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The Role of the Rule of Law in Reducing Water Conflicts, Disputes, and Litigation in Iran

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ABSTRACT

Water, as a vital and scarce resource, is not only an economic asset but also a domain for assessing institutional capacity and the quality of governance. Water-related conflicts, which arise at international, national, and local levels, inherently reflect the manner in which the rule of law is implemented in regulating this limited resource. This article, adopting a public law analytical approach, examines the role of the rule of law in the prevention, management, and resolution of water conflicts, demonstrating that governance grounded in principles such as transparency, accountability, distributive justice, and institutional impartiality can facilitate a path toward sustainable and legitimate water resource management. An examination of Iran's legal frameworks, including the Constitution, the Law on Fair Distribution of Water (1982), and general water sector policies, reveals that despite the existence of legal capacities, their implementation faces challenges such as regulatory fragmentation, weak enforcement mechanisms, centralization, and the absence of genuine stakeholder participation. Case studies such as the Zayandeh-Rud River, Lake Urmia, and the Karun River further indicate that neglecting public law requirements has led not to the reduction of tensions but to the intensification of conflicts and the erosion of public trust. Finally, drawing on successful international experiences, the article proposes solutions including the reform of foundational laws, the establishment of independent dispute resolution institutions, the guarantee of environmental water rights, and the development of a national water information system. The main contribution of this article is the assertion that the rule of law constitutes the backbone of equitable and sustainable water governance, and that neglecting it poses a threat to both environmental integrity and national security.

Keywords: *Rule of Law, Water Conflicts, Public Law Analysis, Water Resource Regulation, Distributive Justice, Transparency, Institutional Accountability, Environmental Water Rights, Water Governance, Dispute Resolution.*

Introduction

As the twenty-first century has advanced, water has become one of the most vital and, at the same time, most contested natural resources. Climate change, rapid population growth, uncontrolled urbanization, and overexploitation have severely disrupted the balance between water supply and demand. The consequence of this instability has been the emergence of diverse conflicts from the level of local communities to the sphere of international relations; conflicts that have not only economic and social dimensions but have also become a fundamental governance challenge.



Under such conditions, the “rule of law,” as a foundational principle of legal order, assumes a role beyond that of a merely legal instrument. This principle provides a binding and transparent framework for regulation, dispute resolution, and the guarantee of fair treatment for all stakeholders. In the management of scarce resources such as water, the rule of law means the existence of general, predictable, and impartial rules that require both the state and users to comply with the principles of responsibility, transparency, and accountability. Without this legal foundation, discretionary and unstable decision-making will itself become a new source of tension. Analyzing the water issue from the perspective of public law makes it possible to examine the management of this vital resource not only through technical and economic approaches but also on the basis of legitimacy, distributive justice, and governance efficiency. Public law, by emphasizing the relationship between public power and citizens’ rights, evaluates whether state policies and actions in the exploitation, allocation, and protection of water resources comply with the principles of the rule of law and the requirements of good governance. This analysis reminds policymakers that the water crisis is not merely a “quantitative crisis” but a “legal-governance problem,” the solution to which requires the integration of scientific management with robust legal infrastructure. In public law, the rule of law does not merely mean the “superiority of written rules over individual will”; rather, it is recognized as a structural principle for limiting power, guaranteeing equality, and protecting freedoms. In this sense, law must be general, transparent, predictable, and enforceable, not an instrument for justifying discretionary decisions. From the perspective of public law, the rule of law in natural resource management, especially water, has two vital pillars: first, “rule-bound decision-making,” which prevents arbitrariness and discrimination; and second, “protection of stakeholders’ rights,” which keeps exploitation in balance with the interests of future generations (1).

Principles of Justice, Impartiality, and Governmental Accountability in Regulation

Water resource regulation is a domain in which the state must simultaneously implement three fundamental principles:

1. Distributive justice means guaranteeing the fair allocation of limited resources among different regions, groups, and activities. In today’s world, water is not only a biological commodity but also a strategic arena for achieving sustainable development and preserving social cohesion. Rapid population growth has doubled pressure on water resources and has led to complex conflicts among regions, local communities, and even countries. In this context, the “rule of law” is not merely an instrument for formal ordering; rather, it is a binding framework for guaranteeing distributive justice in the exploitation and allocation of water resources. In the absence of such justice, social gaps and public distrust deepen. Distributive justice in the field of water resources means allocation based on balance, actual need, ecological capacity, and the equal rights of stakeholders. This justice is not based merely on formal equality; rather, it rests on the elimination of deprivation, the compensation of geographical inequalities, and the guarantee of minimum conditions of life for present and future generations. The role of the state in this field extends beyond the technical or economic management of water and has a public law character: the state is required, by relying on the principles of transparency, accountability, and predictability, to prevent temporary or sectional interests from prevailing over the collective interest. Despite the explicit emphasis of national laws on the protection and equitable use of water resources, challenges such as centralized decision-making, weak supervisory mechanisms, and institutional conflicts of interest have created structural obstacles to the implementation

of distributive justice. As a result, water conflicts have moved beyond local disputes and have led to interregional crises, threats to food security, and disruptions in sustainable development (2).

2. Institutional impartiality means avoiding political or economic bias in the enactment and enforcement of regulations. Institutional impartiality means that regulatory and decision-making institutions in the water sector must avoid any political, economic, or regional bias in policymaking, allocation, and supervision. This impartiality is not an ethical slogan but a public law requirement and a precondition for the legitimacy of decisions. In many water conflicts, the root of the dispute is not absolute water scarcity but distrust in the impartiality of the distributing institution. When a group believes that the state or local institutions are acting in favor of a particular sector, even expert decisions are perceived as injustice, and tension is intensified. Within the framework of the rule of law, institutional impartiality guarantees that distributive justice is implemented only on the basis of legal and technical criteria, not political considerations or the influence of powerful actors. Without it, distributive justice effectively turns into “selective justice,” which itself becomes a source of crisis.
3. Public accountability means requiring authorities to provide legal and technical reasons for adopted decisions and to accept responsibility for their consequences. Public accountability in this field is not merely the “presentation of performance reports”; rather, it is a two-way legal and ethical obligation that water authorities owe to all citizens, even those who are not direct stakeholders. Its main distinction from administrative accountability is that its addressee is not a superior manager or a specialized commission but “the people as holders of a public right to water resources.” In many conflicts, what ignites the crisis is not resource scarcity but a sense of injustice and lack of response. When stakeholders observe that governmental decisions are made without clear explanation and that formal or civil objections remain ineffective, conflicts move from a technical level to social confrontation. Public accountability reverses this cycle: transparency and responsibility replace crisis with dialogue and cooperation. The rule of law is the binding instrument of public accountability, and without it, distributive justice lacks enforceability. Likewise, institutional impartiality is accepted only when decision-makers are prepared to explain and justify their actions and policies before public opinion. This threefold relationship leads to the creation of a “cycle of trust.” These principles have meaning only in the presence of independent supervisory institutions, information transparency, and effective dispute resolution mechanisms (3).

The Link Between Natural Resource Management and the Rule of Law

Natural resource management, especially water management, becomes an unstable and high-risk process without the rule of law. Legal frameworks in this field operate as a form of “soft infrastructure” that reduces conflicts of interest, clarifies the rights and obligations of actors, and makes it possible to predict the consequences of decisions. In countries with coherent legal systems, laws governing water allocation, protection, and redistribution rely not only on scientific principles of management but also on justice, responsibility, and good governance. This connection ensures that water policies remain, on the one hand, efficient and, on the other hand, legitimate and sustainable.

In public law, the rule of law does not merely mean the “superiority of written rules over individual will”; rather, it is recognized as a structural principle for limiting power, guaranteeing equality, and protecting freedoms. In this sense, law must be general, transparent, predictable, and enforceable, not an instrument for justifying discretionary

decisions. From the perspective of public law, the rule of law in natural resource management, especially water, has two vital pillars: first, “rule-bound decision-making,” which prevents arbitrariness and discrimination; and second, “protection of stakeholders’ rights,” which keeps exploitation in balance with the interests of future generations (4).

Typology of Water Conflicts

The typology of water conflicts means the systematic and scientific classification of the different types of conflicts and disputes related to water resources on the basis of specific criteria, so that the nature, origin, intensity, and parties involved can be better identified and the appropriate tools can be selected for their management or prevention. These conflicts are divided into several categories:

1. International conflicts: transboundary basins. Water resources shared among countries, especially transboundary rivers and lakes, have always provided a basis for complex relations of cooperation and competition. In such basins, any change in the pattern of withdrawal or the construction of water infrastructure within the territory of one country may have environmental, economic, and even security consequences for downstream or upstream countries. Disputes over “historical water rights,” “equitable allocation,” and “water quality protection” are usually at the center of these conflicts. In addition to their technical nature, such disputes are situated in a highly political context and within international water law, which requires multilayered diplomacy and binding mechanisms (5, 6).
2. National and interprovincial conflicts. Within national territory, rivers, dams, and interprovincial water transfer networks sometimes become the axis of broad disputes among regions. The conflict among drinking, agricultural, industrial, and environmental needs in different provinces, when accompanied by resource scarcity and centralized allocation policies, creates the basis for chronic tensions. These conflicts not only have economic and social consequences but can also erode social capital and even intensify ethnic or regional divisions.
3. Local conflicts and private users. At the micro level, disputes usually arise among farmers, livestock owners, small industries, and even urban neighborhoods. These conflicts are mostly formed around “withdrawal rights,” “use scheduling,” and “maintenance costs of facilities.” The distinctive feature of this level of conflict is the entanglement of social relations with economic interests; failure to resolve them peacefully can damage local solidarity. In such cases, customary systems or local councils may sometimes be more effective than formal authorities, provided that the rule of law and the equal rights of all stakeholders are respected (4).

Factors Intensifying Water Conflicts

Factors intensifying water conflicts refer to all conditions, events, or decisions that cause a dispute or competition over water to become more severe, widespread, or complex. Consider two villages that have a minor dispute over the use of a spring. If a prolonged drought occurs, or a water transfer project is implemented without consultation, or an ambiguous law is interpreted in favor of one side, their disagreement may move from a local discussion to a serious crisis. These same events that move a dispute from a manageable condition to a crisis are the “intensifying factors.” The common characteristics of these factors are as follows:

1. Increasing pressure on limited resources, such as a sudden reduction in water or an increase in consumption.
2. Weakening trust among stakeholders.
3. Creating or intensifying a sense of injustice.
4. Making dispute resolution more complex by adding new legal, political, or international dimensions.

This typology shows that water conflicts do not arise merely from the physical scarcity of water; rather, they result from a complex interaction among nature, economy, population, and governance. Accordingly, legal and institutional responses to them must be multilayered and designed in proportion to the level of conflict (7, 8).

The Legal Framework for Water Resource Regulation in Iran

The legal framework for water resource regulation refers to the set of laws, regulations, policies, and institutions that determine the structure and rules governing the management, exploitation, protection, and distribution of water resources. It specifies who makes decisions, determines the responsible institutions such as the Ministry of Energy, basin councils, and the environmental protection authority, and clarifies how decisions are made. It also defines the legal processes, criteria, and limitations for allocation and exploitation, as well as the rights and obligations of individuals, local communities, and future generations with respect to water and the obligations of the state in this field. Finally, it determines how these rules are implemented and controlled through enforcement tools, inspection, supervision, and legal guarantees. These elements are as follows:

Higher-level laws: the Constitution, foundational laws, and general policies of the system.

The Iranian legal system first establishes the status of water resources in the Constitution as public wealth and an intergenerational heritage. Articles 45 and 48 not only remove water from private monopoly but also make equitable and balanced exploitation mandatory. This approach is developed in detail in the Law on the Equitable Distribution of Water of 1982 and its related bylaws and regulations, which function as the “foundational laws” of the water sector. In addition, the general policies of the system in the water sector, issued by the leadership authority, emphasize resource protection, the prioritization of drinking and environmental needs, and the sustainable use of water, thereby drawing a clear legal-policy horizon. As a result, the higher-level framework establishes, both at the foundational level and in macro-planning, the sovereign and non-privatizable nature of water resources (2, 9).

The position and competence of the state in water regulation.

The state, as the principal authority responsible for water resource management, has a combined sovereign competence that includes legislative aspects, such as rule-making; executive aspects, such as distribution and protection; and quasi-judicial aspects, such as dispute resolution. This position derives from Article 44 of the Constitution and specific water laws. State regulation in this field is not merely the physical management of water; rather, it includes the regulation of the water market, the determination of tariff systems, the development of quality standards, supervision over the shares of different sectors, and intersectoral coordination. This scope of authority requires the state to be both the protector of national interests and the guarantor of distributive justice and users' rights (7, 9).

The powers of the Ministry of Energy and other responsible institutions.

Under the Law on the Equitable Distribution of Water and other regulations, the Ministry of Energy is the central authority for the exercise of sovereignty in water affairs. The most important powers of this ministry include:

Issuing and revoking exploitation permits.

Planning and implementing water resource development and infrastructure projects.

Controlling and monitoring the quality of surface and groundwater resources.

Managing intersectoral and interregional allocation.

However, some supervisory and cooperative duties are also assigned to the environmental protection authority in the field of quality and environmental water rights, the Ministry of Agriculture in the management of agricultural consumption, and local institutions in the implementation of small-scale and traditional projects. The absence of a transparent institutional division of labor sometimes leads to overlapping responsibilities and creates implementation gaps or conflicts (2, 9).

Legal and Executive Challenges

Despite the relative richness of the legal framework, several fundamental obstacles affect the effectiveness of water regulation in Iran. These are as follows:

Fragmentation and inconsistency of regulations: the diversity of laws and bylaws, along with substantive conflicts, has created ambiguity in decision-making authority. Relevant provisions and rules are distributed across several different laws; for example, some are found in the Law on the Equitable Distribution of Water, some in the Agricultural Development Law, some in environmental protection law, and even some in urban regulations.

Access to and understanding of the overall legal picture becomes difficult, and institutions or individuals are forced to move uncertainly among different regulations.

The dominance of a structural approach over water governance: excessive emphasis on construction projects at the expense of improving governance and reforming consumption patterns. The “dominance of a structural approach over water governance” means that water management and policymaking view almost all solutions in terms of physical construction:

Building dams.

Constructing canals.

Laying long pipelines.

Transferring water from one basin to another.

In this approach, legal, social, economic, and environmental issues are either ignored or remain in secondary or tertiary priority.

Weakness of enforcement guarantees means that even if a law or regulation for water resource management is properly drafted, there is no sufficient instrument or capacity for its effective implementation, or the prescribed sanction and response are so weak and insignificant that they lack real deterrent effect. This includes the absence of effective tools for requiring stakeholders to comply with regulations and the limited role of monitoring and judicial response (2).

Challenges of transparency and participation: limited public access to water data and insufficient attention to the participation of local communities in decision-making processes. In the absence of institutional reforms and

strengthened public law instruments, these challenges can weaken the effectiveness of the water regulatory system and themselves become factors intensifying water conflicts.

Analysis of State Performance from the Perspective of Public Law

This means examining the actions, decisions, and policies of the state through the lens of public law; that is, on the basis of the principles and rules that regulate relations between the state and the people, the limits of governmental authority, and the legal guarantees for protecting the public interest.

Examination of the extent to which state decisions comply with the rule of law.

From the perspective of public law, the legitimacy of state decisions in the water sector is guaranteed only when such decisions comply with the principles of the rule of law; that is, when they are adopted within the framework of general, transparent, non-discriminatory, and predictable rules. An examination of executive practices in Iran shows that although existing legal frameworks have considerable capacity for equitable allocation and protection of water resources, in practice some actions move away from this framework. Decisions such as changing water allocation priorities without comprehensive legal assessment, or granting withdrawal permits beyond the capacity of a basin, are examples of deviation from the principle of predictability and respect for historical water rights, and they intensify tensions among stakeholders (10).

The role of transparency, accountability, and stakeholder participation.

Information transparency and free access to data related to water resources and allocation constitute the backbone of governance based on public trust. However, state performance in providing comprehensive and up-to-date data, especially concerning groundwater resources and the impacts of water transfer projects, remains limited. Lack of transparency weakens the possibility of independent evaluation and public oversight and reduces accountability to a symbolic concept. The participation of stakeholders, including local communities, farmers, and civil society institutions, also remains largely non-binding and consultative, whereas the experience of successful countries shows that their genuine presence in decision-making processes reduces social costs and increases the legitimacy of decisions (4, 7).

Conflicts of interest and the risks of centralized governance.

The concentration of water decision-making powers in one agency or in a limited circle of executive institutions creates the ground for institutional and personal conflicts of interest. This conflict either appears as the prioritization of the economic interests of large projects over environmental requirements or as regional and political influence in the resource allocation process. Centralized governance, especially when accompanied by weak independent oversight mechanisms, increases the likelihood of neglecting distributive justice and historical water rights and ultimately sows distrust among stakeholders. Real examples of water conflicts in Iran include the following:

The Zayandeh-Rud Basin: the reduction of river flow, despite formal commitments to secure the water rights of farmers in eastern Isfahan and the Gavkhouni Wetland, has resulted from water transfer policies to industrial and interbasin regions implemented without comprehensive assessment of their legal and social impacts.

Lake Urmia: numerous dam construction projects and excessive upstream withdrawals, under conditions of weak coordination among responsible agencies, have led to a severe decline in water levels and ecological damage.

The Karun Basin: water transfer projects to the Central Plateau have faced protests from the provinces of Khuzestan and Chaharmahal and Bakhtiari. The main reason has been the lack of mechanisms for the genuine participation of the relevant provinces in the decision-making process.

These examples show that even in the presence of a relatively comprehensive legal framework, the absence of full adherence to the principles of the rule of law, weak transparency, and excessive centralization of decision-making can transform water conflicts into social and security crises (2, 7).

Comparative Experience and International Lessons

An examination of the experience of countries shows that successful legal frameworks in the water sector rest on three essential components: binding and transparent allocation rules, institutionalized dispute resolution mechanisms, and genuine stakeholder participation. In France, the Water Law of 1992, by precisely defining the status of resources, classifying water rights according to national priorities such as drinking, agriculture, environmental needs, and industry, and establishing basin committees with independent legal personality, has made fair and rapid allocation of resources possible.

In Australia, the Murray-Darling Basin Plan is not only a planning document but also a legally binding instrument for the joint management of resources across several states. With an independent authority for monitoring and arbitration, the plan prevents short-term political interventions in water decisions. In South Africa, the adoption of the National Water Act of 1998 defined the right of access to water as a fundamental human right and created a mechanism for reallocating resources in favor of deprived communities, which helped reduce local conflicts (7, 11, 12).

International Examples of Participatory Water Regulation

Participatory regulation is a common model in many countries that, through the integration of the capacities of the state, the private sector, and local communities, transforms conflicts into opportunities for cooperation. In the Netherlands, local water boards have been formed through the direct vote of users since the Middle Ages and have full authority in decisions concerning allocation and resource protection. In the Indian state of Maharashtra, through the mechanism of “participatory irrigation management,” responsibility for the operation and maintenance of irrigation networks has been transferred to farmers’ associations, which are supported by a clear legal framework and state auditing. In Colombia, the model of an “intersectoral water council” has been implemented, in which representatives of ministries, non-governmental organizations, universities, and Indigenous groups jointly formulate development and protection plans.

To prevent water disputes from turning into social conflicts or security crises, it is necessary to establish a structured, independent, and specialized system for dispute resolution. This institution must rely on the principles of the rule of law, make use of judges and technical-legal experts, and have transparent, rapid, and predictable procedures. The use of water arbitration and mediation mechanisms under the supervision of an impartial authority can reduce the burden on the judiciary and strengthen trust among stakeholders. The laws and reforms that can be considered for water are as follows:

Reforming water laws and aligning them with good governance standards.

Revising existing laws, especially the Law on the Equitable Distribution of Water, is necessary so that they align with principles of good governance such as accountability, predictability, and distributive justice. These reforms should:

Establish environmental water rights as non-suspendable legal requirements.

Clarify the boundaries of the powers of responsible institutions and eliminate overlaps.

Provide effective enforcement guarantees for violations of regulations and unauthorized withdrawals.

Developing the participation of local communities and civil society institutions.

Sustainable water governance cannot be achieved without the genuine presence of local communities and civil society institutions. It is proposed that river basin management councils be formed with binding voting powers and independent budgets, so that farmers, industrial actors, environmental representatives, and local residents have a direct role in determining policies and prioritizing projects. A legal framework should also be developed to support non-governmental organizations active in the water sector so that they can participate in formal monitoring and supervision (1, 4).

Enhancing data transparency and free access to information.

Transparency is a precondition for public trust and participatory management. The creation of a national water information system that freely and continuously publishes updated quantitative and qualitative data on surface and groundwater resources, allocation programs, and the status of project implementation will prevent misunderstandings and rumors. Drawing on successful models, such as open water data platforms in Australia and the European Union, can help improve the quality of governance and decision-making (7, 8).

Conclusion

Water resource management in Iran, as in many arid and semi-arid regions of the world, can no longer rely on temporary interventions and purely structural approaches. Instead, it requires a framework in which the rule of law, in the true sense of the term, constitutes the core pillar of governance. This article showed that whenever the fundamental principles of public law, from transparency and accountability to institutional impartiality and distributive justice, have been ignored in the policymaking process and in the implementation of water projects, the gap between the state and society has deepened and water conflicts have assumed more complex dimensions.

The analysis of legal frameworks shows that although foundational laws in the water sector, including the Law on the Equitable Distribution of Water of 1982 and the relevant constitutional principles, have provided valuable capacities for organizing allocation and sustainable protection, in practice these capacities have not been fully actualized because of regulatory fragmentation, weak enforcement guarantees, the dominance of short-term approaches, and the influence of political and economic considerations. The result is that decision-making processes have become dependent more on temporary pressures and the changing priorities of governments than on predictable and stable rules. Neglecting public law requirements in water resource management has multilayered consequences:

Social dimensions: increased inequality in access to water, deepening regional gaps, and reduced public trust.

Environmental dimensions: destruction of aquatic ecosystems, decline in groundwater levels, and the loss of vital natural services such as aquifer recharge and flood control.

Security and governance dimensions: expansion of local protests, emergence of interprovincial tensions, and even a decline in institutional legitimacy at the national level.

The important lesson is that water is not merely an economic resource or a technical matter; rather, it is a strategic element and a test of institutional maturity and responsible governance. Success in this test requires that the rule of law move from a written principle to a lived practice; a practice in which:

1. Decisions are adopted on the basis of transparent and predictable laws, without deviation toward transient political considerations.
2. Free access to data and allocation processes is guaranteed so that citizens can play the role of observers and claimants of rights.
3. Independent and specialized institutions are established for resolving water disputes, and their impartiality is accepted by all stakeholders.
4. Environmental rights are recognized as part of a binding legal order, not as an optional or suspendable matter.

Therefore, the future of water governance in Iran depends on the capacity of the legal and executive system to connect these principles. The stronger and deeper this connection becomes, the more sustainable resources and distributive justice will be guaranteed, and social capital and national cohesion will also be strengthened. Otherwise, experience has shown that water crises will threaten not only the environment but also the foundations of the country's stability and development.

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Authors' Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

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Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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