The Concept of The International River to Regulation the Water Relations between Turkey and Iraq Importance and Provisions

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Abstract
The emergence of the nation states after the First World War and the emergence of the political boundaries between the new geopolitical entities had the great effect of exacerbating many problems between the countries that were united under a large political entity and shared the benefits of natural resources, including water, as the political formations of the countries of the Arab world which was unified under the administration of the Ottoman Empire until 1918 and therefore there was no problem in the use of water as it is now between Iraq and Turkey on the Euphrates River or between Egypt and Sudan and other African countries that are the source of the Nile river or the problem of the Jordan river between Palestine and the Kingdom of Jordan due to the occurrence of all these rivers from the source upstream downstream under the sovereignty of one country where it was asked to protect the beneficiaries of all of them. After the end of this empire and the emergence of the political entities of the countries of the Arab world, there have been many problems between some new countries and non-Arab countries that are adjacent to them and are a source of some of the strategic benefits such as water as the water resources of the Euphrates river is a real problem with Turkey is unresolved despite the political conventions and political protocols. Also the problem of the Nile river between Egypt and Sudan and non-Arab African countries from which the source of Nile river, but the problem of these rivers has created a new nature for these rivers. It has become an international river, as is the Euphrates river, which passes through three countries. Turkey is the place of origin, Syria is the place of the middle course, and Iraq is the place of the lower and downstream. It becomes an international river after it was a national river. One is even disputed by those countries and therefore if in the past decade it was possible to make compromises and temporary political deals, the next decade will be the real conflict on the limited water resources in the region, especially in the Arab world which is 67% of its water in non-Arab lands, so water will become a strategic commodity that goes beyond the importance of oil and other forms of energy, so it may be the cause of political conflicts amounting to economic and geopolitical crises between some Arab countries and countries that are a source of water, also the conflicts between Syria and Iraq on the one hand, and between Turkey and Egypt on the other hand, or between Egypt and Sudan on one hand, and African countries on the other. This stormy atmosphere will further aggravate political relations. This problem is compounded by the continuous shortage of water use quotas due to population increases, the lack of rationalization of water use, the lack of integrated management and planning of water resources in the Arab world, and the desire of some external parties to destroy bridges between Arab and non-Arab neighboring countries on one hand, and Turkey on the other.
The problem of research: The problem of research is about the water crisis of the Arab side represented by Syria and Iraq on its side of the Euphrates River, which will reach the level of scarcity in case Turkey remained on its position to consider it merely a river crossing the and even considered the basins of the Tigris and Euphrates as one basin crossboarders, in addition to the continuous GAP projects and other development projects and in return, the laxity of Iraq in the implementation of any dams and irrigation projects and the reliance on the Turkish side of humanity to give the minimum share of water need.

The importance of research: This research seeks to provide new insights based on the jurisprudence of international law to convince the Turkish side to implement some of the points provided by the research to contribute to ease the tension between the Turkish and the Arab sides and to ensure the most important water interests for both sides and achieve the mutually beneficial aspect, that may even reach some of the parties that sought to destroy the historic bridges between the two countries just to secure their own interests.

Introduction
Demand for water under limited and sometimes non-renewable resources has become very difficult in many countries of the world. The situation is further exacerbated by the emergence of new patterns with many need and usages for water against the increase in population of the globe. In some countries, it is even more complicated when some of them share a single water resource, so the competition among them has reached the point of indisputability in dividing the waters of their common rivers or their long waterways. Regarding the water of the one country, the competition for water has become between the irrigation and drinking sectors, between industry and services, and between the city and the countryside, at the same time.
In the face of all these considerations and what may affect the climatic and environmental fluctuations of drought sometimes and floods on other times, had contributed to the qualitative and quantitative changes on watercourses and its storage in dams and lakes and groundwater basins, and had reflected in many parts of the world, including the Arab world negatively on the provision of water supplies.
Perhaps the issue of water, until the century before the past, hadn't been interesting when the world's water resources covered twice the needs of humanity, and there was no study or research indicates its depletion, but with the explosive revolution of the population of the world that began early in the last century and the growing human needs of water for drinking, industry, aggregation, manufacturing and tourism and service uses, the problem of the growing needs for water, whose sources are unable to meet demand, emerged. In addition the problem of riparian countries on rivers and lakes emerged. The first of these problems was about the uses of these international rivers for navigation.
It is therefore possible to say that a great deal of disagreements over the use of the shared or international rivers was not aroused as long as it was possible to secure passage through these rivers in light of the expansion of the empires and international federations such as the Ottoman Empire, the Soviet Union and others, which included large political entities under its authority and could secure their interests according to their need of natural resources, including water.
However, the world has recently witnessed the fragmentation of these federations and the multiplicity of political entities that are separated by political boundaries, or their need for natural resources has increased in accordance with their population size and the increase of the aspects in which natural resources are used as a result of their economic development against what resources they have, all of this has made some of these countries suffer from major deprivation of resources in general and of drinking water resources in particular. Thus, the international or crossboundary water have become one of the most important areas of international relations that many of those interested in this field emphasize that future wars in the world will be wars over water in the first place because the water in some countries, which was once the cheapest thing that exists is today the dearest missing and has become the essence of life and the lack of it is the essence of death.

The Nature of rivers and the international law perspective:

About 260 different river systems have been identified around the world (1) however, the jurisprudence of the international law has divided rivers into the following types (2):

1- National rivers of international importance: they rivers which are located entirely in the territory of one country, but it has an international importance, especially when these rivers originate from within the borders of that country and pour into a general sea because it facilitates the communication between this country and the other countries on that sea through the river and their fleet of ships, and such rivers do not normally raise any international problems.

2- The surrounding or adjacent rivers: the rivers that constitute a dividing line between two or more countries, that is, they run along the countries to form natural borders between them, such as the Shatt al-Arab between Iraq and Iran. Such rivers usually cause border problems related to the absence the borders for these countries and the implied military, security and political problems.

3- successive or sequential rivers: the most complex and problematic rivers because of the nature of these rivers as they are penetrating the territory of two or more countries as is the case for the Euphrates River, which runs through three countries; Turkey, Syria and Iraq, and the Nile River that runs through ten African countries. The riverine countries here are of three types: the countries of the river's source, the countries on the river course, and the countries on the estuary of the river.

The first two types of rivers are almost free of any legal consequences of controversial importance, there aren't even any legal consequences for the distinction between them, so that even the geographic difference between them is sometimes more superficial than real. The river itself may be both sequential and adjacent in the same time, but the successive and sequential rivers remain the most problematic types of rivers that raise legal disputes. The methods of solving their problems are varied through international jurisprudence. These problems are on two types:

First, the problems of using sequential (successive) international rivers in navigation, which has become the subject of international law recently since the end of the nineteenth century and through the twentieth century after World Wars I and II, specifically the British attempts, which sought to establish a general regime for the freedom of navigation across European rivers and African colonies. But these concerns have diminished before the agricultural, industrial and service uses of the rivers, which have narrowed water rations between
upstream and downstream countries and raises many problems such as those between Turkey, Syria and Iraq today. **Second**, the problems of international rivers with non-navigational uses. The jurisprudence and international work started in many studies to define a broad concept of international rivers, especially after the First World War, and the importance of this topic has increased after World War II until the end of the last century. But the international failure to reach a legal law for the use of international rivers in the areas of navigation has ended up with the multipurpose use of international water, especially the sequential rivers such as the case we are dealing with regarding the use of Euphrates River water between Iraq and Turkey, which is threatening the historical and economic ties between Turkey on the one hand and the countries of the Arab world, on the other hand, because of the great importance of the Euphrates River water to the lives of the peoples of those countries. Turkey’s economic development projects plans are large, and are threatening the nature climate in Iraq and the Levant, which make the rain water resources relatively low, which is reflected on the surface water resources and groundwater where, where %70 of rain precipitation in these areas evaporate directly, in addition to the great evaporation in the water surface behind dams or the natural water surface and this in turn directly influence the countries on the river course (Syria and Iraq) in the use of shared water between them and the upstream country (Turkey) and even between the middle and lower streams. These effects are on four types: 1- Quantitative effects related to the drainage of the watercourse and the water quotas of each. 2- qualitative effects related to the quality of the water, surface or groundwater. 3- Beneficial effects related to the holding of floods and river flow and reducing the load of sediments and salts. 4- Harmful effects related to river discharges, pollutant transfer and salinity increase. All of these effects converge in the Euphrates River basin in all its parts due to the characteristic of ideological continuity. These influences have been imposing themselves negatively between Turkey and Iraq and Syria. Such negatives and other real obstacles that some countries practice on the ground represent violations of international laws and agreements regarding shared international rivers. The most prominent of these obstacles:

1- The absence of a specific control mechanism in the majority of international treaties and laws on international rivers and the lack of consistent in the international treaties and laws on international rivers, the lack of unified strict detailed standards for interpreting the rules of international law and the qualitative interpretation of international laws and treaties. Turkey, for example, still considers that it has absolute sovereignty over the Euphrates basin and considers the Tigris and Euphrates basins as one basin. 2- The international law treaties on international rivers and waters are generally limited to the subject of rivers and the absence of rules and procedures for the division of freshwater sources through international rivers (major springs, aquifers, oases, freshwater lakes, seasonal flood waters). 3- Most of the countries in the world receive more than %50 of its water from outside its borders; that is from any of the other countries. In addition, most of the large rivers and large wells are shared by more than one country. Therefore, the (International Consultancy
Organization) has pointed out that conflicts will increase due to the water shortage, which is expected to reach two thirds of the world’s population by the year 2020. The organization has identified (11 regions) in the world with conflicts over river water which could turn into armed conflicts to control the water and its sources.

1. Turkey - Syria - Iraq because of Turkey's extensive exploitation of Tigris and Euphrates rivers water by setting up giant projects that lead to reducing the volume of water supplied to Syria and Iraq.

2. Iran and Iraq competing on Shatt al-Arab where the Tigris and Euphrates rivers meet.

3. Egypt - Sudan - Libya - Chad - Niger and their dispute over a groundwater field that is 800 meters deep as Libya rushed to invest it by an industrial river to feed its coasts with fresh water.

4. The same countries mentioned above over the course of the Nile River.

5. Mauritania - Senegal - Mali over sharing the river Senegal.

6. India - Bangladesh over the Ghand River Delta and Brahma Portari.

7. India - Pakistan over the investment of the Indus River

8. Uzbekistan - Kazakhstan - Tajikistan over the Mudarya River and the Cerradaria River

9. Hungary - Slovakia - over the establishment of the Danube projects.

10. Serbia - Croatia - due to water shortages and turning the pollution to the Danube River.


**Euphrates River and the Turkish-Arab crisis:**

Turkey has a huge surface water flow from the national and international rivers flowing from it such as the Tigris and Euphrates rivers and other rivers and water surfaces, which reach to more than (186 billion cubic meters) per year, other than the groundwater, estimated to be more than 100 m$^3$ annually, and although previous estimates indicated that the safe withdrawal of water from Turkey will reach in 1992 (95 billion cubic meters) per year of surface water and (5.4 m$^3$) per year of groundwater. However, annual consumption did not exceed 55 m$^3$ (6). After the establishment of the first irrigation projects in Turkey like Kiban dam and the dam (Kara Qaya) and after that date Turkish consumption of water didn't exceed 75% of the reserved water. This means that Turkey had, until the end of the last century, sufficient water availability that allows the required water shots (release) for each of Syria, which needs up to (15 m$^3$) annually, and Iraq which needs twice as that. In fact, Iraq, being the lower stream of the Euphrates River, did receive until recently over (27 m$^3$) annually and table (1) depicts the reality of the water flow of Euphrates River and drawing from Turkey, Iraq and Syria (7) which indicates that Turkey has been and will always be satisfied with the water resources and will not suffer from water shortage even if its water resources are not distributed well according to the regions and timings, which are more than (1086 m$^3$) provided by 26 river basins as well as the water of the Tigris and Euphrates rivers which provide the third of this water surface. However, foreign intervention has pursued at the end of the last century to destroy the historic bridges between the Arab countries, especially Syria and Iraq and in order to secure their economic benefits with Turkey, especially the water benefits that almost approved the Peace Project, which ends with providing fresh water to Israel and therefore Israel was the first country to incite it. This project and others would have been accepted by the successive governments of Turkey for since before 1992 until the time
of the current Turkish government. yet the water crisis between Turkey - Syria and Iraq has never reached a peak like it does now. The crises remained, until the last quarter of the last century leaning towards the compromise sometimes and to threats on the other times without strategically impacting the benefits of the two countries, Iraq and Turkey, despite the attempts by the foreign parties to fuel the Arab-Turkish conflict aimed at destroying the Islamic historical bridges that have been linking Turkey to Arab countries and their intention to weakening the confrontation countries represented by Syria and Iraq, so these parties, especially Israel, has put all efforts, supported by its political weight, to maintain strong relations with Turkey, culminated by the mutual visits between officials of these countries. The previous Turkish governments almost established long-term agreements to exploit the Turkish water, including naturally the water of the Euphrates River and the water of the (Manogat) river in southern Turkey, but the differences in the economic and geographic points of views between the two parties caused the delay of such benefits and therefore it can be said that the Turkish Arab crises until the end of the last century were fabricated and intended to aggravate the Turkish side against the Arab world in addition to the available access to economic benefits. Today, and due to the facts that Turkey is witnessing more economic and urban development, the strategic importance of Turkey as the bridge linking the European West with the eastern world, and due to its possession of the most important sources of natural wealth, namely water and its strategic importance for the basic human uses of drinking and other economic, agricultural and industrial uses, the water situation aggravation image has returned between Turkey - Syria and Iraq. From the Turkish side, Turkey is seeking to complete the multi-irrigation projects presented in Table (2) (8), which is the GAP project Which the biggest project that will bring the water in both Syria and Iraq to the point of health and economic damage.

As Iraq received merely (9 billion m$^3$) from the previous water quota, which was more than (27m$^3$) annually, bringing the shortage in the water of Shatt al-Arab to more than (6m$^3$) and this means up to (40%) loss of agricultural land in Iraq, and a loss in the individual share of the water that will reach less than (291) liters per day.

Therefore, the issue of the water crisis between Iraq and Turkey is raised again in the light of the Turkish side decisions on the water disputes of both Syria and Iraq.

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1 - The (Gueydouu Andolu Projct), known as GAP, was not born today, but its idea dates back to the time of the founder of the first Turkish Republic, Mustafa Ataturk, when the problem of electricity became a priority in the 1920s and 1930s, which lead the electricity studies in 1936 to present a study of the possibility of benefiting from the water of the rivers within the Turkish country for electric power generation. The first of its applications was using the water in the Kiban dam project, which began in the mid-sixties and then intensive studies followed to take advantage of water abundance in Turkey which ended up with the idea of the GAP project that includes establishing (17) dams on the Euphrates River, and (4) dams on the Tigris with the establishment (17) power stations.
### Table (1)

<table>
<thead>
<tr>
<th>No.</th>
<th>Source Description</th>
<th>Natural Flow</th>
</tr>
</thead>
</table>
| 1   | Natural flow      | -The amount observed in Heat in Iraq.  
-Drawing in Turkey (before GAP project)  
-Drawing in Syria (before the revolution project)  
-Natural flow at Hit. | 29,800 | 0820 | 2100 | 32.720 |
| 2   | Before the dam of Keban Before (1974) | -The flow within Turkey.  
-Drawn in Turkey.  
-Flowing into Syria.  
-Added in Syria.  
-Drawn within Syria.  
-Flowing into Iraq.  
-Added in Iraq.  
-Consumed in Iraqi irrigation.  
-The flow from Iraq (estimated to Shatt al-Arab) | 820 | 29,850 | 2.050 | 2.100 | 29.800 | 0 | 17.000 | 4.000 | 16.800 |
| 3   | The full usage plan (in about 2040) | -Flow in Turkey.  
-Drawn within Turkey.  
-Flowing into Syria.  
-Drawn within Syria.  
-The returning flow and tributaries (Turkey and Syria)  
-Flowing into Iraq.  
-Drawn within Iraq.  
-The flow returning from Iraq.  

Ref. Al-Samarrai, previous source, p10.

### Table (2)

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of the project</th>
<th>Location</th>
<th>Height</th>
<th>Storage capacity</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Keban Dam</td>
<td>In the center of Elazag region</td>
<td>206 m</td>
<td>307 billion $m^3$</td>
<td>Located at the junction of the Euphrates Murad Sow and Furat Sow Completed in 1674 Produces 1240 megawatts</td>
</tr>
<tr>
<td>2</td>
<td>Dam Qara Qaya</td>
<td>Located 16 south of the Kebah Dam</td>
<td>180 m</td>
<td>9.5 $b m^3$</td>
<td>The project was completed in 1986 producing 1500</td>
</tr>
<tr>
<td></td>
<td>GAP Project</td>
<td>Differe nt heights</td>
<td>MW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>-------------</td>
<td>--------------------</td>
<td>-------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3-</td>
<td>13 projects distributed on the Tigris River (6) and Euphrates (7) with (17) stations</td>
<td>Producing electricity of up to 274 billion k/h</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4-</td>
<td>Ataturk Dam Project</td>
<td>169 m, 48 billion m³, 50% from the euphrates that is a source of 15 b. m³</td>
<td>The fifth biggest dam in the world</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5-</td>
<td>Shatli Orfa Tunnel Project</td>
<td>Shatly Orfa</td>
<td>It consists of two tunnels to divert waters of the Euphrates to Mardin and Shatly Orfa</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-</td>
<td>Other irrigation projects</td>
<td>Distributed on different locations</td>
<td>10.5 b. m³</td>
<td>(9) projects</td>
<td></td>
</tr>
</tbody>
</table>

Ref: the researchers depend on Al- Samarrai, Ibid

* • These projects will reduce the amount of water in the Euphrates River by 40% in Syria and 75% in Iraq

**The idea of the international river to regulate the water relationship between Turkey and Arab countries:**
That continuation of the construction of irrigation projects in Turkey, especially those to be completed on the Euphrates River basin will get the amount of water in both Syria and Iraq to the level of scarceness, which signs were noted and embodied in reality at the beginning of 2017 where it reached the political conflict raging between Turkey and Iraq if it wasn't for the sanity of the Turkish government, which has reopened water releases to Iraq, but we know that this will not last. On the Turkish side, many of the previous considerations still dominate the scene regarding the disposal of its water resources. One of the former Turkish leaders described the GAP project as an open battle symbol against unemployment, poverty and deprivation without taking into account the state of affairs in Syria and Iraq, even worse, one senior official went further, describing the GAP project as not penetrating the mountains but rather the age itself and is a symbol of confronting history. Another said that they don't mind trading water for oil. In the same sense, the director of the South Anatolia Project (GAP) addresses the Arabs. "Just as you have a strong weapon, that is oil, we also have a strong
weapon, the water weapon. “(9) These opinions were factors of aggravation of the Turkish position towards the Arab world faced by the Arab laxity in pursuing satisfactory and convincing policies for the two sides. Iraq, which is located low on the Tigris and Euphrates rivers, will certainly be the first to be affected by the Turkish strategy, as it still does not have an appropriate water policy and relies on non-operative agreements and treaties without owning the efficient systems and management and without long-term plans, despite what has happened and what is happening, and will face difficult challenges in the near future. At the same time, we don’t deny to the Turkish side the importance of its irrigation projects, including the GAP as a project for regional development in Turkey and one of the most changing projects in the world, whether on the agriculture, industrial or energy levels or at the level of social and political changes as this project aims to turn Turkey into one of the economically developed countries so the Turkish side has the right to accelerate its completion, but difficulties and problems, which are not limited to the local level only, will face Turkey and will include its neighboring countries as well. Iraq had been receiving the full portion of the water, of which 50% goes to the sea (10) and until today, Iraq has not developed its vision and long-term water policy and never explored the indiscriminate use of water across the three main sectors of agriculture, industry and domestic uses. In addition to weak internal coordination and the lack of consensus among the main water users and the weak technical and administrative capabilities qualified to manage and regulate this sector leading to the negotiations to reach agreements and understandings acceptable with the Turkish side to improve the quantity and quality of water. Therefore, in light of these two positions between Turkey and the Arab world, and after the failure of the international agreements between the two sides, at least between 1903-1990 (attached), there must be sought a new concept based on the spirit of legal frameworks for the exploitation of the international rivers and maintaining benefits for the two parties, which will not differ from the following:

1- Each riparian country shall have the right to a fair and reasonable water share of the international watercourse.

2- The acquired rights resulting from the uses of the waters of an international watercourse shall be respected.

3- It is inadmissible for any riparian country to take action or construction on the international or national watercourse until the riparian countries concerned with it are notified to reach an agreement about that.

4- It is not permissible to harm the other riparian country in terms of the quantity or quality of the water.

5- The necessity of continuous exchange of information and data between the riparian countries on everything related to the water of the shared watercourse. This can be achieved between Iraq and Turkey under the concept of the international river - or the streams of international rivers - but under new provisions and perspectives of mutual benefit, so the essence of this research goes to identify these provisions and their importance to both parties after the historical and protocol review of the concept of the international river.

The concept of a river or a watercourse to regulate the water relationship between Turkey and the Arab countries Controls and Importance
Turkey and the Shared Water Problem:

It has become clear that fresh and even sea water sources are natural resources necessary for the continuation of human life and the existence of all living beings and one of the four elements of the universe (earth, water, air, fire) and the source of the formation of religious and social philosophy for human beings and water even became to refers to an important title in the sovereignty of the state and its authority just like land does. Therefore, controlling water does not only protects the human life and dignity, but is also a means of achieving prosperity and economic, social and urban development of countries, but differences remain between the value of international rivers on the scale of power enjoyed by countries over time. The main value of the rivers was related in the past to their uses for navigational purposes, transportation and communication so it can be said that a great deal of controversy over the use of these rivers was not raised as long as it was possible to secure passage through these rivers. However, in this era the obvious scarcity of resources in general and freshwater or drinking water resources has increased the importance of water on the scale power of the countries. Water resources of an international or crossboundary nature have become one of the most important areas of international relations, in light of the relative scarcity of fresh water per se as well as its increasing importance in the fields of irrigation, agriculture, power generation and some industrial fields. The situation of the Tigris and Euphrates Rivers between Turkey, Syria and Iraq is one of the most problematic and controversial situations in the world. Especially when the vital interests of the three countries are linked to these two rivers, particularly the Euphrates River, as well as the situation of these two rivers in the overlap of factors and considerations of economic, humanitarian and legal as well as political factors, which are particularly important since these rivers and their riparian countries are in the Middle East, which is characterized with the sensitive relations between its countries due to the overlapping of the ethnic and political boundaries inherited by those countries from the era of the Ottoman Empire rule in the recent past, while some believe that the absence of the comprehensive legal framework of relations between the riparian countries of these two rivers is the main reason for aroused problems.

In any case, the real problem now is the unequal distribution of freshwater resources because of the creation of the so-called political borders between countries. In addition, to the problem of the actual inequality in the division of surface and groundwater resources and the unstudied selection of the agricultural and industrial development patterns that are wasteful for large quantities of water faced by the population increases accompanied by the expansion of water uses without taking into account the legal share of the individual, the inefficient irrigation systems, the poor maintenance in the river streams and pipelines of transport, in addition to the problem of water pollution.

As a result of this disturbing and unstable situation, the governments in the riparian countries on the rivers, including Turkey, Iraq and Syria, have been planning several large projects that rely mostly on strategic objectives and requirements and have embarked on their implementation instead of relying on a policy of rationalizing their economy. Like what happened in the list of the moderate and large Turkish projects, the last of which is GAP project, which led to differences and conflicts between these countries to control the stream of the rivers through or adjacent to their lands after the differences of the recent past were compatible being related to the use of water as the majority of the projects were ranging between protective dams, that didn't cause drastic changes in the water reaching or crossing
the riparian countries, and their quality. However, with the modernization of methods of water resources exploitation consequently with the development of the social and economic life of these countries, there have been major changes in the water courses that led to conflicts between Turkey, Iraq and Syria especially that the Turkish projects have led Turkey to retain large quantities of water for itself at the expense of the Iraqi and Syrian needs, and even to deprive the countries of the middle stream (Syria) and the Lower stream (Iraq) of exploiting the Euphrates River in proportion to their legitimate economic and social interests. It has become imperative that these countries resort to the international law. Both Iraq and Syria have resorted to this field, as a result a series of agreements and treaties, the latest of which was in 1990And after all these conventions and treaties have become mere non-actionable indicators, this.

Research sets provisions and conditions ranging between the most important legal formulas produced by the jurisprudence of international law - and based on the importance that may have been ignored by the periods of international conventions and treaties concerning the nature of the Turkish- Arab conflicts over water. ((In this concern, the research presents the concept of the international river, or the international watercourse according to a vision that fits the law of the uses of the Tigris and Euphrates rivers and that does not overlook the historical, political and economic facts of the riparian countries of these rivers)) after explaining the historical development of the concept of river, or the international course of rivers.

The concept of the international river and its relationship to the Euphrates: In the past and until the end of the ninth century, river water in the countries was common currency that the user could dispose of as he pleased. With the beginning of the tenth century AD and the subsequent emergence of feudalism and monopolization of navigation in the parts of the waterways crossing its territory, the navigation system faced a number of obstacles such as imposition of customs duties and the closure of some rivers before navigation, as happened to the Ascot river in 1648 between Belgium and the Netherlands. Ever since then, the difference between the so-called international river and the national river became obvious, which was based on the concept of navigation. If the river is navigable and separates two or more countries, like the Rhine between France and Germany or crosses the territory of two or more countries like the Danube between Hungary and Slovakia then it is an international river and every country where the river passes has the right of navigation in the section that crosses or is adjacent to its lands. The part of the river that is in the territory of other countries was not allowed for navigation it unless under special agreements and for a fee, but if the river is in the territory of one country and benefits that country then it is a national river.

After that, navigation in the rivers found wider freedom after the French Revolution has announced a series of decisions to regulate this issue, including the resolution issued on 1992/11/16, which stated that "the riverbed is a common property that can not be seased in any of the countries it crosses and no nation is allowed to claim a restricted right regarding using it". Therefore, a number of European rivers, such as the Meuse and the Ascott rivers, were traded in accordance with the Paris Conventions of 1797 and the Treaty of The Hague of 1795 (12).

With the development of the use of rivers a new term was called to the rivers that the international law was interested in, the international waterway. This concept took place at the
Vienna Conference in 1815 and became a definition that includes rivers, lakes and water surfaces that meet the conditions of navigation and economic benefit. and we do not want to come across all the conventions interested in this in the recent past, starting with the Barcelona Convention in 1921 and ending with the 1997 UN Convention on the uses of international watercourses for non-navigational purposes, we reach the opinion of the Permanent Court of International Justice to identify the international river "as a result of the Oder river problem" as: every waterway that has the following three characteristics(13):
A - Navigation relationship  B - Contact to the sea  C - That this contact is interesting to more than one country.

The narrow view of the definitions above which limited the task of the international river to navigation, made the International Law Commission at the United Nations prepare a study for developing a law for the use of international rivers, which ended by replacing the international waterway with the term "international watercourse", which came to include:
1- any watercourse the parts of which are located in different countries.
2- The surface water and groundwater system (which, by virtue of its natural relationship with each other or with one), usually flows towards a common point.

This item has a wide impact on the comprehensiveness of the concept of the international river or watercourse because it takes into consideration the surface and groundwater system and the natural relationship between the elements of the international watercourse network, as the water may seep into the watercourse into the ground below the bottom of the watercourse and spread beyond the banks of the stream, it reappears in the course, flows towards a lake, runs into a river then turn into a channel and passes into a reservoir. No area of the reserved water is considered a part of an international watercourse where the text requires that the elements of the network flow into a common point, which makes the text geographically constraining to the watercourse. Thus, the concept of international watercourse is in line with recent developments in the use of international river waters and goes beyond the negative aspects of water drainage.

provisions and importance of the idea of the international rivercourse in regulating the Turkish-Arab water relationship

Not far from the idea of the course of international rivers and on the basis of all international conventions and treaties, the research sets a group of provisions that can be relied upon to regulate the water relationship between the Turkish side and the Arab side to secure water quotas between the two sides.

I / Legal Provisions: represented in
1- Turkey's response to the international treaties and legal agreements that lead to Turkey's recognition of the international character of the Euphrates river and not to regard the Tigris and Euphrates rivers as merely crossboarders in addition, to get over the idea of the absolute sovereignty over the Euphrates River.
2- To amend the Turkish understanding of the concept of water division on a reasonable and fair basis such as replacing this understanding from dividing water between the two countries to dividing water use.
3- To amend the Turkish prevailing understanding that the Tigris and Euphrates are one basin and are one range for a single watercourse, and to come in line with geographical facts that confirm that each river has its own autonomous basin.
4- To respect the international treaties and conventions concerning the use of the Euphrates River between Turkey on the one hand and Syria and Iraq on the other, which provides for the protection of these uses in each of the riparian countries.

II / Technical provisions: (proposed by the research for the first time)

1- One of the most important provisions that this research emphasizes, and which can be of mutual benefit between the Turkish and Iraqi parties, is not only to negotiate with the other party when establishing hydraulic facilities on the Euphrates River and their participation in the technical and operational advice, but rather that Iraq could find investment in these facilities, especially the establishment of power plants desperately needed by Iraq now, therefore, their participation in investment in this field can meet the demand of energy and at the same time is in line with the desire of the Turkish side to set up power plants on the GAP project.

2- The possibility of reviving the idea of a peace project to provide Iraq, Syria and some Gulf countries with water that takes its water from the rivers of Kiban and Sihan in Managut (map 1), and which pour into the sea without benefit and this may fill some of the shortage of water in the Euphrates River due to the implementation of GAP projects. At the same time, fresh water is channeled to Jordan, Syria, Saudi Arabia and Kuwait. Here, investments can be made by the Gulf countries in this project according to their water interests.

3- The research presents the idea of satisfying the desire of the Turkish side to divide the Euphrates River geographically, although it is an international watercourse whether on the basis of water quantity or on the basis of water use in riparian countries because in both cases it leads to meeting the parties involved in the Euphrates River. This idea is that the Euphrates River, which flows from the middle of the Armenian plateau east of Anatolia, runs through Turkey at a distance of 1176km, 604km inside Syrian territory and 1160km inside Iraqi territory (map 2), if its water is divided according to the areas covered by the river through these countries of 2940km, which is equivalent to 40% of the Turkish territory and 20.5% of Syria and 39.5% in Iraq, which if the division of the water in the Euphrates was based on it will provide 12.67b.m³ for Turkey and 12.6b.m³ for Iraq and 6.57 b.m³ in Syria per year. This amount from the Euphrates River with the additional water resources within these countries is sufficient for their needs.

The importance of applying the idea of the international watercourse to the realization of Turkish Arab interests

1- The application of the legal provisions on the international rivers will achieve the satisfaction of all the Arab and Turkish parties even if the same Turkish understanding continues about the Tigris and Euphrates River having one basins or if it insisted on dividing the river water principle, since adopting the proportion of the lengths penetrated by Euphrates through Turkey, Syria, and Iraq should satisfy the Turkish side and provide the riparian Arab countries with the required amount of fresh water, even if it was the minimum.

2 With a rate of approximately 600m³/s for both Syria and Iraq to secure these quotas and this is what both sides desire and what achieves the required use.
2- Iraq's participation in the establishment of hydraulic projects, including electric stations, provides the needs of electricity and maintains its technical and advisory participation in the projects of the GAP not far from any decision that could harm their reconciliation.

3- Reviving the idea of the peace project provides the Turkish side with a compromise paper with the Israeli side, which can obtain fresh water in exchange for respect of the Arab-Palestinian issue and fulfill their aspirations to establish their state and keep Jerusalem an Arab Islamic city, Keeping other parties from destroying the Turkish-Arab bridges of Islamic and historical dimension.

Map (1) showing the peace project

Prepared by the researchers

Map (2) The Tigris and Euphrates rivers and their tributaries
Conclusions and Recommendations

The nature of private water, including shared river water, is that it does not imply differences over the legal adaptation of the exercise of sovereignty over riverbeds, but rather on how to apply it within a particular geographical framework where sovereignty over an international watercourse can not be exercised permanently over a limited amount of water in a certain country, but sovereignty over part of the of a running water within a part of a river basin under the control of a certain sovereignty, and this amount of water can later move to another part of the basin itself which is under the control of another sovereignty, as this continuous coherence between these sovereignties results in coordination and cooperation between the riparian countries sharing the same rivers to obtain the best benefits as is the Euphrates River between Turkey and the Arab countries.

So it is time to revise all the concepts of water management in the world in general and in the Middle East in particular, because of the problem of the scarcity of water, which has reached an almost chronic level that we continue to use water in the same way we do now. And there must be international treaties and conventions in accordance with the interests of the neighboring riparian countries in the international and cross boundary rivers as in the Tigris and Euphrates between Turkey, Iraq and Syria.

Perhaps the concept of "international watercourse" along with the controls and decisions of the utilitarian importance for these countries are able to lit the fuse of crisis, whether existing or made-up. Either way, this concept shall not differ much from the controls, decisions, and international agreement. The latest of which is the decisions of the international conference held in Jordan under the title of Food Security and Climate Change in the Dry Areas, which called on the governments of the Middle East to forget their political differences and rethink their water management strategies and water policies to avoid a threatening future in the region. The idea of an international river, which should be based on a broad concept such as the idea of an international watercourse, covers not only rivers and Sweetwater areas, but also lakes and groundwater reservoirs on conditions that can be added between the Turkish government and the governments of Syria and Iraq, that guarantees benefits of local importance for each of them and that reaches some of the countries of the Arab world and other countries.
Sources:
2- Internet site, "Rivers and international waterways."
3- Samarrai - a previous source, p.93
4- Abdul Malik Tamimi, "Arab Water Challenge and Response," Center for Arab Unity Studies, Beirut, 1999, p.217
7- Samarrai, previous source, p.102
8- researcher based on information from Al- Samarrai book former source.
9- Munther Khaddam, "Arab Water Security", Center for Arab Unity Studies, Beirut, 1, 2001, p.87
11- Mahmoud Samir Ahmed, "Water Battles in the Middle East," Cairo, 1999, p.31