A PANORAMIC VIEW OF THE HELMAND RIVER DISPUTE: AN INTERNATIONAL LAW PERSPECTIVE

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Abstract

The 21st century has seen an increase in the number of water conflicts, and there is a possibility that the current conflict between Iran and Afghanistan over the Helmand River may have repercussions for the surrounding region. In the area that surrounds the river, there is already a significant amount of suffering on both sides as a result of a lack of available water and the loss of economic opportunities. The Rhine Commission of 1950 and the Indus Treaty of 1960 are two case study examples that give frameworks for resolving this conflict. This article provides an overview of the Helmand River Dispute, through the lens of realism, and offers case study examples that suggest possible solutions to the conflict. In the article, it is posited that it is feasible to obtain a long-lasting settlement to the Helmand Dispute through careful examination of current frameworks and employing a strategic diplomatic strategy. This would allow for a complete approach that addresses all socio-economic elements. Given that a new Iranian administration is now in place, the issue has taken on renewed urgency, so as to avoid region tensions escalating.

Key words: Helmand River, Iran, Afghanistan, UN, Rhine, Indus

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Introduction

Water plays a crucial role in multiple facets of human existence, serving as an essential requirement, supporting livelihoods, maintaining vital ecosystems, holding cultural significance, and being a valuable resource. As a result, it is inevitable that social conflicts related to water will emerge. Efficient water management necessitates a meticulous approach to handling social conflicts. However, due to the rising expansion of water resources and the shifting dynamics of freshwater ecosystems, conflicts have also seen a significant increase. Transboundary waters are essential for sustaining a wide variety of living species, regional ecosystems, and the progress of nations and have become a multifaceted issue in the foreign policy relations of coastal nations. This is due to various factors such as environmental degradation, climate change, drought, water scarcity, and growing commodity demand. Additionally, the impact of climate change and global warming further complicates the situation. Transboundary waters have been a significant cause of conflict in international politics, as they involve issues of exploitation, management, and rights. One example is the Helmand River, which has been subject to historical debate and occasional cooperation between Iran and Afghanistan.

In March 2024 rise in the Helmand River rekindled long-standing tensions between Iran and Afghanistan, as Iran accused the Taliban of failing to meet its responsibilities. The spokesperson for Iran's Water Industry said that the water flow from Afghanistan to Iran is zero. Meanwhile the Taliban Deputy Minister for Foreign Affairs defended Afghanistan's position, emphasising that Afghan citizens needs must be prioritised over all international water obligations. He stated there is only enough water to meet the needs of Afghan citizens and water is not sufficient to be released towards Iran. Iran further argues that it has not received it right for share of water which exacerbates economic, social, and environmental challenges in its southeastern regions. Given that a new Iranian administration is place, following the untimely death of President Raisi in May 2024, the issue has taken on renewed urgency. On September 9, 2024, a member of the parliament representing Iran, publicly criticised the Afghan government for its failure to maintain water rights, which highlights how this issue is once again being taken up by Iran and will undoubtedly cause regional unrest.

The Helmand River spans an impressive distance of 1,150km, solidifying its position as the longest river of Afghanistan. The river originates in the northwest of Kabul and flows towards Iran. The basin is home to a population of over 7 million people. The Helmand waters are of

utmost importance in sustaining the agricultural endeavours of farmers from Afghanistan and Iran. In Afghanistan, a large amount of water from the river is used for agricultural purposes, making up a substantial part of the country's water consumption. Approximately 80 percent of the downstream flow in Iran is allocated for irrigation purposes. At the same time, the river is crucial for maintaining biodiversity and supporting wildlife in the Hamun wetlands. These wetlands span across parts of Iran and Afghanistan and have gained global recognition through the Ramsar Convention.[1] The Helmand River faces a complex task of achieving equity, given its historical geopolitical positioning. This is just one of the numerous international watercourses dealing with this intricate struggle. Based on an article by the United States Institute for Peace (USIP) regarding the Helmand River conflict it is suggested that the restoration of the wetlands, which were devastated by droughts caused by this dispute, would require a significant amount of water to be redirected to these areas. Iran and Afghanistan have both experienced extended periods of recurring droughts, which has further worsened the situation.[2]

The article "*Water dispute escalating between Iran and Afghanistan*"[3] provides a thorough analysis of the issues surrounding the Helmand River dispute. It emphasises the urgent need for resolution, as failure to do so would have severe consequences for the livelihoods of the impoverished populations on both sides of the border. Additionally, it warns of the potential for a significant increase in outward migration from these areas, posing a threat to the economies of neighbouring countries. In the article "The Helmand River Dispute: International Legal Perspectives on the Afghan-Iranian Border Conflict,"[4] the author highlights the role of

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[1] The Convention on Wetlands, The Convention on Wetlands. "About the Convention on Wetlands," n.d. https://www.ramsar.org/about-convention-wetlands.
[2] The Iran Primer. "Iran and Afghanistan Clash over Water Rights," June 1, 2023. https://iranprimer.usip.org/blog/2023/may/30/iran-and-afghanistan-clash-over-water-rights.

[3] "Water Dispute Escalating between Iran and Afghanistan." *Atlantic Council*, August 2016. https://www.atlanticcouncil.org/wp-content/uploads/2016/09/Water_Dispute_Escalating_between_Iran_and_Afghanistan_web_0830.pdf.

[4] Teillet, Laurence. "The Helmand River Dispute: International Legal Perspectives on the Afghan-Iranian Border Conflict." Opinio Juris, July 16, 2023. http://opiniojuris.org/2023/07/19/the-helmand-river-dispute-international-legal-perspectives-on-the-afghan-iranian-border-conflict/.

water access as a diplomatic bargaining chip, leading Iran to engage with the de facto Taliban dispensation.

This paper will consist of six sections that provide a comprehensive overview of the conflict, its impacts, and examples of successful case studies from history. The analysis will be based on a range of secondary sources. In addition, this paper will utilise the theory of realism to provide an explanation of the Helmand dispute. It will then propose that by employing effective diplomatic strategies, involving key stakeholders, and drawing from lessons learned from international water treaties, it is possible to effectively address the Helmand River conflict. This approach can lead to a sustainable resolution that takes into account socio-economic, environmental, and security considerations.

Briefer on Helmand River Dispute

The source of the 1300-kilometer Helmand River is in Afghanistan's Hindu Kush Mountains, to the west of Kabul. The boundary between Afghanistan and Iran spans a distance of 55 km, running in a southwestern and then north direction, until terminating at the Sistan Delta. At this location, there exists a grouping of triad of interrelated aquatic ecosystems, namely the Hamoun-ePuzak, the Hamoun-e-Saberi, and the Hamoun-e-Hirmand. During periods of very high rainfall, it extends its overflow southward into the Goad-e-Zereh valley. The Helmand River has 9552 million cubic metres (Mm3) of surface water available annually. It is regarded as the vital source of sustenance for one of the most economically deprived areas in both Afghanistan and Iran. In 2010, the populations of these areas were 5,800,000 and 1,050,000 people, respectively. Both governments, especially Afghanistan due to its bigger population and inadequate infrastructure, are facing challenges in supplying drinking water to the people in the area. Water disputes between Afghanistan and Iran have existed since the latter country was ruled by the British in the 1870s. An official from the United Kingdom delineated the boundary between Iran and Afghanistan by tracing a line along the primary course of the Helmand River. In 1939, the Iranian government, headed by Reza Shah Pahlavi, and the Afghan government represented by Mohammad Zahir Shah, signed a deal regarding the dispersion of the Helmand's waters.[5] However, the Afghans did not officially approve or ratify

[5] Teillet, Laurence. "The Helmand River Dispute: International Legal Perspectives on the Afghan-Iranian Border Conflict." Opinio Juris, July 16, 2023. http://opiniojuris.org/2023/07/19/the-helmand-river-dispute-international-legal-perspectives-on-the-afghan-iranian-border-conflict/.

the pact. The process of resolving the issue began in Washington in 1948. Pursuant to an American proposal, Iran and Afghanistan three-person committee to analyse the situation and provide a resolution.

According to the report released by the Helmand River Delta Commission on February 28, 1951, Iran is entitled to twenty-two cubic metres per second of the Helmand waters. Iran, however, dismissed the findings and demanded a greater portion. A protracted period of negotiations followed. In 1969, Asadollah Alam, who served as the minister of judiciary during the Shah's regime, recorded in his notebooks that Afghanistan proposed an increase in water supply to Iran. In return, Afghanistan requested greater entry to the Iranian terminals at Chabahar and Bandar Abbas, along with capacity building. In 1973, Afghan Prime Minister Mohammad Musa Shafiq and Iranian Prime Minister Amir Abbas Hoveida reached a consensus regarding the flow of water into Iran. [6]The agreement stipulated a rate of twenty-two cubic metres per second, with Iran having the option to acquire an extra four cubic metres per second in periods when the water levels were normal. Iran agreed to provide Afghanistan unfettered access to the ports of Bandar Abbas and Chabahar as part of the swap without any prerequisites. Nevertheless, this agreement was not officially approved or completely put into action as a result of many political events in both countries, such as the 1973 coup in Afghanistan, the 1979 Iranian revolution, the invasion by the Soviets of Afghanistan, and subsequently the rise of the Taliban in 1995.

The Helmand River is Afghanistan's most expansive watercourse, which accounts for more than 40 percent of the entirety of the country's surface water. Approximately 95 percent of the Helmand region is situated inside the borders of Afghanistan, making it an essential and vital means of sustenance for the southern and southwestern districts of the nation. The Helmand situation has escalated into a national concern, posing a growing challenge for the Afghan government to effectively address. The problem of Helmand water is increasingly becoming a matter of national concern for Iran. Indeed, every Iranian administration since 1979 has always maintained the same fundamental stance regarding the water conflict with Afghanistan.

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[6] "Foreign Relations of the United States, 1958–1960, South and Southeast Asia, Volume XV - Office of the Historian," n.d. https://history.state.gov/historicaldocuments/frus1958-60v15/d151.

The Taliban's takeover of Afghanistan in 2021 changed circumstances and, they altered the course of the Helmand River to obstruct its passage towards Iran and the Hamoun wetland. [7] The diversion not only jeopardized the ecological equilibrium of the region but also greatly strained the relations between Afghanistan and Iran. After engaging in conversations, the leadership in Iran and the Taliban reached an agreement to deescalate the violence and stop redirecting the Helmand River. Both sides made undertakings to abide by the conditions of the 1973 Treaty. An unfortunate event occurred on May 27, 2023, along the Afghanistan-Iran border in close proximity to the Helmand River. [8]As a consequence of the conflict, two Iranian border guards and one Taliban were killed. Additionally, two Iranian people sustained injuries. Each side engaged in the dispute refutes accountability for instigating the hostilities. For instance, the de facto interior ministry spokesman of the Taliban claimed that the gunfire directed at Afghanistan was initiated by Iranian border forces, prompting a retaliatory reaction from Afghanistan, while Iran accused the Taliban forces of launching the initial shots. In June 2023, there were reports of some progress in resolving this conflict; nonetheless, it remains unresolved without a definitive conclusion. In August 2023, the Taliban again resumed the flow of the river into Iran, after conflicts in May. This action demonstrates a certain level of compliance with the pact, but more discussions and modifications must be carried out.

Helmand River Dispute through the Lens of Realism

The theory of realism, also known as realpolitik or power politics, is considered one of the oldest and most widely recognised theories in the field of International Relations. Various authors have provided different definitions for it. It is widely accepted that realism as a theory of International Relations focuses on the limitations of politics caused by self-interest and the lack of global governance underscores the significance of power and security in all political matters. Furthermore, state centrism and reasoning are widely regarded as fundamental principles of realism. Realism argues that on the domestic scale, human egoism is kept in check by hierarchical rule. On the international stage, an intriguing dynamic unfolds as states grapple

[7] Samii, Bill. “Iran/Afghanistan: Still No Resolution For Century-Old Water Dispute.” RadioFreeEurope/RadioLiberty, April 8, 2008. https://www.rferl.org/a/1061209.html.

[8] Staff, Al Jazeera. “What Caused Deadly Afghan-Iran Border Clashes? What Happens Next?” Al Jazeera, May 31, 2023. https://www.aljazeera.com/news/2023/5/30/what-caused-deadly-afghan-iran-border-clashes-what-happens-next.

with the absence of a central authority. This leads to a perpetual quest for power as each state seeks to safeguard its own interests. The pursuit of power and self-interest in a state of anarchy is often seen as the primary objective, with no universal moral constraints on state behaviour. When examining the Helmand River from a realistic perspective, one can argue that it holds significance beyond being a mere body of water. It serves as a battleground for various stakeholders, with dams and irrigation channels acting as strategic pieces in this complex game. Both countries, particularly Afghanistan, heavily depend on the river for agricultural needs and water security.

When viewed from a realist perspective, this theory highlights the prioritisation of national interest above all other considerations, as well as the significance of power dynamics among nations. In this particular context, it is evident that Iran and Afghanistan are both driven by the pursuit of their national interests. Their primary objective is to secure valuable resources, which in turn will grant them regional influence and enhance their security. According to the principles of realism, nations prioritise their own power and security. In this particular scenario, the Helmand River holds immense importance as a shared water resource for Iran and Afghanistan. It not only plays a crucial role in supporting agriculture, but also contributes significantly to the economic development and stability of both nations. From a realist perspective, these countries will place utmost importance on their economic and security interests. Consequently, securing the rights of the Helmand river becomes a crucial strategic objective. In addition, realism as a theory emphasises the significance of the relationship between power and international relations. Presently, the power asymmetry between Afghanistan and Iran may further exacerbate the tensions surrounding this water resource. In addition, realism recognises that the primary driving force behind international agreements and cooperation is vested interests. Therefore, overall, realism emphasises the importance of national interest, power, dynamics, self-interest, and strategic value of resources. This theory can provide insights into the dynamics behind the disputes between Iran and Afghanistan in this specific case.

International Treaties on Water Disputes

According to international water law, governments are obligated to provide fair and equal access to water resources that are shared among them. Although there is no rigid ranking system for water use, it is crucial to prioritise fulfilling basic human requirements. Nevertheless, the difficulty occurs when both nations are struggling to fulfil these fundamental requirements.

Undoubtedly, the Taliban's actions have violated the terms of the 1973 Treaty by obstructing Iran's rightful access to water resources. However, it is crucial to acknowledge that both countries are grappling with substantial water scarcity issues. Under such conditions, wars are inevitable as both nations prioritise fulfilling the fundamental needs of their own people. Due to the increasing use of international waterways for activities like irrigation, industry, and recreation, as well as the rising need for freshwater caused by population growth, countries have recognised the need to develop a comprehensive legislative framework to govern the use of communal freshwater resources. In response to this requirement, the International Law Association (ILA) has been instrumental in formulating two significant agreements on this issue: the Helsinki Rules of 1996, which establish fundamental principles for the utilisation, administration, and settlement of conflicts related to international rivers, and the 1997 UN Watercourses Convention.

The Helsinki Rules on the Utilization of the Waters of International Rivers is a globally recognised set of guidelines that govern the use of rivers and their associated underground water sources that traverse state borders. These rules were established by the International Law Association (ILA) in Helsinki, Finland in 1966. As per the Helsinki Rules of 1966, all nations are obligated to use the waters in a fair and rational way, taking into account many aspects such as topography, hydrology, ecology, and socio-economic demands of all governments. Moreover, the guidelines include detailed explanations and emphasise that a fair distribution should not have a major impact on the current usage of resources by other states. [9]The laws also stipulate the requirements for corporate cooperation and information sharing, highlighting the significance of collaboration across nations, which includes the exchange of information and data about resources and management methods. The 1997 United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses is the only convention that applies universally and regulates the use of shared freshwater resources. The framework agreement offers a set of principles and standards that may be implemented and adapted to fit the specific features of international watercourses.[10] It is important to mention that both Iran

[9] "The Helsinki Rules on the Uses of Water of International Rivers | IWRM Action Hub," 1966. https://iwrmactionhub.org/resource/helsinki-rules-uses-water-international-rivers#:~:text=The%20Helsinki%20Rules%20on%20the%20Uses%20of%20the%20Waters%20of,in%20Helsinki%2C%20Finland%20in%201966.

[10] "Convention on the Law of the Non-Navigational Uses of International Watercourses." *United Nations*, 2014. https://legal.un.org/ilc/texts/instruments/english/conventions/8_3_1997.pdf.

and Afghanistan have not ratified the UN Watercourses Convention. Nevertheless, it is crucial to scrutinise the stipulations of the Convention, since it was formulated based on well-established norms of customary international law that specifically apply to the non-navigational use of international watercourses. The legal framework governing transboundary waters resources is founded upon many key principles.

International water law prioritises the concepts of fair and rational use and involvement. The statement emphasises that governments should use and oversee international watercourses in a way that aims for the best and most sustainable use and advantages, while also providing sufficient protection of the watercourse. Several variables are considered while assessing the fairness and rationality of using a watercourse. These elements include geographical, hydrographic, biological, and economic aspects. Article 6 of the UN Watercourses Convention offers more clarification on these criteria. It should be emphasised that these components do not have a hierarchical order, since the goal is to attain a good equilibrium. [11]Nevertheless, where there are competing uses, it is crucial to prioritise the fulfilment of fundamental human needs related to the watercourse. Furthermore, the UN Watercourses Convention's Article 7 specifically addresses the legal structure pertaining to harm that occurs across international boundaries. The inception of transnational environmental law may be attributed to the pivotal arbitration of the dispute between Canada and the United States in 1941. The declaration affirms that no sovereign state has the right to use its territory in a manner that causes damage to another nation or its assets inside that territory. This case solidified the typical nature of worldwide accountability for environmental damage that crosses borders, a stance that was later maintained in subsequent international legal frameworks.

In addition, Iran has levied allegations against Afghanistan by exploiting the Helmand River for manipulative political purposes. There are some people in Afghanistan who believe that Iran is using the situation with Afghan refugees in Iran as a tactic to exert pressure on Afghanistan. This is happening amidst existing tensions between the two countries due to Iran's mistreatment of Afghan refugees and their forced return. As a response, Afghanistan might consider using its control over water resources as a means to pressure Iran into improving its handling of Afghan refugees. Mohsen Milani, the executive director of the Centre for Strategic

[11] Ibid.

and Diplomatic Studies at the University of South Florida, suggests that if Tehran perceives Kabul to be blackmailing them, there is a possibility of a public reaction against Afghans in Iran. The 1973 pact, despite its brevity, has fascinating resources for the collaborative administration of the Helmand River.

Article 2 stipulates the minimum volume of water that Afghanistan is obligated to provide to enter Iran during typical water years.[12] Article 4 considers the possible influence of climatic elements on the water flow and permits changes as necessary. Article 5 primarily pertains to the rights and obligations of Afghanistan and Iran in relation to their positions as nations located upstream and downstream of the River. The agreement stipulates that Afghanistan must refrain from taking any acts that might fully or partly deprive Iran of its water rights, while also maintaining total authority over the remaining water and its use. Conversely, Iran commits to refraining from asserting any rights to water above the specific quantities outlined in the Treaty, even if the use of extra water may be advantageous. Article 11 pertains to severe drought or force majeure circumstances, necessitating prompt discussion between the involved parties to devise and execute essential strategies.

The 1973 Treaty is inadequate to tackle the present circumstances of changing climatic conditions. While it has clauses to take into account climatic catastrophes, periods of drought, and unforeseeable events beyond human control, it does not include particular provisions for the implementation of adaptation efforts to adapt to the changing climate in the vicinity of the Helmand River. This prompts inquiry into the function of international water law in addressing this crucial feature. It is important to mention that both Iran and Afghanistan have not ratified the UN Watercourses Convention. However, it is still imperative to analyse the clauses of the Convention since the treaty was formulated using established principles of customary international law that relate to the non-sailable use of global waterways.

[12] "The Helsinki Rules on the Uses of Water of International Rivers | IWRM Action Hub," 1966. https://iwrmactionhub.org/resource/helsinki-rules-uses-water-international-rivers#:~:text=The%20Helsinki%20Rules%20on%20the%20Uses%20of%20the%20Waters%20of,in%20Helsinki%2C%20Finland%20in%201966.

Impacts of the Helmand River Dispute

There are various consequences of the conflicts affecting both Iran and Afghanistan. Firstly, are the negative impacts on the environment. Considering the adverse impacts of desertification is crucial, given the unfortunate drying up of the Hamoun wetlands in Iran, which used to be a thriving ecosystem. The lakes and wetlands in the Sistan Basin used to be home to a wide variety of plants and animals. Nevertheless, the Hamouns have been adversely affected by the drought and water diversion for irrigation. This includes the construction of dykes on the Iran-Afghan border and the establishment of four storage basins in Sistan-Baluchistan by Iran, which have resulted in the redirection of water away from the Hamouns. In addition, numerous local fishermen have been forced to give up their means of income and are relocating from the area. Sistan-Baluchestan, a province in Iran with a Sunni majority, is known for its turbulent nature. The Iranian government is concerned about the potential rise in dissatisfaction and militancy due to economic hardships and other related problems.

Furthermore, there is the matter of water scarcity. Both countries are experiencing significant water shortages, particularly in terms of drinking water. Iran is also grappling with the impact on hydropower generation and energy shortages. Furthermore, the ongoing dispute is causing a great deal of uncertainty and hindering any possible investment in hydropower generation in Afghanistan, despite the country's significant potential in this area. There is also the worry about how the dispute will affect the economies of both countries, particularly due to the decrease in agricultural production. This has a significant impact on the people living in rural areas, who heavily rely on agriculture for their livelihoods.

The Helmand river dispute has caused significant political unrest on both sides, as demonstrated by the border clashes in 2023. In addition, the worsening economic situation, high unemployment rates, and the decline in agricultural income in both countries have resulted in an increase in drug trafficking in the Hamoun region. [13] This has had detrimental effects on the societies of Afghanistan and Iran. Another result of the dispute is a rise in migration from regions experiencing water scarcity, both within Iran and Afghanistan, as well as outside of these countries. Adding to the complexity are the growing consequences of climate change. If

[13] Dagres, Holly. "Iran and Afghanistan Are Feuding over the Helmand River. The Water Wars Have No End in Sight." Atlantic Council, July 7, 2023. https://www.atlanticcouncil.org/blogs/iransource/iran-afghanistan-taliban-water-helmand/.

water management is not addressed adequately, the severity of climate change will be amplified. It is becoming more challenging to facilitate a dialogue between Iran and Afghanistan in order to find a long-lasting solution to their dispute. The 2023 protests and violence over Helmand's waters highlight the volatile nature of the water issue between the two countries.

Historical Examples

In order to prevent the situation between Iran and Afghanistan from escalating, it is crucial to promptly find a resolution to the Helmand River dispute. To gain a comprehensive understanding of the way ahead, it is valuable to examine historical case studies that can serve as a framework for both parties to come to a mutual agreement. One example that illustrates this is the Rhine river commission of 1950.[14] The Rhine holds significant importance as an inland waterway in Europe, and its global significance cannot be understated. The Rhine carries approximately 300 million tonnes of cargo each year, transported by over 7000 vessels. This accounts for about two-thirds of all river traffic in Europe. The Rhine is known for its cutting-edge technology and modern infrastructure, making it the most advanced waterway in Europe. In July 11, 1950, Germany, France, Luxemburg, the Netherlands, and Switzerland established the International Commission for the Protection of the Rhine (ICPR). Its purpose was to assess the pollution levels in the Rhine, propose water protection strategies, standardise monitoring and analysis techniques, and facilitate the exchange of monitoring data.

The history of the ICPR was heavily influenced by the complex challenges of domestic and foreign policy resulting from the dynamic changes in Western Europe's history since the mid-19th century. Now, in ICPR, Switzerland, France, Germany, the Netherlands, Luxembourg, and the European Union have collaborated for 70 years to address the various uses and protection of water bodies through an international convention. The success of international cooperation achieved by the states in the Rhine catchment area through extensive negotiations and the implementation of legally binding Conventions has made the ICPR a role model in the field of environment and water protection. It has also provided valuable guidance for numerous organisations. Thus, the ICPR is an example of effective collaboration, while managing transboundary pollution where after several incidents of severe pollution, the commission

[14] International Waters Governance. “International Waters Governance - The Rhine,” n.d. http://www.internationalwatersgovernance.com/the-rhine.html.

implemented strict standards and joint monitoring mechanisms which resulted in the improvement of the pollution situation of the Rhine and also showcased the power of shared responsibility.

The 1960 Indus Water Treaty, facilitated by the World Bank between archrivals Pakistan and India, is another instance. Pakistani President Ayub Khan and Indian Prime Minister Jawaharlal Nehru executed the Treaty in 1960, following the successful conclusion of nearly a decade of arduous negotiations. According to the Treaty, India was granted the right to the use for three eastern rivers, which accounted for nearly 20 percent of the total water in the Indus Basin, while Pakistan was allocated a portion of the western rivers. Two new conditions that were incorporated are the allocation of water from western rivers for hydropower development and the permission for India to use water for consumptive purposes in Jammu and Kashmir.[15]

A dispute-resolution mechanism has also been incorporated into the IWT to address any potential future disputes. From a comprehensive perspective, the Treaty's Article IX establishes a multi-faceted mechanism for resolving water disputes between the two nations. Based on the applicable IWT provisions, the process consists of three steps: PCIW, Neutral Expert, and the COA, which are facilitated by the World Bank. The Treaty, therefore, ensures the protection of the freedoms of signatories and provides a comprehensive mechanism for resolving any differences that may arise.

Conclusion

It is important that both Iran and Afghanistan understand the importance of finding a solution that considers the interests of both parties in order to achieve long-term sustainability. Without a thorough analysis, progress becomes unattainable. Water is a matter of great importance, with far-reaching implications for regional security. The issue at hand is primarily technical in nature, but unfortunately, the politicisation of the problem has added complexity to the situation. The emphasis should be on merging efforts towards a well-rounded and pragmatic solution. It is crucial to establish regional cooperation and receive international support in order to assist Iran and Afghanistan in addressing this pressing issue. It is crucial to prioritise

[15] Naweed, Maham. “The World Bank and the Indus Waters Treaty.” The Nation, April 8, 2023. https://www.nation.com.pk/09-Apr-2023/the-world-bank-and-the-indus-waters-treaty.

investment in infrastructure and establish a management system for water resources based on scientific analysis.

Experts in the field, supported by international organisations, should thoroughly examine the issue and develop feasible solutions. It is important for politicians to carefully and thoughtfully identify the areas where interests align in each country. Communication between the two factions at the levels of political leaders, academia, science, and civil society is of the utmost importance. It is crucial for the leaders of the countries to recognise that the issues surrounding the Helmand River and Hamoun lakes extend beyond national boundaries. These problems require a collaborative approach from the entire region in order to find a solution. Preserving the environment and natural resources has become a recent focus for these countries. It is crucial for the success of environmental policies that the public is well-informed. Therefore, it is important for Iranians and Afghans to understand that the environmental consequences of any economic project will extend beyond national borders. The disregard for economic factors and unregulated utilisation of water resources, particularly those that cross borders, has the potential to escalate tensions. Iran should consider adjusting its irrigation methods and agricultural crops to better align with its available water resources. Collaborative endeavours hold significant value for both nations, as they can alleviate competitive pressures.

Moreover, to avoid disputes in areas vulnerable to water scarcity, it is essential for the ICJ to emphasise the responsibility of states to adopt effective adaptive strategies. This entails explicitly delineating the responsibilities of rich nations to provide financial support for such initiatives. Given the ongoing challenges of water scarcity and drought in both nations, it is critical to give precedence to the enhancement of irrigation infrastructure, the cultivation of drought-resistant crops, and the preservation of indigenous ecosystems. In addition, it is essential to prioritise the funding and construction of dependable hydraulic infrastructure to decrease the heavy dependence on the diminishing Helmand River. This will ensure the provision of fresh water from alternative sources in regions that are at risk. The measures used to achieve a more sustainable administration of the Helmand Region have the potential to foster a peaceful allocation of resources between the two neighbours.

It would be beneficial for Kabul and Tehran to initiate discussions regarding the sharing of water resources. The 1973 Helmand agreement provides a solid basis for them to build upon. Revising the treaty might be necessary given the decline in water levels in the Helmand River and the growing population size in both countries. Postponing this task would not be

advantageous for either country, as disputes over water between them have the potential to escalate into violence. It is crucial that both parties clearly articulate their expectations and engage in effective communication. In order to achieve this objective, it is crucial to enhance communication channels at the deputy ministerial level. Efficient collaboration between Iran and Afghanistan, along with substantial investments in enhancing their water management systems, is crucial for achieving progress. International financial assistance is necessary for rehabilitation programmes aimed at restoring wetlands. Collaborating with esteemed organisations like the United Nations Development Programme and the Global Environment Facility can provide invaluable scientific knowledge to these projects.