

# The Implications of Building Iranian Dams on the Water Flow of Rivers to Kurdistan Region

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## An Introduction

Roughly 2.1 billion people across the world suffer from lack of access to safe drinking water, and 1 in 10 worldwide suffers from water scarcity. According to the United Nations, 90% of natural disasters are attributed to water-related crises. The global demand for water is constantly surging chiefly due to the exponential growth of population and the developing industrial sector that relies on 75% of water for energy production. At the same time, the quantities of clean drinking water available to people are constantly decreasing due to the climate change, the unprecedented high level of pollution, and the increasing salinity of the pure water.

In a large number of poor and fragile countries, more than two million children die annually due to lack of water or the consumption of unsafe water. Non-drinkable water contributes to the spread of 80% of infectious diseases. In addition, water shortage hardly affect food production and leads to starvation and diseases caused by malnutrition. This global phenomenon will be more deeply felt by residents in some regions, especially the regions in North Africa and the Middle East, than others.

In the Middle East, Iraq's access to its water resources is rapidly and steadily dwindling. Official data reveals that in the last decade, Iraq has lost up to 50% of its water share, and about 80% of its water flow from Iran after the latter cut off about 35 main tributaries, due to the Iranian government's plan to build dams on the rivers that supply Iraq with water, especially the rivers that flow into the Kurdistan region.

According to Iraqi government statistics, Iraq's population, which is estimated by over 40 million, consumes 71 BCM of water annually. The population is expected to rise to more than 50 million in 2035, and the surface water will likely decrease to 51 BCM annually, after the completion of all dam projects outside the borders of Iraq, especially in Turkey and Iran. Also, the 70% of Iraq's land that is not cultivated in the summer due to water scarcity is likely to rise for the aforementioned reasons.

Iraq loses annually about 100 thousand dunums of arable land due to the loss of water.<sup>1</sup> Therefore, Iraq is on the verge of acute water crisis and drought is looming as Turkey and Iran continue to construct dams and hydropower facilities that considerably reduce the flow of water. The

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<sup>1</sup> الدونم هي وحدة قياس تعادل نحو 1000 متر مربع



construction of the Turkish Ilisu Dam, which officially began operating on December 24, 2020, has reduced the flow of Tigris water by about 60%, that is, reducing its share from 20 BCM to 6 BCM, which threatens the water supply to the governorates of southern and central Iraq.<sup>2</sup>

As for Iran and its plan to construct dams on the rivers that flow into Iraq, including about 16 dams built by the Iranian government on the Little Zab and Sirwan rivers that supply water to the Kurdistan region, it has affected the Kurdistan region's right to obtain adequate share of water, as most of the rivers that pass through the Kurdistan region comes from Turkey and Iran. By constructing these dams, Iran reduced the water level flowing into the region, which affected the agricultural irrigation schemes, reduced the amount and quality of potable water, lead to a fishery collapse and destroyed the fishing projects, which affected the food security of the region, along with countless other risks. The rights of citizens in the Kurdistan region of Iraq are being subjected, day after day, to grave violations of their legitimate right to access clean and safe water.

Therefore, **Maat for Peace, Development and Human Rights** has prepared this report, which includes Iranian practices related to the construction of dams and their impact on the right of the Iraqi Kurdistan region to enjoy access to water, which is an inherent right guaranteed by international charters and conventions, whether those related to organizing water sharing in relation to common rivers or international agreements on Human rights. Besides, access to water is the essence of the Sustainable Development Goal 6, which ensures access to water and sanitation for all. In this report, we will focus on only two of the most important and largest dams that Iran has completed building, namely the Daryan Dam and Kolsa Dam (aka Sardasht). These two dams have had a great impact on the water flowing to the Little Zab and Sirwan Rivers, which the Kurdistan region depends on for drinking water and irrigation of agricultural lands in addition to the production of hydroelectric power, but before that we will cover the legal framework for the right to water.

### Legal framework for the right to water

International agreements, whether those related to shared rivers or waterways, or agreements related to human rights, have guaranteed the right to water for everyone without discrimination. These agreements have given special importance to the regulation of river water among the riparian states,

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<sup>2</sup> وسط مخاوف العراق.. تركيا تبدأ تشغيل سد أقامته على نهر دجلة بطاقته القصوى، روسيا اليوم، 24 ديسمبر 2020، على الرابط التالي: <https://bit.ly/3483yb7>

such as (Iran - Iraq) on an equitable and just basis, to ensure that no serious harm is caused to the downstream countries. As for the international conventions on human rights, they have recognized that everyone is entitled "to have access to a quantity of water that is sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use." Below we will explain these agreements.<sup>3</sup>

## 1. Agreements related to water regulation in common rivers

**The 1977 UN Convention on the Law of the Non-navigational Uses of International Watercourses.** It is an international treaty, adopted by the UN General Assembly on 21 May 1997, pertaining to the fair and reasonable uses and conservation of fresh waters that cross international boundaries. The countries sharing a water resource must use it reasonably in a way that doesn't harm the interests of the other countries. Iraq joined this agreement in January 2001, while Iran has not yet join it so far. However, this does not mean that it is not obligated to implement the provisions contained therein.<sup>4</sup>

Article No. (5) (1) of the agreement stipulates that "Watercourse States shall in their respective territories utilize an international watercourse in an equitable and reasonable manner. In particular, an international watercourse shall be used and developed by watercourse States with a view to attaining optimal and sustainable utilization thereof and benefits therefrom, taking into account the interests of the watercourse States concerned, consistent with adequate protection of the watercourse."<sup>5</sup> The second paragraph of the same article also stipulates that "Watercourse States shall participate in the use, development and protection of an international watercourse in an equitable and reasonable manner. Such participation includes both the right to utilize the watercourse and the duty to cooperate in the protection and development thereof, as provided in the present Convention."<sup>6</sup>

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<sup>3</sup> أقرت الجمعية العامة للأمم المتحدة في وقت سابق بحق الإنسان في الحصول على كفايته من المياه للاستخدام الشخصي والمنزلي وحددت ما بين 50 و100 لتر لكل فرد يوميًا على أن تكون تلك المياه مأمونة وبأسعار معقولة فلا ينبغي أن تزيد كلفة المياه عن 3% من مجمل الدخل الأسري، وأن تكون متاحة مكانًا أي لا تبعد أكثر من 1000 متر من المنزل وزمانًا بحيث لا يستغرق الحصول عليها أكثر من 30 دقيقة

<sup>4</sup> قانون الانضمام الى اتفاقية قانون استخدام المجاري المائية الدولية في الأغراض غير الملاحية، القوانين والتشريعات العراقية، على الرابط التالي:

<https://bit.ly/3vhQlrU>

<sup>5</sup> Convention on the Law of the Non-navigational Uses of International Watercourses 1997, Article 5, Available at the following link: <https://bit.ly/3bNq8Kh>

<sup>6</sup> Ibid

As for Article No. (7) of the same agreement, it includes an obligation not to cause significant harm, as it stipulates that "Watercourse States shall, in utilizing an international watercourse in their territories, take all appropriate measures to prevent the causing of significant harm to other watercourse States." However, Iran refuses to admit that the rivers originating from its lands and flow into international rivers are subject to the International water law, and even consider them as transboundary rivers, although the United Nations International Law Commission has stated earlier in a report that "there is no fundamental dispute over the concept of international rivers and transboundary rivers, and their inclusion in the international water law." From this standpoint, Iran believes that it is entitled to utilize the transboundary river by any means necessary to serve its interests and that it is not required to apply international water law. According to Iranian officials, the 1975 Algiers Agreement signed between Iraq and Iran to settle any disputes over their common border and shared waters, which was canceled after the Iran–Iraq War, was reintroduced again, but didn't determine the share of water for both Iraq and Iran. Otherwise, there are no bilateral agreements between the two countries organizing the sharing of water in a fair and equitable manner.<sup>7</sup>

**The 1966 Helsinki Rules on the Uses of the Waters of International Rivers.** It is an international guideline adopted by the International Law Association (ILA) in Helsinki, Finland in 1966, to regulate how rivers and their connected groundwaters that cross national boundaries may be reasonably used and equitably shared. Chapter Four of the Helsinki rules states that "every basin state has a reasonable and equitable share in the beneficial uses of the waters of the international drainage basin of the river."<sup>8</sup> Thus, these rules establish the principle of fair use through the natural, uninterrupted flow of the river from the coastal areas at the source, and according to these rules, Iran is supposed to not control the amount of water flowing from it to the Iraqi rivers.

## 2. International human rights conventions

As previously mentioned, a wide range of international human rights treaties have guaranteed the right to water as one of the basic human rights to be enjoyed and accessed without compromise. In this context we mention, for example, Article 14 (2c) of the Convention on the Elimination of All Forms of Discrimination Against Women, which stipulated that states parties guarantee women the right to

<sup>7</sup> استفاده از منابع آب رودهای مرزی ایران و عراق و حقوق بین الملل، صفحه 3، متاح على الرابط التالي: <https://bit.ly/3fIXISC> "مصدر إيراني"

<sup>8</sup> The Helsinki Rules on the Uses of the Waters of International Rivers, Article IV, Available at the following link: <https://bit.ly/3bKr3Lq>



enjoy adequate living conditions, especially with regard to the supply of water.<sup>9</sup> Paragraph 2 (c) of Article 24 of the Convention on the Rights of the Child requires states parties to combat disease and malnutrition "by providing them with adequate and nutritious food and clean drinking water."<sup>10</sup> Article 28 (2a) of the Convention on the Rights of Persons with Disabilities ensures that persons with disabilities must have equal access to clean water, as well as to appropriate services and affordable devices necessary to meet their disability-related needs.<sup>11</sup> The International Covenant on Economic, Social and Cultural Rights did not explicitly mention this right in its provisions;<sup>12</sup> however, the Committee on Economic, Social and Cultural Rights (CESCR) has corrected this in General Comment No. 15 of the United Nations Committee on Economic, Social and Cultural Rights. So, the Committee considered that the human right to water is an indispensable right for the enjoyment of a decent life, and according to the Committee, water is a necessary and essential requirement for the enjoyment of the rest of the basic human rights.<sup>13</sup> In General Comment No. 12 of 1999, the committee itself recognized the importance of ensuring sustainable access to water resources in order to realize the right to adequate food, and ensuring that disadvantaged and marginalized farmers, including women farmers, are equitably given access to water resources, bearing in mind that it is impermissible to deprive people from their means of livelihood in accordance with the provisions of Article 1, paragraph 2, of the International Covenant on Economic and Social Rights.<sup>14</sup>

The Sub-Commission for the Promotion and Protection of Human Rights also adopted guidelines for realizing the right to drinking water and sanitation. The United Nations Development Program has also emphasized that the starting point for public action in the field of water and sanitation and the principle that unites it is the recognition that water is a fundamental human right. In 2008, the Human Rights Council created the mandate of the "independent expert on the human right to access to safe drinking water and sanitation" to help clarify the scope and content of these aforementioned obligations.

<sup>9</sup> اتفاقية القضاء على جميع أشكال التمييز ضد المرأة، المادة 14(ج2) على الرابط التالي: <https://bit.ly/3u9xKNr>

<sup>10</sup> اتفاقية حقوق الطفل، المادة 24(ج2)، على الرابط التالي: <https://bit.ly/3hO1Un5>

<sup>11</sup> اتفاقية حقوق الأشخاص ذوي الإعاقة، المادة 28(د2)، على الرابط التالي: <https://bit.ly/2Tc4gSq>

<sup>12</sup> الحق في الماء، الشبكة العالمية للحقوق الاقتصادية والاجتماعية والثقافية، على الرابط التالي: <https://bit.ly/2Slh0Wv>

<sup>13</sup> الحق في المياه في القانون الدولي لحقوق الإنسان، ص 4، على الرابط التالي: <https://bit.ly/3fciif9>

<sup>14</sup> التعليق العام رقم 12 لعام 1999، الحق في الغذاء الكافي، على الرابط التالي: <https://bit.ly/3fJEZ9C>

### 3. Sustainable Development Goal No. 6

Access to clean, safe and secure water resources is a basic prerequisite for the prosperity of local communities. The 2030 Agenda, which identified 17 sustainable development goals and 169 global goals, emphasized that development and economic growth require sustainable management of freshwater resources. On this basis, Sustainable Development Goal No. 6 (UN 2030 Agenda), ensures the availability and sustainable management of water and sanitation for all. Target 5 of the Goal 6 also reads that “By 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate,” which has not been achieved in Iraq and Iran. No bilateral agreement or protocol related to water has been yet reached between the two countries.<sup>15</sup>

#### The Iranian dams and their impact on the flow of water into the Iraqi Kurdistan region

Since the beginning of 2007, Iran has built about 88 dams, some of them small and others huge, in order to provide about one billion cubic meters of water annually to the country's water reserves.<sup>16</sup> From the beginning of 2010, Iran embarked on a plan to build 588 other dams, in order to help Irrigation projects in the west of the country and the production of hydroelectric power.<sup>17</sup> In 2019, Iran's Water Resources Management Company (IWRM) announced plans to build 109 dams in a two-year plan, that is until 2021, about 16 dams were built on the rivers that flow into the Kurdistan region of Iraq. In this context, the two largest dams built by Iran are the Daryan Dam and the Kolsa Dam.

Hereinafter, we will explain how the construction of these dams will significantly reduce the flow of the two main rivers in the Kurdistan Region of Iraq (the Sirwan River and the Little Zab River) that serve about two million people in the region and considerably endanger the population, and deplete the region's agricultural lands and fish resources, not to mention the security and economic risks that result from the displacement of individuals living in areas from which the water has dried up, to some other areas in northern and central Iraq.<sup>18</sup>

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<sup>15</sup> الأهداف، المقاصد والمؤشرات، المعهد الدنماركي لحقوق الإنسان، الهدف رقم 6، على الرابط التالي: <https://bit.ly/2RGgQJ9>

<sup>16</sup> 88 Major Dams Under Construction, Iran Daily, Available at the following link: <https://bit.ly/3oFrjAl>

<sup>17</sup> The Soils of Iran, page 244, Available at the following link: <https://bit.ly/3ueXN67>

<sup>18</sup> Water scarcity could lead to the next major conflict between Iran and Iraq, The Middle East Institute, 18 March 2021, Available at the following link: <https://bit.ly/3bQySiH>

## 1. The construction of the Daryan Dam and its impact on the waters flowing to the Sirwan River in the Kurdistan region:

Since June 2018, Iran has begun to drastically reduce the amount of water flowing into the Kurdistan region, especially the water that flows into the Sirwan River, which originates from the Zagros Mountains in Iran and enters the Kurdistan region from Halabja Governorate and reaches Sulaymaniyah Governorate and then to Diyala and finally pours into Tigris River, south of Baghdad province.

This river has a capacity of more than three million cubic meters, and its length is 445 km. It is used for irrigation, flood control and energy production. The decrease in the flowing water to the Sirwan River or the so-called Diyala River has decreased water levels in the Darbandikhan Dam, which is located 65 km southeast Sulaymaniyah Governorate.<sup>19</sup> It was built on the Sirwan River by the Kurdistan government, after the water level reaching the river reached 45 cubic meters per second, it decreased to 7 cubic meters per second as well.<sup>20</sup> The Kurdistan Regional Government had built two large dams on the Sirwan River: the first is Darbandikhan in Sulaymaniyah Governorate, and the second is Hamrin Dam in Diyala Governorate. The two rivers, in addition to being an important source for securing drinking water and generating electric power,<sup>21</sup> they are critical for irrigation and fishing projects. The receding of the water flowing from Iran after the construction of the Daryan Dam resulted in a

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<sup>19</sup> كردستان العراق تواجه كارثة مائية بعد قطع إيران مياه نهرين، عربي 21، 6 سبتمبر 2020، على الرابط التالي: <https://bit.ly/3bPCYHT>

<sup>20</sup> سدود تركيا وإيران تجفف دجلة والفرات في العراق، العربي الجديد، 18 أبريل 2021، على الرابط التالي: <https://bit.ly/3vHzEge>

<sup>21</sup> كانت حكومة إقليم كردستان تعتمد في توليد الطاقة الكهربائية على سد دربندخان، والذي يوفر يعتمد على نحو 75% من احتياجاته لتوليد الطاقة الكهربائية من نهر سيروان ويعني انحسار المياه في نهر سيروان عدم قدرة السد على إنتاج الطاقة الكهربائية



significant drop in the water to the lowest level in the previous two dams.<sup>22</sup>



شكل 1: خريطة توضح موقع سد داريان، قرية داريان، ونهر سيروان، الذي ينبع من إيران ويسير مع الحدود العراقية حتي يصب في إقليم كردستان العراق

Reducing the flowing water of this river is linked to Iran's strategy to build dams and it is known that building dams on shared rivers is linked to not causing harm to downstream countries. However, the Iranian government has developed a strategy to build dams on shared rivers with Iraq under the pretext of producing hydroelectric energy and contributing to irrigation projects in Southwest Iran. The Iranian government has built about 16 dams on the Sirwan River, which flows into the Kurdistan region, under the pretext of enriching the agricultural sector and producing energy and without any regard for the region's 2 million people who depend on this river's water. The most important and largest of these dams that the Iranian authorities have built is the Daryan Dam in the province of Kermanshah in western Iran, which was completed in 2018 and is located 28 kilometers from the Iraqi border. It was in 2018 the the waters flowing into the Sirwan River, known as the Diyala River, began to decrease significantly according to the Iraqi Ministry of Water Resources. The water of the Sirwan River is diverted to irrigation projects in the Iranian border region of Sarpul Zahab, which

<sup>22</sup> نهر سيروان مهتد بالجفاف: سدّ إيراني يعطّش مناطق واسعة في كردستان والعراق المبادرة الدولية للتضامن مع المجتمع المدني العراقي، 18 ديسمبر 2018، على الرابط التالي: <https://bit.ly/3bKSapx>

affects the water security in the Kurdistan region of Iraq and may trigger several crises that would affect the population, especially the farmers.



شكل 2: سد داريان التي أنشأته الحكومة الإيرانية علي نهر سيروان الذي يصب في إقليم كردستان العراق

## 2. The construction of the Kolsa dam and its impact on the water levels in the Little Zab in the Kurdistan region of Iraq:

The Sirwan River is not the only river affected by the construction of the Iranian dams. The Kolsa dam, which construction began in 2011 and its operation began in June 2017,<sup>23</sup> has caused a reported 80% drop in the water levels in the Little Zab. And since 2018 and with the beginning of the summer season of each year, Iran stores the water flowing towards the Little Zab River and diverts it to some Iranian provinces that are prone to drought by filling the reservoirs of dams, according to Iranian officials. The Kolsa Dam is located in Iran's Sardasht region, a city located in Zaidoun town in Khuzestan province.<sup>24</sup>

<sup>23</sup> Sardasht Hydroelectric Power Plant to Add 150 MW to Nat'l Grid, Financial Tribune, 8 July 2019, <https://bit.ly/3yBqahU>

<sup>24</sup> بناء سد إيراني يخفف إمدادات العراق بالمياه، ديارنا، 14 مارس 2019، على الرابط التالي: <https://bit.ly/2Tck5Zk>





شكل رقم 3: سد كولسه أو سردتشت في محافظة خوزستان الإيرانية

The construction of this dam has reduced the water level from 45 cubic meters per second to 2 cubic meters per second in the Little Zab River, which originates from northwestern Iran and passes through the (Halshu) border region in the northeast of Sulaymaniyah Governorate in the Kurdistan region. For the entire Little Zab River. The decrease in the level of water in the Little Zab River is related to the receding of water in the Dokan Dam, which is connected to the Zab River. This dam serves about 100 thousand people in the villages of Sulaymaniyah Governorate who depend on this dam as a source of drinking water and irrigating agricultural lands.<sup>25</sup>

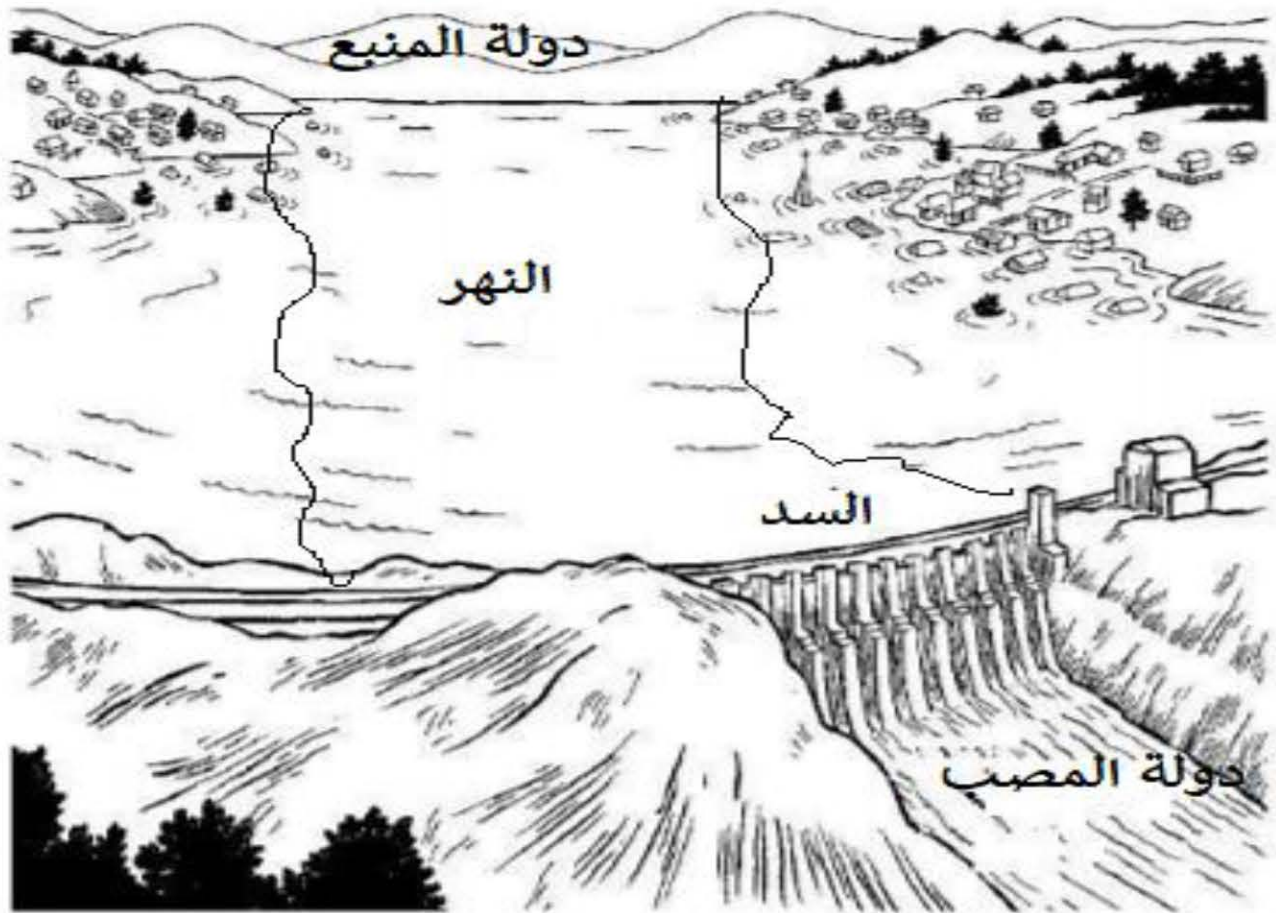
### The implications of the construction of Iranian dams on the Kurdistan region of Iraq

While the upstream state benefits from building dams, it neglects the rights of other peoples who live near the river basin that extends between the two countries, and it is a matter that violates international norms and laws that regulate common rivers between states, especially since these

<sup>25</sup> Iraqi Kurdistan faces water 'catastrophe' as Iran cuts off rivers, Middle East Eye, 3 September 2020, <https://bit.ly/2SjFz6b>



rights are totally linked to the fate of individuals and their sources of livelihood. Without water resources, humans could not settle anywhere.



In the case of the Kurdistan region, the construction of Iranian dams, especially the Daryan Dam and the Kolsa Dam, has undermined the rights of the residents near the downstream basin. Below we explain these effects that resulted from the construction of these dams on the Kurdistan Region:

#### 1. Damage to agricultural lands:

Farmers in rural areas suffer the most as a result of building large dams, and according to official statistics, 750 acres in the Bashdar district in Sulaymaniyah Governorate (Kurdistan - Iraq) are facing an imminent threat as a result of the reduced flow of water coming from the Little Zab River due to the Kolsa Dam, which was built by Iran. And due to other factors, such as the infiltration of salt water, which

is carried out in upstream projects by Iranian companies as well.<sup>26</sup> Beside the Kurdistan region, Iraq suffers in general from the loss of agricultural land, so it loses about 25,000 hectares (a hectare is a standard unit equal to 10,000 square meters) of arable land annually according to the United Nations Environment Program due to factors including climate change due to an increase in average temperatures, which reduces precipitation percentage.<sup>27</sup> While the cultivation of some crops, such as rice, been almost halved due to the lack of water, the Kurdistan region will lose more than 3,200 hectares of agricultural land in the areas in Halabja Governorate, namely Sayed Sadiq and Darbandikhan, in case the flow of water coming from Iran continues to decrease.<sup>28</sup>

## 2. Internal displacement

It is agreed that the lower the amount of water near the downstream basin, the higher the risk of population displacement, as a result of the decline in the amount of water used for drinking and suitable water for irrigation projects for agricultural lands, which results in a mass migration of the population in those areas, according to the International Organization for Migration. In Iraq, about 21.3 thousand Iraqis have been displaced from the southern and central governorates in Iraq due to water scarcity, linked to the high level of salty water and as a result of the outbreak of waterborne diseases in these areas.<sup>29</sup> It is likely that this displacement will affect the population in the Kurdistan region due to water scarcity flowing from Iran after the Iranian government's plan to build dams and because of Iran's current approach to diversion of salt water into the region's lands because of the projects it is establishing in the upper rivers shared between it and Iraq, which affects about two million people in the Kurdistan region.

## 3. The threat to food security

The decline in the water level coming from Iran has curtailed fishing and animals resources, on which the people of the Kurdistan region depend as a source of food, in addition to the fact that more than 400 fishing projects face a real threat due to the decrease in the flow of water to some areas in the Kurdistan region, according to Akram Ahmed Director of dams and water reserves in the Kurdistan

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<sup>26</sup> كردستان العراق تواجه كارثة مائية بعد قطع إيران مياه نهري، عربي 21، 6 سبتمبر 2020، على الرابط التالي: <https://bit.ly/3bPCYHT>

<sup>27</sup> كيف تحدّد دبلوماسية السدود المشوّمة ملامح أزمة المياه في العراق، منتدى فكرة، 4 نوفمبر 2020، على الرابط التالي: <https://bit.ly/3c6uj4b>

<sup>28</sup> تأثيرات سد داريان على إقليم كردستان، حملة إنقاذ نهر دجلة والأهوار، أكتوبر 2016، ص5، على الرابط التالي: <https://bit.ly/3bRg7vl>

<sup>29</sup> كمية ونوعية المياه في مناطق وسط وجنوب العراق: تقييم أولي في سياق مخاطر النزوح، المنظمة الدولية للهجرة، 2020، ص 6، على الرابط التالي: <https://bit.ly/3hO2zF6>

Regional Government: "About 100,000 people depend on the Little Zab River for food, so a large number of people, especially farmers in some areas of the Kurdistan region, will be affected by reducing water by the Iranian government, especially Qal'at Daza and Rania are the two largest cities in Sulaymaniyah Governorate - which will be affected by drinking water and a large amount of fish resources will be lost due to the reduction of water flow by Iran.<sup>30</sup>

#### 4. Security risks (rise in extremism)

The severe water shortage in the Kurdistan region threatens to increase the percentage of those joining armed groups, which may affect the security scene in Iraq, which suffers from a defect mainly due to the re-positioning of ISIS once again in a number of Iraqi areas. According to UN reports, internal migration from rural communities for whatever reasons such as lack of water increases people's recruitment in extremist groups.<sup>31</sup>

Iran's deprivation of the Kurdistan region in its right of water may result in the emergence of armed groups in the region that are hostile to Iran, which prevented them from continuing to live in their lands that they inherited from their ancestors by depriving them of the right to water. The recent decline in the Little Zab River and the Sirwan River is a direct consequence of the dams building and the completion of the new irrigation projects in Iran. Perhaps the last project that Iran undertook in this context is the Nawsud water tunnel, which began operating in August 2020, and is 47 kilometers long, about 10 kilometers west of the Daryan Dam, and aims mainly to divert water from the Sirwan River to some Iranian cities and provinces such as Kermanshah, Sperol Zahau and Shirin Palace. Besides, it completely re-diverts the river in dry seasons for the benefit of these cities, which contradicts the principle of fairness stipulated in international law. There is no international maritime document stipulating the transfer of common natural resources between countries for the benefit of a particular country, whatever the conditions for this are.<sup>32</sup>

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<sup>30</sup> كردستان العراق تواجه أزمة مائية بعد أن قطعت إيران الأنهار، نون بوست نقلا عن ميدل إيست آي، 7 سبتمبر 2020، على الرابط التالي: <https://bit.ly/3wtpB8d>

<sup>31</sup> مصدر سبق ذكره، على الرابط التالي: <https://bit.ly/3c6uj4b>

<sup>32</sup> مصدر سبق ذكره، على الرابط التالي: <https://bit.ly/3wtpB8d>



## 5. Economic risks

Some people in the Kurdistan region are likely to lose their jobs, especially in the field of tourism, if Iran continues to block water from the region's river. For example, on the banks of the Sirwan River, the residents of the village of Zalzala, which is located 4 kilometers south of Darbandikhan in Sulaymaniyah Governorate, had established a small tourism and entertainment project in early 2020, to earn a living. One of the contributors to this project, Salah Dara, claims that he spent 20 thousand dollars, but he fears that his investments will be wasted if the Iranian government continues to block water from the Sirwan River, as no tourists will be attracted to a dry river. This citizen residing in the Kurdistan region expresses real economic concerns that may soon become facts if the Iranian restrictions on the water flow to the Kurdistan region of Iraq continued.<sup>33</sup>

### Conclusions & Recommendations:

**In light of the information contained in the report and its analysis, we concluded the following:**

1. The dam building plan that Iran began implementing since so long, in its capacity as the country from which the rivers flow into Iraq and the Kurdistan region in particular, is considered an assault on the rights of the residents living in the river basin for the riparian states and deprives the inhabitants of these countries from obtaining their right to water.
2. The huge number of dams that Iran plans to construct is often linked to suspicions of corruption, which led to the formation of pressure groups to build dams within the Iranian government, sometimes known as the agricultural mafia, accusing it of being the ones who legislate for the water infrastructure. According to reports, this mafia concluded contracts to build Dams with the "Khatam al-Anbiya" company of the Revolutionary Guard.
3. It is clear that the Iranian authorities are cutting off the flow of water to the Kurdistan region in the context of political harmony with the central government in Baghdad by exporting water-related problems to it by the Kurdistan Regional Government, and in another context, according to Iraqi analysts, the Iranian government weaponizes water and uses it as a bargaining card to exert political pressure regarding the relationship between the Iraqi

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<sup>33</sup> مرجع سبق ذكره، على الرابط التالي:

government and the United States of America, as Iran does not want this relationship to develop in a positive way in any case.

4. It is also clear that cutting water from the source countries is not the only reason for the scarcity of water resources in Iraq. Climate change on the other hand has led to a deterioration in the quality of some water sources as a result of the lack of rain in addition to water pollution caused by the leakage of toxic chemicals and the dumping of dead animals into rivers. This in addition to toxic discharges by the provinces of the region, as well as industrial and household waste that are disposed of in waterways.
5. Iran's political conflicts and economic interests, in addition to external political and economic pressures, will play a major role in exacerbating the problem further. By 2021, when the other dams under construction are finished, Iran will likely stop the flow of water to the Kurdistan region completely, which was indicated by an official in the Kurdistan Regional Government, who explained that an Iranian minister asked the regional government to buy the electricity generated from the dams that Iran built on the rivers flowing into the region, which could cause tensions between the region and Iran on the one hand, or between Iraq and Iran on the other hand, but a dispute between the central government in Baghdad and Iran is not expected in the near future. Nevertheless, the population growth in river basins, the dependence of the population on it for drinking and irrigation, and the ongoing decrease in the per capita share of water may lead to political and development crises, all of which prepare for future internal and regional conflicts.

**Accordingly, Maat for Peace, Development and Human Rights recommends the following:**

- The Iranian government should work with the Kurdistan region to develop a plan to divide water in a fair and equitable manner that does not affect the population in areas where the construction of dams causes water scarcity.
- Iran must join the 1977 Convention on the Law of Non-Navigational Uses of International Watercourses, and all the charters and declarations that regulate the fair and equitable sharing of water.

- The central government in Iraq should develop a strategy on preparing for drought that is based on human rights and takes into account the "guidelines for national drought management policies" that were developed in 2014, as stated by the "Committee on Economic, Social and Cultural Rights" and to take effective steps, such as providing compensation to farmers and those affected by the drought, in order to help those most affected by drought.
- The international community should not recognize what is known as the theory of absolute territorial sovereignty, which some countries whose lands stem from rivers adhere to, on the basis that any sovereign state may "use any water course within its borders in the way it wants, regardless of the rights of the river basin countries."
- The necessity of conducting direct talks between Iran and Iraq, in the presence of an international broker, that concluded with the signing of bilateral agreements providing for the sharing of water based on the principle of reasonable equity. This broker is chosen when some important conditions are met, such as his financial and technological capabilities, his political influence at the global level, and this broker should be neutral.
- The government in the Kurdistan region of Iraq must stop building new dams that would threaten some governorates in northern and central Iraq, which makes the central government in Baghdad not take into account the threats posed by the construction of dams on the borders with the Kurdistan region.
- The need for Iraq to resort to international forums in order to urge Iran to respect the rights of Iraq in the common rivers and to inform the United Nations of the damage caused to Iraq by the actions of its neighbors through a complaint submitted by Iraq to the United Nations or the International Criminal Court in which he clarifies the negative effects resulted from Iran's cutting off water of the international rivers shared with Iraq on the agricultural, industrial and human consumption and the pollution of the water flowing to the Iraqi lands.