the mouth and lower course of the Euphrates River. Since then, the region has witnessed political and economic tensions over the use of the waters of these two rivers, as each country seeks to achieve its own water interests. This has led to water disputes between these countries, the development of plans to better manage water resources, and the achievement of consensus and cooperation between these countries.

Also, after the French mandate over Syria and Iraq under the British mandate, natural lands were granted to Turkey in accordance with the Treaty of Sèvres 1920. Turkey obtained extensive lands in the basin of the Seyhan and Gijian rivers and the Treaty of Ankara (1921), and Turkey obtained new lands in Gaziantep, Kilis, Urfa, Mardin, and Abu. Omar, from the borders of Anatolia and the Armenian plateau to the current borders of the Syrian Arab Republic.

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Thus, those colonial countries and the agreements concluded by the Allied countries, and then imposing them on the countries that were within the Ottoman Empire and dividing their lands (knowing that the occupying countries must be satisfied with exercising administrative powers, as they do not have any of the rights to annex the region to their lands or to divide it), the major impact on the emergence of the water problem with regard to the Tigris and Euphrates basins. The water problem emerged after the establishment of the modern Iraqi state in the twenties of the last century, and in order to guarantee the historical rights of the countries bordering the water, the need emerged for the existence of provisions and rules governing the use of the waters of these two international rivers.

The importance of the agreements that the relevant parties sought to conclude, bilaterally or tripartitely, in the field of regulating water rights also appeared, in addition to the treaties and agreements that these countries inherited and concluded on their behalf by the countries that colonized them, namely Britain and France.

Accordingly, we will divide this topic into two requirements. In the first requirement, we will address: the problem of the waters of the Tigris and Euphrates basins. Then we will move on to discuss in the second requirement: the international legal regulation of the Tigris and Euphrates rivers.

The first requirement

is the problem of the waters of the Tigris and Euphrates basins

An international river, as we mentioned above, is one that passes through the territories of two or more countries sequentially, that is, passing through the territory of more than one country or forming borders between more than one country. In terms of territorial sovereignty, each country is considered to have sovereignty over the part of the river that is in its territory, within the limits that They do not conflict with the rights of other countries in whose territory the other parts of the river are located. Despite this, these agreements did not guarantee that Iraq would obtain its fair and equitable share of the waters of the Tigris and Euphrates river basins in accordance with the rules of international law for riparian states.

Accordingly, we will divide this demand into two sections. In the first section, we will address: the water crisis in the Tigris and Euphrates basins. Then we will move on to discuss in the second section: the international negotiations related to the waters of the Tigris and Euphrates.

The first section

is the water crisis in the Tigris and Euphrates basins

The water crisis in the Tigris and Euphrates basin is both a strategic, political, historical and legal crisis. It also adds a new problem to the region's many problems that increases the tension and complexity of the situation. If the water crisis was resolved peacefully, it would be the starting point for settling many of the existing political issues and disputes that have failed. Diplomacy has not been resolved to this day, hence the bet on water was huge to remove tension in the region that has been on fire for a long time.

The current reality and before, in the last three decades of the twentieth century, the water crisis in Mesopotamia has become a phenomenon that worries the state and the Iraqi people. What is meant by the water crisis is not drought due to natural causes, but rather what the water resources of the Tigris and Euphrates rivers are exposed to in the downstream country as a result of actions and projects undertaken by... Its establishment by the upstream countries on the paths of those rivers causes tangible harm to the rights of the countries located downstream and downstream of the two rivers without consultation and coordination in the field of constructing dams and large reservoirs.

Likewise, without taking into account the interests of downstream countries, which in one way or another embodies the definition of aggression established by the United Nations General Assembly in its Resolution No. 3314 of 14/12/1974, noting that Article (5) of the resolution stated that no justification for aggression is accepted, whether political or Economically or militarily, controlling the water sources of international rivers in order to deprive other countries of their shared water share in the same rivers is considered an unconventional form of economic aggression, which constitutes the main cause of some destructive wars.

Referring to the international crimes mentioned in the Statute of the International Criminal Court in 1998 regarding international crimes, cutting off water is considered a crime of genocide or a crime against humanity.

However, the predictions remained pessimistic and indicated that water would be a cause of the outbreak of World War III. It is the fate of the region and its people that water will be a primary cause of their wars in the future, as some Arab and Turkish leaders alike say. The Arabs have so far failed to develop a water legal plan. Shared, and from here we conclude that the amount of water resources available annually is not invested in the optimal size, which predicts a future water deficit.

First - Tigris River Basin:

The Tigris River is considered one of the main rivers in the Middle East region in general and Iraq in particular. It is also a vital artery for Iraq, as a large number of the population depends on its resources, as is the case in other basin countries. The Tigris River follows from Turkish territory from the Armenian plateau in eastern Turkey, from an area called (Sou), and the upper valley of the river begins with two branches:

The first branch is the main branch of the river. It originates from the highlands of Lake Koljak and is called (Tigris Suu), and the second branch consists of several small branches descending from the highlands surrounding Lake Van until it forms one branch called (Bhutan Suu), which is supplied by major tributaries that contribute to increasing its flow, and the Tigris River enters Iraqi territory from the north in the Fish Khabour area (in Zakho District), the international border between Iraq and Turkey.

The total length of the Tigris River is 1,900 km, of which 485 km are located within Turkish territory, and the remaining 1,415 km are within Iraqi territory. Its average water revenue is about 48 billion cubic meters inside Turkey and decreases to about 40 billion cubic meters inside Iraq, and it flows into the Tigris River has several tributaries inside Iraq. The Tigris River irrigates many lands in Iraq, which is considered an agricultural country. The nature of the lands that the Tigris River cuts through in the northern region makes it difficult to build dams on them.

Second - Euphrates River Basin:

The Euphrates River is considered one of the most important rivers in the world due to its historical importance, as the first civilizations arose on its banks dating back to several thousand years before Christ. The word Euphrates was mentioned in the Holy Qur'an, and its exploitation is subject to the jurisdiction of three countries: Syria, Iraq, and Turkey, which requires... Preserving the rights of each of them, as sharing the waters of the Euphrates was the subject of constant misunderstanding between the three countries, and after this river is a vital artery for Iraq, as a large number of its population depends on it.

The Euphrates River originates from Turkish lands, especially from the Armenian plateau in eastern Turkey from an area called (Su), and it begins with two branches. The first branch is the Euphrates Su, which originates from Mount Dumlu north of the city of Erzurum, and several other tributaries flow into the river, and the second branch (Murad Su) It originates from Ain Murad, west of the Ararat Mountains, located north of Lake

Van, and runs west through the Armenian Plateau and meets the Euphrates River at the town of Kharbut, north of the town of Keban. The Euphrates River begins after the meeting of the two branches in the Anatolian Plateau.

The Euphrates River heads south and crosses the Taurus mountain range. The upper course of the river ends and is called the upper valley. It is characterized by the abundance of tributaries and the abundance of snow and rain. Then the middle valley begins towards the river into Syrian territory and is supplied by a number of rivers within it. Then the river enters Iraq, forming the lower valley of the river, but does not supply it. In Iraq, there is no tributary except for some seasonal valleys that flow into it after heavy rains. Before the establishment of Turkish dams on the Euphrates, especially the Ataturk Dam, Iraq obtained 44% of the Euphrates water, meaning about 13 billion cubic meters per year, while the rate decreased to 9 billion cubic meters. /annually, which is less than Iraq's actual needs.

Third: The causes of the water crisis in the Tigris and Euphrates river basins

The causes of the water crisis in the two river basins are many and varied, and are due to the presence of agricultural crops that need large quantities of water, such as cotton, rice, and citrus fruits, and the failure to allocate sufficient budgets to complete projects to build dams and modernize water and sewage networks, which causes the waste of large quantities of water, in addition to old water networks and wastage of water. Rainfall due to the absence of dams to store it, and the absence of a water policy and determining the quantities of water necessary for an individual.

The causes of the water crisis are also due to the increase in the population in areas that suffer from a scarcity of water sources, and the geographical and geological dimension of the water crisis, as water resources are controlled by non-Arab countries, Turkey and Iran, and the dry desert climate that the Arab region suffers from is reflected in its water resources in a large way. The Arab countries share groundwater with neighboring countries within common water basins.

Also, disputes over water may help fuel regional tensions based on three main factors: countries are now competing over the resources of the Tigris and Euphrates rivers, and the rivers of the Tigris and Euphrates basins are not subject to any comprehensive agreement concluded to divide their waters due to the political tensions that exist between countries, and international law does not provide a basis. It is clear to the water division agreements, and this is what makes matters worse due to the absence of a legal reference to which the parties to the dispute can judge.

Anyone who follows the countries bordering Iraq can notice the illegal actions of these countries, and that all of their actions do not indicate cooperation that is supposed to be consistent with international norms and laws. Rather, they include clauses of injustice and deliberate exploitation, and the countries bordering Iraq were not satisfied with exploiting the situations. Rather, it began not to recognize international conventions and norms, nor to pay any attention to the water crisis that Iraq is going through.

As for the legal dimensions, what is meant is the existence of general legal rules and procedures regulating the sharing of water between the conflicting countries, according to the Helsinki Agreement of 1966, where water rights are divided according to the number of inhabitants and the historical share, and this must be organized and subject to the issue of restricted sovereignty of states, as in the issue of water. The Tigris and Euphrates Rivers, according to the law, Turkey must negotiate with other countries before starting any projects that may affect other countries sharing the river.

Many agreements were concluded between Iraq and Turkey on the one hand, and between Iraq and Syria on the other hand, to regulate the water situation. The first of these agreements was concluded between Iraq, which was represented by Britain, because in 1920 Iraq was under British occupation, and between Syria, which was represented by

France, as it was It was under French occupation and between Turkey, and this agreement resulted in the formation of a committee to study the projects implemented on the Euphrates River by the basin countries.

Then, shortly after that, that is, three years later, a new agreement was concluded between Iraq and Syria, represented by Britain and France, and between Turkey in 1923. This agreement was called the Lausanne Agreement, and it included the principle of consultation between the countries of the basin regarding the establishment of water projects on the Euphrates River. However, this was not implemented by Turkey, as it began to establish many water facilities without considering the future of this and its impact on its neighbors.

Turkey began to threaten to use water as a weapon against its Arab neighbors, and began to demand that neighboring countries exchange water for oil, and to try to restore its regional role again through its arbitrary use of water resources, thus violating international law and international norms regulating international rivers. Turkey has always tried to create excuses and contradictions in order to withhold water. Regarding Iraq, taking advantage of the state of devastating wars that Iraq went through, Turkey raised the legal status of the two rivers as well as the politicization of the waters of the Euphrates and Tigris. In fact, politicization began since the beginning of the sixties of the last century, that is, since the Turkish-Syrian attempts to establish water facilities on the Euphrates River began, despite Due to the presence of a large water surplus , the countries bordering Iraq look at the crisis with one eye through which they see only their interests, and among them Turkey considered the Tigris and Euphrates rivers to be cross-border rivers and not international rivers, so that international law does not apply to them.

The international river in general, and the Tigris and Euphrates rivers in particular in our research, constitute a vital issue for any country that is located on the banks of the river or that constitutes an upstream or downstream country, and regulating this situation in fact did not come all at once, but rather this issue has undergone and undergone developments. It has a long history, as international rivers, throughout different eras, have been subjected to many developments that were most often linked to the political situations that existed between the countries surrounding the international rivers.

riparian countries established early frameworks for a specific strategy for water relations between them, such as Egypt, the countries upstream of the Nile Basin, Sudan and Uganda, European countries, and countries in Latin America (). As for the Iraqi-Turkish-Syrian water relations, they are still... Without a strategic framework that regulates the distribution of fair and equitable shares of international waters shared among them, this reality casts a negative shadow on Iraq as it is a downstream country in terms of the decline in the quantities of water reaching it and its quality, and its subjection to many political and economic pressures.

As Iraq suffers from a major water shortage to the extent that it has led to the emergence of a food deficit affecting the majority of its population, even the various projects established by Iraq have not achieved water sufficiency or food sufficiency, and most of these projects suffer from time obsolescence and their need for maintenance, which poses Concern and questions about the extent of the negative and dangerous impacts of the water projects implemented by the upstream country, Turkey, on the situation in Iraq.

Indeed, Iraq, which relies heavily on surface water, suffers from water scarcity due to the severe shortage of imports from the Tigris and Euphrates rivers and the lack of rain and snowfall. There are three main factors that helped in the emergence of the water crisis, which had a major impact on the water resources in Iraq, including : The operational plans of Turkey, Syria and Iran that lead to controlling the amount of water reaching Iraq, as there are a number of dams built on the Tigris and Euphrates rivers.

The second section:

International negotiations related to the waters of the Tigris and Euphrates

After World War I and the disintegration of the Ottoman Empire, the Tigris and Euphrates rivers began to pass through more than one country, and thus they were considered, according to legal standards, to be shared international rivers. Because of this, an agreement was concluded in December 1920 between Britain, the mandate over Iraq at that time, and France, the mandate over Syria at that time, and it stipulated: Some provisions regarding the use of water from the rivers that flow in the region, including the Tigris and Euphrates.

The Treaty of Lausanne, concluded in July 1923 following the end of World War I, and the subsequent peace treaties, were regulated, in addition to other matters, with regard to rivers whose legal status was changed to international rivers. In 1946, Iraq concluded a treaty of friendship and good neighborliness with Turkey, which included a protocol attached to it. Specialized in regulating the flow of water from the Tigris and Euphrates rivers, and with the increase in construction and irrigation projects, the stages of communications, consultations and negotiations began regarding regulating the exploitation of the waters of the two rivers.

Therefore, reaching a fair and reasonable division. The following is a review of the stages of negotiations on the shared international waters of the Tigris and Euphrates rivers.

First - The first stage:

In the mid-fifties, Turkey began a program to develop its use of the waters of the Tigris and Euphrates rivers. It was first interested in the Euphrates River and using its water to generate electrical energy and irrigate new agricultural lands. It began extensive studies to establish a number of dams on the Euphrates River. After the studies were completed, the first of these dams was completed and work on the project reached Implementation phase: Turkey informed Iraq in 1964 of its intention to implement the Keban Dam on the Euphrates River. Turkey's statements were that other water users cannot tell it how to use it, and Syria and Iraq have no right to the water that originates from Turkey.

Also, at the same time, Syria was planning to establish the Tabqa Dam on the Euphrates River, which prompted Iraq to request a tripartite meeting for the purpose of reaching an agreement on dividing the waters of the Euphrates River, and determining the share of all its waters, noting that this call had been preceded by bilateral meetings between Iraq and Syria since 1963 to discuss the issue of dividing the waters of the Euphrates River, but those meetings did not produce a significant result in this aspect and did not reach acceptable results agreed upon at the time.

In September 1965, a tripartite Iraqi-Syrian-Turkish meeting was held in Baghdad. During that meeting, the water resources used by each country for its irrigation projects were supposed to be discussed. The Turkish side refused to discuss this issue, and when discussing the issue of filling the reservoirs, it was trying to reduce the damage caused. It could hit Iraq as a result of filling the tank, and the meeting ended without achieving positive results.

Second - The second stage:

During the seventies, multiple discussions were held, some of which were on a technical level and others on a political level, but those discussions did not reach a unified opinion due to the stubbornness of the Turkish side. Bilateral discussions were also held between Iraq and Syria at various technical and political levels to discuss the issue of shared waters, but no agreement was reached that satisfied both parties.

Also, in 1974, before starting to fill the Kayyan and Tabqa reservoirs together, several technical negotiations were held to agree on a program for filling the reservoirs on the

Euphrates Basin, such as Bayan in Turkey, Tabqa in Syria and Habbaniya in Iraq. Detailed calculations were made of the needs of each country and the filling programs, but the filling of the reservoirs took place without an agreement between the parties concerned. As a result of the simultaneous filling of the Kayan and Tabqa reservoirs, Iraq suffered during the years 1974 and 1975 from a very severe scarcity, as the river's revenue decreased to about 630 cubic meters of natural revenue, causing damage to millions of Iraqis residing and using the Euphrates River basin.

Third - The third stage:

Negotiations on shared international waters between Turkey, Syria and Iraq entered a new phase in the 1980s, as the Joint Iraqi-Turkish Committee for Economic and Technical Cooperation held its first meeting in 1980 to discuss the overall relations between the two countries, including shared waters. The two sides reached an agreement to establish a joint technical committee to study issues related to matters related to Shared water.

The mission of that committee is to submit a technical report that includes recommendations about the appropriate and reasonable water share needed by each of the three countries sharing the two aforementioned rivers, for a period that will remain to complete the committee's work, subject to renewal for another year. Although the committee's term was set to accomplish its tasks, it did not hold its first meeting. Except in May 1982, the Turkish side has tried since the first meeting of the committee to distance it from its basic tasks and specific goal, claiming that the work of the committee is summed up in the optimal use of shared water, and identifying the applications of each country in the field of using shared water, stressing that it does not intend to discuss the issue of dividing shared water and the foundations. And the standards that are adopted in this field, which opens the door to procrastination and deliberate procrastination.

Then Syria was invited to participate in the meetings of the old joint committee, starting from the third meeting held in September 1983, but the old joint committee did not accomplish its tasks despite the passage of more than (17) years since its formation, during which it held (16) meetings. Indeed, it was not able to Even a plan for its work was drawn up due to the stubborn position of the Turkish side. In practice, the committee's work has been suspended since 1992 due to the Turkish side's refusal to respond to the repeated invitations directed to it to attend the committee's meetings.

Iraq has paid great attention to the issue of water, and this issue has been discussed at high political levels several times. However, the complexity of the negotiations has been mentioned in many writings and stages, as the negotiators and participants in seminars and conferences, whether political, economic or cultural, summed up their statement in advance (not to address the issue Water) especially the Turkish side contributed to the complexity and faltering of the negotiations, as it was avoided during the meeting that took place between the First Deputy Prime Minister of Iraq and the Prime Minister of Turkey during his visit to Baghdad in April 1988.

The Iraqi and Turkish sides agreed to hold a tripartite meeting at the level of competent ministers for the purpose of establishing an agreed-upon general framework for the work of the committee, and that the committee would accomplish its tasks within the year the tripartite ministerial meeting was held in November 1988. It became clear during the meeting that the Turkish side was still on track. The same stubbornness and that meeting ended with an agreement that included each side preparing basic information for the purpose of knowing each country's need for shared river water.

It was also agreed that the committee would hold its meeting in Ankara during the month of December 1988. However, due to the lack of an invitation from Turkey, that meeting was not held until April 1990. Also, no agreement was reached during the meeting on the subject. Rather, the Turkish side added during That meeting is a new claim that sums up the fact that the Tigris and Euphrates rivers are not international rivers, but rather cross-

border waters, as the international river, in its opinion, is the river that forms the border line between two or more countries, and such rivers are the ones whose waters are shared between the riparian countries, and therefore it does not accept specifying a share. Each country has shared river water.

Whereas the lack of seriousness of the Turkish negotiator in reaching an agreement on the division of joint waters prevented reaching an acceptable formula for the work of the committee for the old joint division, and the stubbornness of the Turkish side and its insistence on the ideas it presents and calls on others to act upon them and its refusal to discuss the Iraqi-Syrian proposals was prevalent during the meetings it held. The Committee, for the purpose of clarifying the facts regarding the real positions of the countries bordering the waters of the Tigris and Euphrates rivers, we will address them as follows:

1- Iraq's position

Iraq enjoys historical rights and rights acquired in BC to the waters of the Tigris and Euphrates rivers, and this confirms that the two rivers are international rivers, based on the definition of the international river agreed upon internationally starting from the Vienna Treaty of 1815, and the law for the use of waterways for non-navigational purposes that was approved by The United Nations General Assembly in 1997, which Turkey voted against and announced at the time of its approval that it would not sign it.

The Tigris Basin is independent from the Euphrates Basin through clear hydrological boundaries, and the fact that the two rivers flow into the Shatt al-Arab, which is an extension of the Arabian Gulf, does not make it a single basin. The goal of the joint technical committee is to determine the appropriate and reasonable share that each country needs. The three common ones in the Tigris and Euphrates rivers, and it is not the optimal use of common life or identifying the applications of each riparian country in the field of using common water.

Iraq's position also emphasizes the necessity of setting a time limit to resolve the issue of sharing shared water, and opposes the three-stage plan called for by Turkey. It emphasizes the equitable and reasonable division of water and its use, which is based on international law and custom, including the principle of acquired rights for existing projects, and emphasizes the issue of water quality in addition to Quantitatively, Iraq believes that the concept of optimal water use includes the comprehensive development of water resources, their distribution, and what this requires in increasing irrigation efficiency and reducing disparities.

In addition to the above, Iraq's position considers the necessity of taking measures to prevent the use of the river as a drain for water resulting from agricultural, industrial and civil activities, and that the legal and technical aspects in light of which the essence of this concept is determined stem from the right of each riparian country to a fair and reasonable share of the waters of the international watercourse. It may develop plans and policies to make optimal use of that share.

2- Türkiye's position

The position of the Turkish side does not accept the principle of dividing water and does not acknowledge acquired rights and historical rights. Thus, it does not give weight to international law and custom nor to the agreements and treaties concluded between them regarding the Tigris and Euphrates rivers. It calls for considering the Tigris and Euphrates basin as one basin and not two separate basins in an attempt to cover the unfair and unreasonable use. Euphrates River water.

Turkey also claims that the waters of the Tigris and Euphrates rivers are cross-border waters, and cannot be considered international rivers, applying the Harmon principle, which has not been implemented even in the United States of America, on the basis that it

has the right of absolute sovereignty over the waters that emerge from its lands and to exploit them in the manner appropriate. It deems appropriate, without taking into account the rights of the countries bordering it (Syria and Iraq).

Turkey is also prolonging the negotiations to achieve its goals of acquiring the largest possible amount of water, and insists on adopting its plan called the three-stage plan in which it calls for studying the reality of water, agriculture, soil, and engineering planning for current and future projects in the three countries, and setting specific standards for the lands to which water is allocated. With the aim of excluding the cultivation of some crops under the pretext of being of high water consumption, and unifying the economic standards for agricultural projects in the three countries, it aims to prevent procrastination and continue to establish its projects from reaching the state of procrastination.

In conjunction with the above, Turkey is using all official means to promote a number of interactions that are contrary to truth, reality, international custom and law regarding the issue of the Tigris and Euphrates rivers, as Turkey claims that Syria and Iraq are determined to divide the waters of the two rivers into three equal shares without giving any acceptable explanation for this division, and this is something inaccurate, as Iraq has never presented a proposal to divide the waters of the Tigris and Euphrates rivers into three equal shares, whether through meetings or joint meetings, nor has Syria.

Turkey also claims that Iraq is richer than Iraq in its water resources and that it is a poor country in its water resources. It transports water from its lands via sea tanks to both Israel and Cyprus, and it does not leave an opportunity without presenting its project called (Peace Pipes) (), through which it aims to sell water. To (Israel) and some countries of the Arabian Gulf, during the extension of two pipelines from Turkey to those countries, the first with a length of 2650 km and the second with a length of 3600 km.

Turkey also does not take into account the legitimate rights of its neighbors to obtain a fair and reasonable share of the shared waters. Rather, it deliberately exploits the shared waters arbitrarily. At a time when Turkey plans to irrigate 33% of the total reclaimable lands throughout Turkey, it is focusing on irrigating the entire lands of the two basins. The Tigris and Euphrates are inside Turkey, although they are not the finest lands in Turkey, and their irrigation requires high investments to create dams, tunnels, and pumping stations to raise water.

Turkey promotes that the increase in water consumption due to population growth and the inadequacy and scarcity of water is likely to become a cause of conflict between the countries of the region, and the issue of the possibility of conflict over water in the Middle East is recommended, believed and encouraged by the American and Israeli political parties on the basis that the water issue has become a matter of concern. To Israel, it is a matter of existence, and the issue of water has become a hot and central issue in development, policies, and the Arab- Israeli conflict.

International law and custom have clearly established fair rules and foundations for dividing the waters of shared rivers, and countries that do not promote the possibility of conflict must resort to negotiating, concluding agreements, and obtaining their rights in shared waters by referring to those rules and foundations, especially the Convention on the Law of the Use of International Watercourses for Non-Purposeful Purposes. Navigation, which Turkey voted against, and announced that it refuses to sign it.

3- Syria's position

Syria's position is based on considering the basins of the Tigris and Euphrates rivers as two separate basins and not one basin, and it opposes the Turkish three-stage plan, noting that dividing water does not require extensive studies by subcommittees, and stresses that the task of the joint technical committee is to divide water and not determine its optimal use, although Considering that this is an internal matter.

The second requirement is the international legal regulation of the Tigris and Euphrates rivers

The majority of countries adopted international conventions on international rivers and the resulting recommendations that help in resolving disputes and guaranteeing the acquired and historical rights of watercourse countries in order to limit the arbitrary use of upstream countries. Many agreements and treaties emerged, especially after World War I, and within this race, treaties were concluded. Protocols between Iraq and Turkey on the one hand and Iraq and Syria on the other hand, as well as between Iraq and Iran to regulate the water situation.

Iraq and Syria were part of the territories of the Ottoman Empire, and there was no problem with Turkey regarding the use of the waters of the Tigris and Euphrates rivers. At that time, Turkey was the custodian and responsible country for water flow and addressing the flood threat of the two rivers, but in the twentieth century and beyond, the use of the waters of the Tigris and Euphrates rivers became a regional problem due to ambitions, political considerations, and various projects. This has led to water disputes between the countries concerned, the development of plans to better manage water resources and the achievement of consensus and cooperation between these countries.

Accordingly, we will divide this requirement into two sections. In the first section, we will address: the agreements with the Turkish and Iranian sides, and then we will move on to discuss in the second section: international law and resorting to international courts.

The first section:

agreements with the Turkish and Iranian sides

A number of treaties and agreements were concluded between Iraq and Turkey, with the aim of regulating the water rights of both parties in an equitable manner from the waters of the Tigris and Euphrates river basins. The question arises here about the extent to which these treaties and agreements guarantee Iraq's rights to a fair and equitable share of the waters of the two basins, and this issue is related to the issue of the water distribution mechanism. The Tigris and Euphrates river basins, and then it has an impact on Iraqi-Turkish relations. Accordingly, we will talk about the agreements with the Turkish side, and we will move secondly to the agreements with the Iranian side.

First: Agreements with the Turkish side

Many joint agreements were concluded between Turkey and the countries sharing the Tigris and Euphrates basins, whether during the mandate phase to which both Iraq (Britain) and Syria (France) were subjected, or during the phase of national independence for both countries.

Perhaps the most important treaties and agreements between Iraq and Turkey regarding the two basins are:

A_ The Anglo-French Treaty of 1920

The agreement was signed on 12/23/1920 by the British Mandate (Iraq), the French Mandate (Syria), and Turkey. The agreement included provisions aimed at guaranteeing the rights of the upstream (Syria) and downstream (Iraq) states, as Article (3) of the agreement stipulated the necessity Respecting Iraq's rights to the waters of the Tigris and Euphrates.

B_ Treaty of Lausanne between the Allied Powers and Turkey of 1923

The agreement was signed on July 24, 1923 by the British Mandate (Iraq), the French Mandate (Syria) and Turkey. The agreement included provisions related to defining the borders and the extent of their impact on the rights of Iraq and Syria in the waters of the Tigris and Euphrates and the necessity of concluding an agreement between the countries sharing these two rivers, and this is what it indicated. To him is Article (109) of the

Convention (3), which stipulates that: “In the absence of contrary provisions, an agreement shall be concluded between the countries concerned in order to preserve the interests and acquired rights of each of them, and when agreement is not possible, it shall be settled by arbitration.”

It is worth noting that Iraq did not resort to arbitration due to many factors, including political, economic, legal, cultural and historical conditions, and arbitration is not always the ideal solution for resolving disputes, as it requires significant time and effort, and may not lead to satisfactory results for all parties involved.

After Iraq gained independence following the end of World War II, it concluded a series of treaties, agreements, and minutes with neighboring countries (Syria and Turkey) regarding the basins of the Tigris and Euphrates rivers , perhaps the most important of which are the following:

C_ Good Neighbor Treaty between Iraq and Turkey of 1946

It was signed on 3/29/1946 on behalf of the Iraqi side (Nuri al-Saeed and Abdul-Ilah Hafez) and on the Turkish side Fereydoun Erkin Hassan al-Saqqa. The agreement includes six protocols. The first protocol dealt with regulating the flow of the waters of the Tigris and Euphrates and their tributaries, as it stipulated regulating the use of the waters of the Tigris and Euphrates rivers. With their tributaries between the two countries, by affirming Iraq's right to carry out any constructions or works on the two rivers that ensure the natural flow of water or to control floods, whether in Iraqi or Turkish territory.

Iraq must also bear the costs of its establishment, and Article Five of the Protocol stipulates the following: The Government of Turkey agrees to inform Iraq of any projects related to prevention work that may be decided to establish on one of the two rivers or its tributaries, for the purpose of making the works serve as much as possible the interest of Iraq as well as the interest of Turkey. Turkey must inform Iraq about the projects it will implement in building dams, in order to adapt them to their common interests and to be in accordance with a joint agreement between them. The two parties have agreed to establish water measuring stations in Turkish territory.

The agreement also indicated the importance of construction in Turkey for Iraq. Turkey accepts the construction of its dams, according to the study of Iraqi experts. Every dam built in Turkey will be the subject of Iraq’s agreement in terms of its location, costs, maintenance, and use for irrigation and energy generation purposes. The second protocol includes, in its introduction, an emphasis on Iraq’s right. Implementing any constructions or protection works on the Tigris and Euphrates rivers that it deems appropriate to continue the natural flow of their waters or to control floods that may sometimes be caused by water.

If the implementation of these aforementioned projects in Turkish territory required Iraq to bear the costs of their completion, it was emphasized in the preamble of the agreement to establish permanent measuring stations in Turkey to record the amounts of the water of the two rivers and inform Iraq of them on a regular basis. It is noted that this agreement, in accordance with the protocol attached to it, has specified some work rules. Which must be implemented, as Turkey has been obligated not to implement any project on the Euphrates Basin except after the approval of the Iraqi side.

D_ Protocol for economic and technical cooperation between Iraq and Turkey in 1971

A contract between Iraq and Turkey for economic and technical cooperation between the two countries, which included discussing the water problem between the two parties. Article Three of it stipulates the following:

1- During the process of filling the Keban reservoir, the competent Turkish authorities conduct all consultations that are considered useful with the competent Iraqi authorities in

order to secure the water needs of Iraq and Turkey, including the requirements for filling the Habbaniyah reservoir. And two kibans.

2- The two parties will begin discussions on shared waters as soon as possible, starting with the Euphrates, with the participation of all concerned parties.

E_ Protocol on Technical and Economic Cooperation in 1980

A technical and economic cooperation protocol was concluded between Iraq and Turkey, and Syria joined it in 1983. It stipulates the formation of a joint technical committee to study issues related to regional waters, the waters of the Tigris and Euphrates basins, and that this committee submits its report to the governments of the three countries within two years, and this period can be extended for another year, and the governments must hold a ministerial meeting after receiving the report of this committee to evaluate the findings of the joint technical committee by approving the methods and procedures that the committee reached by determining the actual need for water that each country needs from the shared rivers.

F_ Minutes of the meeting of the Joint Iraqi-Turkish Committee for Economic and Technical Cooperation in 1980. These minutes were signed on 12/5/1980 in Ankara, and Chapter Five concerned territorial waters as follows:

1- The two sides agreed to cooperate in the field of controlling pollution of shared waters in the region.

2- The two sides agreed to form a joint technical committee within two months to study issues related to regional waters, in particular around the Tigris and Euphrates basins, provided that its reports are submitted to the governments of the three countries:

Iraq, Syria and Turkey within a period of two years, extendable for another year. In light of receiving the committee's report, the three countries will hold a meeting at the ministerial level to evaluate the work of the joint technical committee and to determine the appropriate and reasonable amount of water that each of the three countries needs from the waters of the Tigris and Euphrates basins in order to reach the entitlements. Countries assign the amount of water from international rivers to countries in accordance with international law, which was adopted in distributing water fairly and equitably.

G_ Protocol for Economic and Technical Cooperation between Syria and Turkey of 1987

This protocol included references to water distribution, as Article Seven of it stipulated that: "The two sides will work with the Iraqi side to distribute the water of the Euphrates and Tigris rivers as soon as possible." Article Nine stipulates the following: The two parties basically agreed to establish and jointly operate projects. In the lands belonging to the two countries on the Euphrates River and the Tigris River for irrigation and energy generation, the technical and economic feasibility of these projects will be studied in cooperation between experts in both countries.

This protocol stipulated the period of filling the Ataturk Dam reservoir until the final distribution of the Euphrates waters between the three countries located on its banks.

The Turkish side also pledges to provide an annual rate of more than 500 m³/s at the Syrian-Turkish border. However, in cases where the monthly flow is below the level of 500 m³/s, the Turkish side agrees to compensate for the difference during the following month, and the two sides work in agreement with the Turkish side. Iraq to distribute the water of the Tigris and Euphrates rivers as soon as possible, and the two parties agreed to expedite the work of the Joint Technical Committee for Regional Waters.

It is noted that this protocol is one of the most important agreements that defined water relations between Iraq, Syria and Turkey, as it confirmed the following:

1 - He stressed Türkiye's commitment to the duty of final distribution of the waters of the Euphrates River.

2 - The Turkish side pledged to provide the minimum Syrian and Iraqi water needs during the period of filling the Ataturk Dam.

3- He stressed the acceleration of the work of the Joint Technical Committee for Water, the subject of a general protocol.

Second: Agreements with the Iranian side

Despite the damage caused by Iranian water policy towards Iraq, the water problems between Iraq and Iran are not fully mentioned in international forums. Water relations with Turkey are mentioned at a time when there is a lot of talk about Arab waters and their challenges in political and economic conversations (), and the reason is That to:

أ- The ongoing crisis in Iraqi-Iranian relations and the presence of major controversial issues have led to a failure to consider water issues and the ongoing Iranian violations of Iraqi rights.

ب- The small water revenues coming to Iraq from Iranian territory compared to the general water revenues of the Tigris and Euphrates other water revenues.

For example, these rivers or tributaries include (Banawa / Souta / Qarat Tabba / Al-Wand / Kankar / Kanjan Jam Kalal Badra / Al-Tayeb / Duwayrij / Shatt Al-Aama / Karkha / Karun). Despite the apparent development in Iraqi policy towards Iran after the occupation of Iraq in 2003 and the ideological, economic and political rapprochement between the Iraqi and Iranian governments, the latter still insists on violating the rules of international law by draining the salty water washing its lands into Iraqi territory to destroy it and make it beyond production capacity on the one hand. The destruction of aquatic livestock and crops, and the lack of navigation in the Shatt al-Arab.

In addition to Iran's determination to seize Iraqi water rights without taking into account the texts of treaties, protocols, and minutes of sessions to fix the borders signed with Iraq, as well as Iran's insistence on its influence and pressure on the elements of Iraqi water security through the agreement with Turkey, the second being considering the Tigris and Euphrates basins as one basin for political and economic considerations, I believe that These considerations establish a principle and a main goal, which is to end the two immortal rivers, the Tigris and Euphrates.

Iraq has also acquired some rights through history in the water courses entering Iraqi territory. We will mention some of the violations that violate the contractual rules between the two parties:

1_ Diverting the course of some rivers and tributaries into Iranian territory, such as (Minwand River / Doyrig River / Karun River) by completely cutting off the water in some river courses from Iraqi territory, such as (Kankir River / Tayeb River / Karkha River)

2_ Proposing water selling projects, such as the Al-Iman Water Project to supply Qatar and Kuwait with Karun and Karkha water.

3_ Establishing dozens of dams and water projects on the rivers and tributaries leading to Iraqi lands without consulting and negotiating with Iraq, the downstream state, over the Karun, Karkheh, and Little Zab, and not even taking the opinion of the State of Iraq, neither previously nor later in contemporary history.

4_ Opening many tributaries, canals and streams to divert water into Iranian territory, such as the Bahmshir Canal and the six canals in front of the Hamidiya Dam on the Karkheh River.

5_ Causing pollution of the water heading to Iraqi lands due to drainage, sewage and industrial water, which has become not only not suitable for drinking, but even unsuitable for agriculture (irrigating agricultural and industrial fields).

6_ Obstructing and preventing navigation in the Shatt al-Arab and closing it even by fire in 1980.

7_ Diverting most of the Karun waters to the submerged Iranian Bahmshir Canal after repairing it so that the water flows south of the mouth of the Shatt al-Arab into the Arabian Gulf, a distance of (21) km, and other legal abuses and violations in the water policy towards water resources entering Iraqi territory.

They also all contain Iranian violations of their texts and non-compliance with them with various arguments and allegations due to expansionist political considerations and dominance over Iraq's various capabilities in different and diverse ways.

Finally, we say that several agreements were reached between Iraq and Iran regarding the use of river water shared between the two countries, and the most prominent of these agreements are:

1. Friendship and Cooperation Agreement between Iraq and Iran in 1975: which included provisions on strengthening bilateral cooperation in various fields, including water resources.
2. The Karkha River water sharing agreement in 1977: which included the distribution of water shares between Iraq and Iran, and determining the amount of water that should flow to Iraq.
3. The Great Zab River Water Sharing Agreement in 1977: which included the distribution of water shares between Iraq and Iran, and determining the amount of water that should flow to Iraq.
4. The Euphrates River Water Sharing Agreement in 1977: which included the distribution of water shares between Iraq, Iran, Syria, and Turkey, and determining the amount of water that should flow to each country.
5. Agreement to enhance cooperation in the field of water resources between Iraq and Iran in 2009: which included provisions on improving the management of shared water resources, developing water resources infrastructure, and exchanging information and expertise in this field. However, these agreements have not resolved all disputes over the use of water resources between the two countries, and there are still some challenges to be overcome to ensure sustainable use of shared water resources.

The second section is international law and resorting to international courts

Discussing the issue of resorting to international courts is one of the most important points of legal research in the water crisis of the Tigris and Euphrates rivers, due to the unreality and commitment of both Turkey and Iran to international conventions and agreements, and the repetition of violations, as the meeting in which representatives of the three riparian countries (Turkey / Syria / Iraq) attended) In Ankara 9/3/2009, it can be summed up by saying that the meeting that was held ended with Turkey's categorical refusal to sign any water-sharing agreement in accordance with the initial agreement of 1987, according to which Turkey pledged to release more than (500 m³/s) at the Syrian-Turkish border, provided that what About 58% of it goes to Iraq and the rest to Syria.

Since the Turks declared it a war of true annihilation against Iraq, the Iraqi government is required to respond to this challenge in a manner commensurate with its seriousness, meaning that the government prepares to internationalize the catastrophic problem and submit it to the United Nations or the International Court of Justice, as well as the International Criminal Court. The demand is to internationalize the disaster facing the Tigris and Euphrates rivers. The Turkish-Iranian economic threat to Iraq is considered a priority and a necessity in Iraq.

Knowing that Iraq cannot resort to the International Criminal Court because it is not a member of it unless it is referred by the Security Council and is classified as genocide. Iraq has no right to resort to the International Court of Justice because the court's judiciary is voluntary or in the case of an agreement stipulation, but it is possible to resort to arbitration under Article 109 of the Lausanne Agreement because it was explicitly stated and because the agreement is about to expire. As for the United Nations, through

the Security Council, it stipulates the presence of a violation or threat of aggression (Article 39).

The Iraqi water issue must also be internationalized by submitting it to the United Nations, and demanding direct and practical supervision by sending a permanent official mission to Iraq to follow up on water developments on the ground that indicate the occurrence of a comprehensive national catastrophe (). It is worth noting that Turkey and Iran refused to sign the The United Nations Convention (Law on the Use of International Watercourses for Non-Navigational Purposes of 1997), and methods for internationalizing the Mesopotamian water problem are evident as follows:

First: The United Nations General Assembly

The problem of Mesopotamia water can be presented to the United Nations as a complaint by the Iraqi government because of the catastrophic water shortage occurring in the Tigris and Euphrates rivers, its dimensions and negative effects on agricultural, industrial and human consumption and the pollution of water entering Iraqi territory, which has become a major cause of the death of farms of all kinds, and palm trees. Basra and the death of aquatic livestock and its impact on humans.

Second: The International Court of Justice

Turkey has refused to sign the UN Convention (Convention on the Uses of International Watercourses for Non-Navigational Purposes 1997), as well as the failure of the Fifth World Water Forum in 2009. Both Turkey and Iran also refuse to agree to appear before the International Court of Justice in The Hague / Netherlands, which is one of the institutions The United Nations aims to resolve disputes between countries, meaning it is part of the international international organization.

As for the Statute of the International Court of Justice, in order to accept compulsory jurisdiction in accordance with the provisions of the Statute of the Court , one of the following methods was required to express the will of states to resort to the Court in order to reach a solution to their legal disputes:

1- Special agreement method:

The Statute of the Court specifies the method of resorting to the International Court of Justice, where two or more countries can agree to refer the dispute existing between them to the International Court, by concluding and signing a special agreement between them for this purpose, and as soon as the Court receives notification of the special agreement signed by the relevant countries. With the dispute, the court puts its own spin on the dispute. One of the advantages of this method is that the opponents cannot challenge the court's jurisdiction even if the lawsuit is submitted to the court by one party.

However, the facts indicate that Turkey and Iran cannot agree to appear before the court with Iraq, due to the two countries above' certainty that they will be convicted by the court in accordance with international law (), especially since this court will base its ruling on the Convention on the Use of International Watercourses for Non-Navigational Uses. of 1997 and judicial precedents in its decisions on the uses of shared waters and in accordance with the general principles of international law.

2- Optional declaration method:

The States Parties to the Statute of the International Court of Justice may, at any time after accession, prior consent and pledge to declare their acceptance of the compulsory jurisdiction of the Court towards any state that accepts the same consent and pledge in matters relating to international law or any incident resulting in a breach of any international obligation . This option is very unlikely because Iran and Turkey refuse to appear or accept the jurisdiction of the international court, and the ideological rapprochement between the two countries and successive Iraqi governments after 2003.

However, based on the nature of the danger facing Iraq and its people, the Iraqi government, represented by the Ministry of Water Resources in particular, in cooperation with the Ministry of Foreign Affairs and Iraqi diplomacy, must present the water problem to the international court, expose the positions of the Turkish and Iranian governments that are hostile to Iraq and its people before their people and the peoples of the world, and expose the contradictions. Between their proposals and the practical reality, the thirst of the Iraqi people and the superiority of their agricultural and livestock wealth.

3- Advance commitment method

This method cannot be achieved or achieved, as it depends on any country accepting the court's jurisdiction to consider disputes that may arise in the future between it and other countries. This means a pledge to appear before the court without the need for a special agreement if future disputes arise.

4- Examples of judicial rulings

The techniques of international law contain many models for the Permanent Court of International Justice, including:

First: The ruling of the International Court of Justice in 1937 regarding the construction of the Dutch and Belgian canals, where the court ruled that the construction of the two canals did not actually affect the natural system of the river, and the ruling stated: "Every country enjoys absolute freedom within its borders to use the waterway, if this does not affect the reduction of its share Other countries".

Second: The issue of the Danube River between Hungary and Slovakia is close to the water problem between Iraq, Turkey and Iran. The International Court of Justice ruled on 9/25/1997 in the dispute between the two countries in favor of Hungary, stating, "Slovakia failed to respect the requirements of international law when it embarked on unilaterally carried out works on a common natural resource which, as a result, prejudiced Hungary's exercise of its right to equitable and reasonable use of the waters of the Danube River."

5- Results of the rulings of the International Court of Justice

The rulings of the International Court of Justice cannot be resorted to in advance without the consent of the parties, and are not binding unless the two litigants in the international dispute agree to the ruling issued by it, and since Turkey and Iran do not agree to submit the dispute and the Iraqi water problem to the international court, this does not mean despair. And abandoning the internationalization of the problem. Rather, there is another jurisdiction for the Court, which is advisory jurisdiction, according to which the Court, in addition to its mandatory jurisdiction, has advisory jurisdiction, in which the Court can issue advisory opinions on legal issues related to an international dispute, which are referred to the Court by authorized bodies such as the United Nations General Assembly. The United Nations Security Council and the relevant United Nations agencies.

Whereas Iraq, as an Iraqi government and diplomacy, has the right to file a lawsuit except after the agreement of the parties against both Turkey and Iran to the International Court, after presenting the matter to the Security Council if it is considered a threat or a breach of security. The court studies the merits of the lawsuit and scrutinizes the information contained therein in its sessions, then It issues its advisory opinion in a public session after notifying representatives of the United Nations, countries, competent international institutions and others directly related to the case or lawsuit before it. The court has the right to request any of the information necessary to express the advisory opinion on the issue at hand, which is not binding on any of the countries concerned with the lawsuit except In the event that there is or is an explicit binding text.

However, the advisory opinion issued in the case pending before the court has international, moral and moral weight in all international forums on the one hand, and the

one against whom the advisory opinion was issued feels that he has harmed the country participating with him in the natural water resource, and he must review his positions on the other hand and after the issuance of the advisory opinion from International Court of Justice: If the defendant state or states refuse to comply or do not abide by the advisory opinion, the plaintiff state should go to the UN Security Council and ask it to issue a decision that eliminates the harm caused to it by the defendant state that rejects the opinion of the court. Relying on the Security Council requires conditions for using Chapter Seven. But a peaceful solution is possible through the sixth chapter. But on the condition that there is a threat to international peace and security or a breach thereof.

Third: The International Criminal Court

It is an international judicial body that is administratively and financially independent from the United Nations, but has a relationship with the Security Council according to Article (13/FB) of the Statute of the Court. It was established in accordance with the Rome Statute. A special agreement has been concluded that regulates the relationship between the Court and the international organization, and the jurisdiction of the Court Complementary to the national criminal judiciary, it specializes in trying individuals accused of committing international crimes (genocide, crimes against humanity, war crimes, and the crime of aggression).

The referral shall be from one of the parties (the Assembly of States Parties, the International Security Council, or the Prosecutor of the Court). Looking at the referral authorities, we find that Iraq was not a party or member of the Assembly of States Parties. This issue is not difficult to illustrate, but the Iraqi government can sign and ratify the system. The basic principle of the International Criminal Court is if there is a free and independent will and its authentication is submitted to the court.

As for the subject of the lawsuit, the process of drying up the Tigris and Euphrates rivers and withholding the natural water resources of the two rivers behind the giant Turkish dams established in an area with seismic activity of up to (6) degrees on the Richter scale, such as (Alisu Dam), and the possibility of the collapse of these dams, leading to terrifying floods that will transform all... From Iraq, Syria, and the Arab Gulf states to swamps and small lakes.

In all cases, drying that leads to the death of animals, crops, and other creatures, or floods that will result in serious damage and genocide, fall within the provisions of Articles (6) and (7) of the Statute of the International Criminal Court, for which the leadership, ruling persons, and decision-makers bear responsibility. The Turkish and Iranian governments.

1- The suit

The lawsuit requires that there be an official lawsuit, complaint, or request, either by the member state of the Assembly of States Parties, or the referral of the lawsuit by the International Security Council after it has been informed of the complaint and its belief that the conflict threatens international peace and security. What is certain is that the drying up of water resources and floods threaten international peace. The case may be referred by the public prosecutor when the legal conditions in the dispute are met and before the necessary evidence is available to prove the occurrence of one of the crimes in which the court has jurisdiction in accordance with the provisions of Article (7/6) of the Basic Law, as well as the inability of the national judiciary to resolve the dispute, and to achieve international peace and when If the conditions are met, the public prosecutor can request the opening of an investigation.

2- The legal basis for the lawsuit

From the Statute of the International Criminal Court, the concept of genocide can be defined if any of the acts are committed with the intent to destroy a national, ethnic, racial or religious group, in whole or in part... etc., and among the acts is “deliberately

subjecting the group to living conditions intended to bring about its complete or actual destruction.” In part,” and “other inhuman acts of a similar character intentionally causing great suffering or serious injury to body, mental or physical health.”

From the above, the crime of drying up the Tigris and Euphrates, desertifying Iraq, causing famine, the death of livestock and agricultural wealth, the thirst of the population, and the possibility of terrifying floods falling within the concept and provisions of Paragraph (C) of Article (6) and Paragraph (K) of Article (7). It is very useful to mention the pillars of The crime that you believe was committed in accordance with the above two articles.

3- Iraq and the International Criminal Court

Iraq is not a member of the Assembly of States Parties to the International Criminal Court, and did not ratify or sign the Rome Statute. However, Iraq during the first government after the occupation actually signed to join the International Criminal Court system, but it was only a few days before it withdrew its signature on the Charter in The era of Mr. Iyad Allawi , and the reason why Iraq withdrew its signature on joining the Rome Statute was that the government did not have a free and independent national will and sovereignty, but rather was under the influence of American trends.

The position of the American administration is categorically hostile and rejects the submission of its soldiers and mercenaries deployed in all parts of the world to the jurisdiction of the International Criminal Court, and it has many bilateral agreements with Arab and non-Arab countries preventing the surrender of its soldiers, American contractors and others to the International Court or even handing them over to a third country (it was issued The American court issued a Security Council decision granting immunity to its soldiers from criminal liability , especially since the American forces in Iraq and the mercenaries with them have committed acts and crimes against humanity.

We conclude from the above that Iraq can raise the water problem and internationalize it through the United Nations, where the Secretary-General can ask the UN Security Council to form a committee to investigate the severe suffering of the population as a result of water scarcity and pollution in Mesopotamia.

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