

OPEN ACCESS

Submitted: 04/07/2023

Reviewed: 19/07/2023

Accepted: 26/9/2023

## Heterogeneous Diplomacy of Political Relations between Iran and Afghanistan in exploiting the water of Helmand Border River

**Abbas Poorhashemi**

Associate Professor, Scientific Member and President of the Canadian Institute for International Law Expertise (CIFILE) Toronto-Canada.

info@cifile.org

**Sobhan Tayebi**

Assistant Professor, Scientific member and Vice-editor-in-chief (CIFILE Journal) Toronto-anada

sobhantayebi@yahoo.com

**Marzieh Fathi Bornaji**

M.A. in Private Law, Department of Law, Faculty of Humanities, Islamic Azad University, North Tehran Branch, Tehran-Iran

golshanfathi@hotmail.com

### Abstract

The water challenge in the Middle East has caused governments to face new problems in which they have to consider more control, management, and care regarding their water resources to survive. Due to growing water consumption by upstream countries of the border rivers in exploiting the resources, we will observe an increase in hydro-political disputes among the nations. Helmand is a river that flows into Iran and includes a hydro-political aspect. It has always influenced the relations between the two countries since the border formation. The fluctuation of the Helmand water flow and decrease in the running water towards Sistan (Iran) in the last hundred years has always created problems in relations between Iran and Afghanistan at the National and local levels. In the past years, Afghanistan has consumed a significant part of the water by creating a dam, reducing the amount of water flowing into Iran. On the other side, morphological changes of the river, such as the dispute on specifying the border exactly in the changeable river bed, dispute from the instability of water rights distribution pattern between the two countries, and finally, the dispute from specifying the extent and territory of the border area has led to ecosystem instabilities. In this regard, the strategy to control the ecosystem instabilities is environment diplomacy, and if it is synchronized with defensive diplomacy, it causes stability. With this description, we will examine the Helmand peripheral issues and the course of diplomacy in this field.

**Keywords:** Political relations of Iran and Afghanistan; Helmand River; Common border; Environment diplomacy; Defensive diplomacy

Cite this article as: Poorhashemi, A. & Tayebi, S. & Bornaji, M. F. "Heterogeneous Diplomacy of Political Relations between Iran and Afghanistan in exploiting the water of Helmand Border River" *International Review of Law*, Volume 13, Regular Issue 1, 2024

<https://doi.org/10.29117/irl.2024.0289>

© 2024, Poorhashemi, A. & Tayebi, S. & Bornaji, M. F., licensee QU Press. This article is published under the terms of the Creative Commons Attribution-NonCommercial 4.0 International (CC BY-NC 4.0), which permits non-commercial use of the material, appropriate credit, and indication if changes in the material were made. You can copy and redistribute the material in any medium or format as well as remix, transform, and build upon the material, provided the original work is properly cited.

OPEN ACCESS

Submitted: 04/07/2023

Reviewed: 19/07/2023

Accepted: 26/9/2023

## الدبلوماسية غير المتجانسة للعلاقات السياسية بين إيران وأفغانستان في استغلال مياه نهر هلمند الحدودي

عباس بورهاشمي

أستاذ مساعد وعضو علمي ورئيس المعهد الكندي لخبراء القانون الدولي (CIFILE)، تورونتو - كندا  
info@cifile.org

صبحان طيبي

أستاذ مساعد وعضو علمي ونائب رئيس تحرير (مجلة CIFILE)، تورونتو - كندا  
sobhantayebi@yahoo.com

مرضية فتحي بورناجي

ماجستير في القانون الخاص، قسم القانون، كلية العلوم الإنسانية، جامعة آزاد الإسلامية، فرع شمال طهران، طهران - إيران  
golshanfathi@hotmail.com

### ملخص

تسبب التحدي المائي في الشرق الأوسط في مواجهة الحكومات مشاكل جديدة يتعين عليها التفكير بشأنها؛ بغية البحث مزيد من السيطرة على مواردها المائية وإدارتها ورعايتها من أجل البقاء. ونظرًا للاستهلاك المتزايد للمياه في بلدان المنبع من الأنهار الحدودية في استغلال الموارد، نلاحظ زيادة النزاعات المائية السياسية بين الدول. على سبيل المثال، يتدفق نهر هلمند من أفغانستان إلى إيران وينطوي على جانب مائي سياسي، طالما كان مؤثرًا على العلاقات بين البلدين منذ تشكيل الحدود، فقد خلق تذبذب تدفق مياه هلمند وانخفاض المياه الجارية نحو سيستان (إيران) في الأعوام المائة الماضية مشاكل بين إيران وأفغانستان على المستويين الوطني والمحلي. في السنوات الماضية، استهلكت أفغانستان جزءًا كبيرًا من المياه من خلال إنشائها سدًا، مما أثر في قلة كمية المياه المتدفقة إلى إيران. على الجانب الآخر، أدت التغيرات المورفولوجية للنهر - مثل الخلاف حول تحديد الحدود بدقة في قاع النهر المتغير، والنزاع حول عدم استقرار نمط توزيع الحق المائي بين البلدين، والخلاف حول تحديد النطاق والإقليم من المنطقة الحدودية - إلى عدم استقرار النظام البيئي. وفي هذا الصدد، فإن استراتيجية السيطرة على عدم استقرار النظام البيئي هي دبلوماسية البيئة، وإذا تزامنت مع الدبلوماسية الدفاعية، فإنها تؤدي إلى الاستقرار؛ حيث تتناول الدراسة القضايا المحيطة في هلمند ومسار الدبلوماسية في هذا المجال.

**الكلمات المفتاحية:** العلاقات السياسية بين إيران وأفغانستان، نهر هلمند، الحدود المشتركة، دبلوماسية البيئة،

الدبلوماسية الدفاعية

للاقتباس: بورهاشمي، عباس، وطيبي، صبحان، وبورناجي، مرضية فتحي. «الدبلوماسية غير المتجانسة للعلاقات السياسية بين إيران وأفغانستان في استغلال مياه نهر هلمند الحدودي»، المجلة الدولية للقانون، المجلد الثالث عشر، العدد المنتظم الأول، 2024، تصدر عن كلية القانون، وتنشرها دار نشر جامعة قطر

<https://doi.org/10.29117/irl.2024.0289>

© 2024، بورهاشمي، وطيبي، وبورناجي، الجهة المرخص لها: دار نشر جامعة قطر. تم نشر هذه المقالة البحثية وفقًا لشرط Cre-ative Commons Attribution-NonCommercial 4.0 International (CC BY-NC 4.0). تسمح هذه الرخصة بالاستخدام غير التجاري، وينبغي نسبة العمل إلى صاحبه، مع بيان أي تعديلات عليه. كما تتيح حرية نسخ، وتوزيع، ونقل العمل بأي شكل من الأشكال، أو بأية وسيلة، ومزجه وتحويله والبناء عليه، طالما يُنسب العمل الأصلي إلى المؤلف.

## 1 Introduction

One of the fundamental subjects in defensive diplomacy and political geography studies is related to the governments and the borders among them. How the border is formed, the type of border, disputes from border issues, and things like these cause interesting discussions in border political geography.<sup>1</sup> Nature doesn't follow political borders and has presented unique resources to each area and nation. The root of conflict among human communities is also hidden in the inequality in dispersing the resources among the areas and nations, particularly those who can't manage their affairs according to the environmental conditions. The increasing rate of population growth along with rapid urbanism, industrialization, agricultural development, transportation, water recreation, and destroying the environment has imposed an increasing pressure on available fresh water in the countries, and the pressures have raised the fields to conflict over water resources among the nations, too. The rivers, also as natural phenomena, have played a significant role in providing water to human communities since distant the past.<sup>2</sup> Water is the main element of sustainable development. It plays a role in human beings' lives and health, increasing and decreasing the population in different forms, and it helps human beings and countries enjoy social, economic, and political development.<sup>3</sup> Water is the origin of life on the Earth, and human safety and sustainable development need access to healthy drinking water. It has tripled the amount of water consumption in the world from 1950 to 1990, of which 230 percent has been from population growth, and the rest has resulted from increased water consumption per capita. World Summit of Sustainable Development in Johannesburg has proposed the water problem as one of the world's cross-border challenges. The water resources haven't been distributed equally on the surface of the Earth, as many areas like North America and Europe include much water resources, but areas like the Middle East face water shortages.<sup>4</sup> It's important to access water resources, and water is considered one of the natural factors and part of the geopolitical factors. Hydrologists are also sure that "renewable water resources" will be one of the main limitations in the second decade of the 21st century. Until some politicians mention water as an effective factor in future wars.<sup>5</sup> In studies on political relationships of countries based on river borders like the Helmand, the shape and pattern of the rivers play an important role in the countries' relationships, considering the importance of surface water resources.<sup>6</sup> Dispute on

---

1 Durreh Mirheydar, *Principles of political geography*, Tehran, SAMT Publications, (2002), 161.

2 Morad Kavyani Rad, Hydro-political relations between Iran and Afghanistan, quarterly of strategic studies, *The Research Institute Of Strategic Studies*, No. 28, eighth year, second number, (2005), 338.

3 Muhammad Hassan Nami & Ali Muhammad Pour, Hydro-political survey of west areas of the country (sample: Zab, Sirvan, Alvand), *Magazine of Geography and Regional Development*, 14<sup>th</sup> number, Publications of Ferdowsi University of Mashhad (2010), 134.

4 Mohammad Reza Hafez Nia, Pirouz Mojtahedzadeh, & Jafar Alizadeh, Hydropolitics of Helmand and its impact on political relations between Iran and Afghanistan, *Quarterly of Human Science Teacher*, 10<sup>th</sup> period, No. 2 (2006), 134.

5 Nami, & Muhammad Pour, 135.

6 Marjan Badiei Azandahi, Saeid Rahimi Har Abadi, & Saeid Goudarzi Mehr, The role of morphological changes of the Helmand border river in political relations between Iran and Afghanistan, *Quarterly of Human Geography Researches*, publications of geography institute of Tehran University, No. 78 (2011), 138.

international rivers often occurs due to overusing the river water upstream, reducing the amount of flowing water to downstream countries, and reducing the quality of river water due to water pollution in upstream areas. But, it's possible that other factors also cause conflict among the riparian countries, like using the river for shipping, and fishing, choosing the river as a borderline, and deviation of the river from its course, which disturbs the borderline, etc.<sup>7</sup> There's a close relationship between the cooperation of countries on water resources and the political and economic relations and the amount of political trust of the parties in each other.

On the contrary, when riparian countries lack extensive political and economic relations or trust among themselves and have a history of hostility, the probability of cooperation is reduced. In such a situation, the upstream countries try to use the water as political and economic leverage to pressure the downstream countries.<sup>8</sup> Continued cooperation among the riparian countries requires access to the whole countries' agreement and fair water sharing among them. All aspects must be considered in sharing the water using a comprehensive approach. Otherwise, although access to the agreement and signing the contract can solve the short-term problem, it can't provide a solution forever, and such agreements will be unstable.<sup>9</sup>

Governing water resources is a geopolitical issue that can be solved with difficulty. It has been many efforts to set regulations related to exploiting international rivers, it hasn't been presented with a consentaneous definition of how the governments rule the resources, Until that it can be solved disputes over sharing international rivers water based on it.

Mostly, the riparian countries solve issues and problems by accessing the agreement based on the principle of reasonable utilization and good neighborliness. However, there is no single perception of the principle of reasonable utilization.<sup>10</sup> As water has been formed and emerged in the civilizations, its lack due to climate changes and conditions has destroyed great civilizations.<sup>11</sup> What increases the vital and strategic importance of the water issue is the location of the disputed area in semi-arid tropical geographical areas where the great deserts such as Dashte-e Margo (The Desert of Death), Dasht-e Naomid (Namadi) and Registan Desert are situated in the vicinity of it and the 120-day wind of Sistan is effective for more water evaporation.<sup>12</sup>

Forming modern government and emerging political borders led to becoming more apparent the function of water resources in political orientations as we observe the emergence of growing tensions, especially in dry and low-rainfall regions, in utilizing the resources. It's according to such an aspect that

7 Hafez Nia, Mojtahedzadeh, & Alizadeh, 33.

8 Natasha Besscorner, Water, Security and the Middle East, translation: Pirouz Izadi, 1<sup>st</sup> ed., Publications of Strategic and defense science research institute of Imam Hussein University (1993), 15.

9 Michael Klar, New geography of disputes, translation: Omid Rezaei Eskandari, quarterly of foreign politics, Publications of the office of international and political studies of Ministry of foreign affairs, sixteenth year, No. 1 (2002), 108.

10 Besscorner, 144.

11 Darius Rahmanian, & Darius Boraghi, The position of the Helmand water issue in the relations between Iran and Afghanistan during the reign of Reza Shah, History of Iran, Tehran, No. 64-65 (2010), 38.

12 Ibid, 39.

the realists consider water crisis as the origin of future tensions. In the Middle East, as an area in which water challenges will have a growing process, each country contains richer water resources, and it will be able to affect more deeply on regional hydro-political and geopolitical relations.<sup>13</sup> The challenge of the quality of water resources can be solved through cooperation among the riparian countries, but the dispute over the number of water resources and the issue of water resources decreasing is difficult to solve, and in many cases, it's the field of dispute among the countries. For instance, the disputes concerning the rivers of Tigris, Euphrates, and, Helmand are over the quantity of water. Also, the lack of international laws and regulations and an organization for dividing the water resources of international rivers increases the possibility for the problem to emerge. Accordingly, it seems that the process requires a control tool (defensive diplomacy) a control standard (environment diplomacy), and a control strategy (geographical diplomacy) to restrain possible tensions for achieving regional stability. In this regard, it's also of great importance the defensive considerations of Helmand. The necessity to pay attention to the role of security of remote areas in National security and obtaining power to fight and defend National borders against external and internal threats,<sup>14</sup> recognizing the perception of holistic security dimensions of the considered areas and, protecting the security of such areas through the presence of military power and specific national outlook on the subject of Helmand are some of the defensive considerations.

This article tries to show the vicissitudes of the geopolitical relations between Iran and Afghanistan regarding the Helmand River throughout history. What doubles the necessity of research on the Helmand river is that the issue of Helmand water hasn't been solved completely yet, and the negotiations among the representatives of both sides are still ongoing. The research results represent that "factors such as the sources of the Helmand and 95 percent of the river course in Afghanistan land" have led to the geopolitical superiority of the country versus Iran. Also, the border disputes between Iran and Afghanistan have always been for different reasons, like not being the exact common border, and perhaps, it may also cause problems for both countries in the future.

This article intends to provide a realistic solution to overcome this crisis and reduce its consequences, while reviewing the historical course of the Helmand issue and the consequences of water shortages and enumerating the existing challenges. Accordingly, the main question of the research is to determine what is the cause of the persistence of the Helmand problem and what strategies and policies can be used to manage the negative effects and consequences of this historical problem in order to eliminate or mitigate it? According to the hypothesis of this study, preventing Afghanistan from entering the share of Helmand water, numerous droughts, especially during the last three decades, and short-term and sometimes ineffective solutions to the Helmand problem, has led to the sustainability of this problem that can be solved by constructive diplomacy with the Afghan side, recourse to international law, proper management of water entering the country, observing the pattern of proper cultivation, mechanized

13 Kavyani rad, Morad, 338.

14 Ezatollah Ezati, Muhammad Hassan Khazri, & Mahboubeh Nik Farjam, An analysis on hydro-politics of East of Iran, *Quarterly periodical of modern attitudes in human geography*, fourth year, first number, (2011), 183-184.

irrigation and creating employment in other industries will reduce the negative effects of this issue.<sup>15</sup> This research has tried to study this issue in order to achieve tangible and feasible solutions in a more comprehensive and wide-ranging way. The research has been done with an interdisciplinary approach and descriptive-explanatory method.

## 1.1 Research Methodology

The research method is considered descriptive-analytical, which surveyed the events and incidents related to the relations of both countries influenced by the Helmand River through documentary study with a historical approach, and then it has been categorized and analyzed. It has obtained the considered information through library studies and has been analyzed and expressed by the writers.

Helmand has long been the main artery of Sistan's lifeline and has played a decisive role for it. However, since the unfair division of the region between Iran and Afghanistan and the lack of sufficient water (for various reasons) in the region, Helmand has gradually become an issue and crisis for the people of Sistan and the Iranian government and the source of differences between the two neighboring countries. This discrepancy has gradually become more pronounced and has taken on a national dimension, with frequent droughts, population growth, mismanagement of water resources, and increased demand for water.

## 1.2 Research History

The issue of Helmand River has been surveyed and scrutinized from a long time ago, and it has been evaluated and surveyed by the scientific society from different aspects. As an example, it can be referred to the book "Iran and Afghanistan from Unity to Determination of Political Borders" written by Muhammad Ali Bahmani Qajar. Also, it can be referred to the essay by Muhammad Reza Hafez Nia titled 'Hydro-politics of Helmand and its impact on political relations between Iran and Afghanistan,' where it has been surveyed for the political relations of both countries focusing on the subject of Helmand. Another work has also been written titled "Consequences of Afghanistan crisis on the security of the Islamic Republic of Iran by Asghar Keyvan Hosseini. In this regard, the subject matter still requires the experts' analysis, and this article has focused on the course somehow, and the important matter has been emphasized. Although there's a similarity between the research and the other researches in identifying geopolitical dimensions, it differs from other accomplished researches in the specific approach of the article to protect the environment and the crises ahead in Helmand and the role of diplomacy in restraining the Helmand crises. It seems that the attitude hasn't been surveyed yet, and the research will somehow respond to the questions that come to the readers' minds.

---

15 Ali Shokri, Hossein Moftakhari, & Mirhadi Hosseini, The historical problem of Helmand and solutions to reduce the challenges caused by it, *Journal of Historical Researches of Iran and Islam (JHRIS)*, Vol. 16, Issue 30 - Serial Number 30 (2022), 293-320.



### 1.3 Geographical Features of the Helmand River



**Fig 1:** Map No. 1- Geographical location of the Helmand border river between Iran and Afghanistan<sup>16</sup>

The Helmand River is the longest river located in the latitude distance from the Tigris to the Indus. It originates from around the source of the Kabul River at an altitude of about 3000 meters in the border mountains of Afghanistan.<sup>17</sup> It flows from the heart of the regions of Hazarajat (Hazaristan) to the southwest, and it reaches the fertile lands of Zamindawar (Zamandawar) after crossing the mountainous areas. The river flows towards the north near Iran with a steep slope, and it forms about 65km or 80km of the common border between Iran and Afghanistan before it flows into a great marsh called the Hamun-e-Helmand.<sup>18</sup> The south slope of Afghanistan, located in the semi-central and south parts of the country, is the main source of river water supply during the year, where Helmand and Arghandab flow in its two main branches. Two main storage dams of Afghanistan, Arghandab, and Kajaki, have been constructed in the area that contains a water basin wider than 50,000 square kilometers. The lower part of Helmand, forming the river delta in the Sistan region, includes an expanse of 18200 square kilometers where there is 40 percent of it in Iran. This part starts from Chahar Burjak and continues to Hamun Lake. In the Delta region, it divides the Helmand River into numerous branches.<sup>19</sup>

Helmand ends in "Chahar Burjak," first in Sistan's plain after passing a long path and it turns north at the Kamal Khan dam after a short distance, and it's divided into two main branches in a point called Kuhak in the border of Iran which is well-known as Pariyan River. In exceptional situations and rainy years in which the Hamun Lake has its maximum water absorption, the extra amount of water flows

16 Partow, Sistan Oasis Parched by Drought. In *Atlas of Global Change*. United Nations Environmental Program, Oxford University Press,(2003)

17 Badii Azandahi, Rahimi Har Abadi, & Goudarzimehr, 203.

18 Alizadeh, Jafar, *Hydropolitics of the Helmand and its impact on political relations between Iran and Afghanistan*, Master's thesis, Tehran, Publications of Tarbiat Modares University (2014), 26.

19 Hafez Nia, Mojtahedzadeh, & Alizadeh, 35.

through Shileh Shalagh into a large pit named "Godzareh" in the land of Afghanistan.<sup>20</sup>

## 2. Bilateral Interactions Between Iran and Afghanistan

### 2.1 Formation of Relations between Iran and Afghanistan and the components affecting it

Since a long time ago, Afghanistan has been in the scope of Iran's civilization, and major parts of the country were considered a part of the great empire of Iran. In the Safavid era, the southern and western parts of current Afghanistan tended to Sunni religion due to the dominance of Shiism religion in Iran. In the meantime, the tribes of the region attacked and occupied the city of Isfahan, which was the center of the Safavid dynasty. Of course, the chaos ended when Nader Shah rose to power. In the Qajar era, Afghanistan was separated from Iran in 1747 AD.<sup>21</sup> It's possible to analyze the relations between Iran and the emerging country of Afghanistan in the 19th century only by surveying the role of Britain and Russia. For example, it formed the first coalition of Iran with a Western country, i.e. the coalition with Britain in 1801: that is when Britain asked for Iran's help in the framework of an aggressive coalition to prevent Afghans from encroaching on India. Due to this, Iran was happy: because it had been entertaining hope of taking back the border city of Herat from Afghanistan for years, but eventually, the union didn't materialize; 35 years later, i.e. in 1836, the plan of Iranian claim upon Herat was directly opposed by the British, since they believed that access to the request would weaken Afghanistan and will facilitate the penetration of Russia. Finally, according to the Treaty of Paris 1857, Iran officially denied its territorial claim, and thus, it took until 1872 to resolve the main part of the border issues between Iran and Afghanistan. The separation of Afghanistan from Iran meant the formation of new political borders and, following that, the emergence of new political relations, which were influenced by emerging variables. Some of the variables have been geographical such as geopolitical situation, the geographic shape of the country and the landlocked or surrounding features of Afghanistan, and finally, the border river of Helmand. Some others have also been more political-geographical or influenced by the new human geography of Afghanistan, like power politics inside the country, the former superpowers' competition, ethnicity (discussion of great Pashtunistan and Baluchistan), and Persian language.

The interesting point is that the geographical variables have still been active since the past in determining how the relations between the two countries are, for instance, the border river of Helmand and the issues resulting from it. Many British strategists have considered special geostrategic features for Sistan as an important point of penetration: since the region was located at the crossroads of Iran, Afghanistan, and British India, the British could judge the conflicting claims between Iranians and Afghans in 1872. Therefore, although it has been resolved to a large extent, the territorial issues of Iran and Afghanistan in 1872, it remained sensitive issues related to water use and dam construction rights.<sup>22</sup>

20 Qolamreza Fakhari, *The dispute between the governments of Iran and Afghanistan on the Helmand River*, Ministry of Foreign Affairs publications, (1992), 36.

21 Badiei Azandahi, Rahimi Har Abadi, & Goudarzimehr, 204.

22 Ibid, 205.



One of the most important aspects of border disputes between Iran and Afghanistan in Sistan has always been the subject of Helmand water allotment and how to exploit it in the delta region. However, both governments accepted the exact place of the border years ago, and have lingering disputes related to allotment and other rights related to the border river despite many efforts in the past 120 years towards resolution.<sup>23</sup>

## 2.2 The subject of Helmand water fluctuation and the evolution of political relations between Iran and Afghanistan

**Table 1:** Evolution of political relations of the two countries on the Helmand issue<sup>24</sup>

Consequences of agreements	Year (AD)	Agreements of both countries on Helmand	Period
Agreement of two countries to judge on the bordering place from England	1857	Treaty of Paris	First period (AD 1857-1925)
Determining the border on the main branch of Helmand (border Pariyan) and ignoring the river legal system	1871	Goldsmith's rule	
Confirming the former border despite the river course change and reducing Iran's water share from 62% to 33%, being aware of Iran's water need which has been a function contrary to reality and only to protect the benefits of Britain	1903	McMahon's rule	
Making friendship ties and a new season in political relations between the two countries after the political independence of Afghanistan	1921	Treaty of Amity	Second period (AD 1925-1978)
Strengthening the relations between the two countries and Reza Khan's attention to solving the border problems	1927	Treaty of Friendship & Security	
The first direct negotiations and accepting the water division and disagreement on the place of water sharing	1931	---	
Due to dehydration in July 1936 as the result of construction of the Lakh-e-Shak dam by the Afghans and destroying it by the Sistani farmers, a contract to halve Helmand's water from Lakh-e-Shak dam to Kamal Khan Dam for a year and extend it in the Treaty of Saadabad in 1936	1936	Conclude a temporary contract	
As a result of the drought of 1947-1948 suggested by America and determining Iran's water right to an average of 22 cubic meters per second, weakening Iran's position against Helmand's water right	1948	Forming an impartial committee	
Increasing 4 cubic meters was prescribed by the impartial committee and approved by the parliament of the countries, but the Afghanistan coup prevented an exchange	1972	Treaty of Water division	

23 Ibid, 206.

24 Ibid, 207.

Islamic revolution event and the Soviet attack on Afghanistan forgetting the common plans and not controlling Helmand's water by the Afghans	1978	---	Third period (AD 1978-2010)
Taliban's rise to power, terrible drought, contradictory viewpoints of the two countries, and the condition of providing the complete watercut-off of Helmand by the Afghans	1996	---	
The transitional government of Afghanistan and the emphasis of the two countries on implementing the treaty	2001	---	
Contradictory statements of the officials of the two countries and yet, doing cooperation without the executive capability	2005	---	

### 2.3 The process of Relations over the Helmand after 2005

One of the most significant factors of the lack of solidarity regarding Helmand has been the asymmetric performance of the Afghan government after many ups and downs in the geopolitical relations of the region between Iran and Afghanistan. The heterogeneous views of Afghanistan's political leaders, constructing dams and separating the numerous branches have been the most important reasons for the changes in the Helmand ecosystem. In this regard, the lack of political stability in Afghanistan as well as drought and interference of foreigners, are considered as the other reasons for Helmand crisis.<sup>25</sup>

After the establishment of the transitional government in Afghanistan as well as Hamid Karzai's administration, there have been serious negotiations by both sides to resolve the issue. It has led to settling the disputes to some extent and diminished the problem between the two countries in the current situation and excessive reduction of water in the Helmand River due to a decrease in rainfall in India and its source in Afghanistan in recent years. However, solving a legal problem cannot be left to the atmospheric conditions, wind, cloud, and natural factors, especially when a simple agricultural problem is tied to security issues and new political geography.

Currently, some groups that are not satisfied with the friendship between Iran and its neighboring country, Afghanistan, are trying to use the issue of gasoline and fuel transit from Iran which was utilized by NATO forces according to the Iranian authorities' opinion, and it removed the necessary doubt after the commitments by Afghanistan government, and they equalize the issue of necessity to cooperate with "land-locked" countries in using the transit routes of neighbouring countries which it has been repeated in a retroactive clause in the resolutions of The United Nations General Assembly (UNGA) and UNCTAD (United Nations Conference on Trade and Development) and some other international organizations (along with an explanation for the countries on the transit route), to an acquired right from the irrevocable treaties rights and the conventional rules of International law. In this way, the so-called groups try to exploit a clear legal issue to disturb the relations between the two brotherly countries. Therefore, foreign policy officials must deal with this issue more tactfully.<sup>26</sup>

25 Seyyed Abbas Ahmadi, The Helmand's hydro-political survey, quarterly of teaching geography, *Publications of Educational Planning and Research Organization of Ministry of Education*, No. 67, Tehran (2004), 49.

26 Mohammad Reza Dabiri, Legal-Historical review of the Helmand river, *Iranian diplomacy site* (2011), 1. <<http://www.irdiplomacy.ir/fa/page/11868>>

In this regard, the Helmand River has been surrounded by unstable consequences, which is the result of neglect by the authorities of the two neighboring countries, especially the lack of proper interaction with the Afghan government. In this respect, it can briefly be referred to the economic, social, political, and environmental consequences as some of the consequences and risks. However, the Helmand River risks disorder for the border security, and actually, it violates the Iran territorial sovereignty. This event may be a threat to the country due to the geopolitical position and prevailing situation in the region. The nomadic lifestyle of Baloch and Sistani people in the eastern border areas, especially the area overlooking the Helmand River, and the lack of social standards in that region increase the dangers and threats. Considering the arid and semi-arid climate of the eastern regions of the country, the lack of water, and the unstable conditions of the region increase the commitment of the two neighboring countries to apply a strong strategy and take effective action in this regard. The climatic position of Helmand River requires that its water be preserved to regulate the climate of the region.

### 3. Defense diplomacy: A smart Strategy

Defense diplomacy has taken a fundamental form in modern strategic thinking, and it was realized that the integration of "diplomacy" is the main tool of foreign policy and "defense" when the limits and borders of the two institutions were specified implicitly. The issue marked the initial thinking of defense diplomacy, and it was only considered during political deadlock. This approach was the classic approach towards the issue of strategy and war, based on which the war is considered as the continuation of politics. But, the present time and the new field of international politics, have defined a new course for the activity of the defense field in the arena of diplomacy, along with the efforts of countries in the arena of international cooperation, by providing the condition of various interactions between countries in the military and defense fields. Defense diplomacy is utilizing the capacity of diplomacy, negotiation, and interaction and all non-coercive tools to advance defense goals and tasks in which maximum use of civilian tools is considered to achieve the highest defense goals and, finally, the national goals. Defense diplomacy is a part of national power that, along with foreign policy, forms the resources for applying power to increase the capacity of a country to act in foreign relations (bilateral or multilateral).<sup>27</sup>

The main discussion in diplomacy is that in cases where there are disputes between two or more countries, the think tanks play an important role in familiarizing the parties to a dispute they have with each other and making direct relations between them by inviting the parties to the dispute or different intellectual-political tendencies to negotiate in the form of open or closed roundtable discussions and seminars. Such relations bring the views closer and can be very effective in resolving disputes. Since power hasn't been the basis of interaction in these circles, but it's the logic, this type of think tank diplomacy has been successful in many cases.<sup>28</sup>

---

27 Nader Saed, Drawing the horizons of the world strategic affairs in the 2030s, English perception, *Periodical of Strategic Information*, No. 47 (2007), 64.

28 Nader Saed, & Alidoosti Qasem, Comparative-defensive diplomacy and drawing its management pattern organism in the Islamic Republic of Iran, *Quarterly of Defensive Strategy*, No. 24 (2011), 91.

In light of surrounding discussions about the Helmand defense diplomacy, many points should be considered, such as: maintaining stability and achieving goals without exploiting the military tools, eliminating the fields of tension generation of environmental factors, and maintaining stability as a connecting point between environmental diplomacy and defense diplomacy. In this regard, the impact of interactions on resolving disputes will be realized when they are formed in bilateral and multilateral agreements. In this respect, it seems that defense diplomacy should be considered an effective strategy in the flow of international interactions more than it can assert in conflicts. An effective strategy can lead to comprehensive political, economic, cultural, and environmental coordination to maintain regional power. Therefore, defense diplomacy tries to maintain regional power, and this effort can be to deal with emergence of any regional and international crises.<sup>29</sup> Anyway, defense diplomacy, along with environmental diplomacy and geographic diplomacy, can provide a platform for cooperation, coordination, and entanglement of countries' destinies. Normally, the probability of conflicts will be reduced to a minimum in such a condition. In addition, even in the case of the emergence of new problems and crises, defense diplomacy includes the capacity to play a significant role in controlling them, which, in the case of Helmand River, the emerging crisis of the climate change phenomenon has had a significant impact on them. Therefore, defense diplomacy as a smart strategy can be a strategic model of bilateral cooperation.<sup>30</sup>

### 3.1 Environment diplomacy: An Innovative approach

Interaction is the main issue in resolving disputes and a serious tool in creating disputes. In the case of the Helmand River, the priority is to convince the Afghan side to provide Hamoun with legal water rights of 27 cubic meters per second. Environment diplomacy can be considered an effective tool in the crisis because despite the large flow of water in Hamoun and reducing the region of dust and pollution. It has decreased the security factor of terrorists in the region, and this subject can be an effective motivation for both the Afghanistan government to negotiate together. At the same time, Iran should not think of filling the third and fourth Chah Nimeh with water at all, and the Helmand River should only meet the need for drinking water of the people in Sistan, and the excess water should be directed to the area of the triple Hamouns. In this regard, the security wall that caused the hydrological disconnection between Helmand and Hamoun should be dismantled; Livelihood dependence on the land should be reduced, and instead, it should be strengthened for commercial and academic infrastructures, wind and solar energy exploitation, and especially, strengthening of the natural and historical ecotourism.<sup>31</sup> Protecting water resources in regions like the Helmand River is considered the point of reliance and stability of the ecosystem and environmental geopolitics. In this regard, the generalization of the general state of comprehensive management of water resources to the Helmand issue in the direction of environmental

29 Tayebi, & Esmaili Fard, 136.

30 A. Poorhashemi, Emergence of "International Environmental Law": As a new branch of International Public Law". *CIFILE Journal of International Law*, 1(2), (2020), 33-39. DOI: 10.30489/cifj.2020.218985.1013

31 Muhammad Darvish, Environmental diplomacy: The way to save the Hamon and Sistan, *Controlling desertification blog* (2013), 1. <<http://darvish100.blogfa.com/post-2494.aspx>>

sustainability is of utmost importance.

According to the above, it has always entailed risks for Iran; the relations between Iran and Afghanistan under the influence of unlimited political relations. This lack of restrictions has repeatedly threatened Iran's borders and has made Iran consider more serious security measures in its eastern borders. It seems that a new bilateral treaty should be contracted between Iran and Afghanistan, taking into account all the surrounding matters, and firm sanctions must be considered for it. In this regard, it seems that the national and international actions along with effective diplomacy can be considered another solution, which can be a way to come out of major regional challenges.<sup>32</sup>

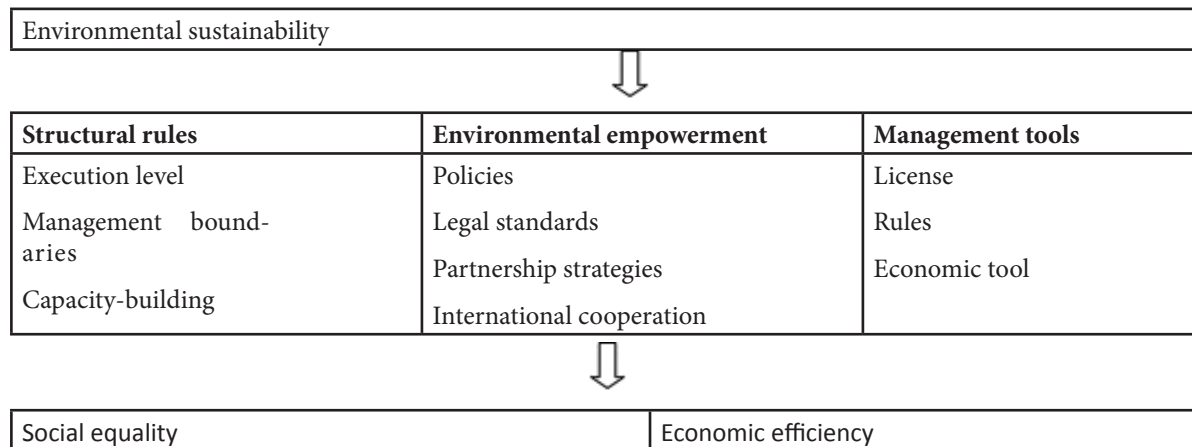


Fig. 2: Water Resource Management

In general, resolving the water shortage crisis in the East requires strong diplomacy and good communication with the international community and the Afghanistan government using the support of the United Nations Organization (UN). It should be considered a priority and a necessity for the national interests of Iran, the stability in Afghanistan, and the destruction of Al-Qaeda and other riotous and rebellious groups. Investment in Afghanistan and helping the development and stability of the country are considered other strategies of Iran in Afghanistan. Firstly, Iran can have the necessary access to the decisions of the Afghanistan government through these aids and under the parallel geopolitical strategy. Secondly, it can reach an agreement with the country about the problem of water division in Helmand.<sup>33</sup> Considering it, the two axes of defense diplomacy and environmental diplomacy suppose bio-security diplomacy as their point of intersection, and they emphasize it. The axes specify a particular strategy of regional and international priorities.<sup>34</sup>

32 Mahboubeh SafaeeMehr, & Sobhan Tayebi, *Evolution of relations between Iran and Afghanistan regarding the Helmand river, National Congress on border settlement of sustainable development and investment opportunities*, Parsabad city, Islamic Azad University-ParsabadMoghan Branch (2014), 8. <[http://www.civilica.com/Paper-FSDIO01-FSDIO01\\_010.html](http://www.civilica.com/Paper-FSDIO01-FSDIO01_010.html)>

33 Nasrollah Ezati, Esfandiar Heydari Pour, & Naser Eqbali, The role and position of border regions preparation in the planning system (case study: border areas of Iran), *Quarterly Periodical of Modern Attitudes in Human Geography*, third year, No. 4 (2011), 59.

34 Tayebi, & Esmaili Fard, 138.

### 3.2 Security threats resulting from the Helmand water crisis

One point that should not be neglected is the issue of security threats resulting from the Helmand water crisis. The continuation of the water crisis in the border basins will lead to security consequences and weakness of internal security and national power. In this regard, they will be considered as some of the national threats: imposing the economic costs, reducing tourist attractiveness, decreasing international investment, presenting a distorted and poor image of Iran in the international public opinion, and threatening the legitimacy of the system due to inability to meet the essential needs of the people.<sup>35</sup> We should also expect internal tensions over water. The East of the country, especially the area of Helmand, is one of the strategic points where the water crisis can cause tension both domestically and internationally. Currently, we hear a lot about the "water war," and we can understand to some extent that water is a vital and very important issue economically, socially, and politically as well as in terms of security.<sup>36</sup>

Perhaps we can think of weakening the national power and creating internal and extraterritorial tensions as security threats. Our security analysis of the Helmand water crisis is that our attitude toward the crisis should not cause severe fear, but the crisis has its special solutions. In this regard, diplomacy plays a valuable role. Also, the issue of protecting the Helmand environment should be investigated more seriously. It seems that the position of our country is of utmost importance for Afghanistan, and our country can reach an agreement on the water rights of Helmand using a policy ahead and a forward motion. One way to come out of the upcoming crisis is to increase environmental awareness among the people in the Sistan region. We must strictly avoid disputes over water and think of water resources management more seriously. This is a preventive movement and a proactive strategy. In this respect, the water crisis in the Helmand region increases the growth of migration, and it entails more security risks. The Helmand is in a creeping crisis framework that affects security. The way to come out of the crisis is the defense and biological diplomacy.

Anyway, the available policies about Helmand will bring about nothing but disaster, and the environmental disaster has entailed security consequences at a critical border point<sup>37</sup> to which they have already been referred.

The most significant environmental consequence of the Helmand is an intensification of desertification, especially during the recent droughts.<sup>38</sup> In this respect, if effective interactions aren't accomplished to prevent abnormal environmental hazards in Helmand<sup>39</sup>, the area of Sistan will be in

35 Majid Zavari, Security consequences of water crisis for the future Iran; relying on forty possible scenarios, *Periodical of Futurology*, No. 10 (2014), 1.

36 A. Poorhashemi, Opportunities and Challenges Facing the Future Development of International Environmental Law. In: H.Gökçekuş, & Y.Kassem, (eds), *Climate Change, Natural Resources and Sustainable Environmental Management. NRSEM 2021*. Environmental Earth Sciences. Springer, Cham (2022). <[https://doi.org/10.1007/978-3-031-04375-8\\_5](https://doi.org/10.1007/978-3-031-04375-8_5)>

37 Asqar Keyvan Hosseini, Consequences of Afghanistan crisis on the national security of the Islamic Republic of Iran, *Magazine of Defensive Politics*, No. 20-21 (1997), 22.

38 Ezati, Khazri, & Nik farjam, 108.

39 Narges Akbari, Ali Mashhadi, & Hussein Kazemi Ferooshani, Legal dimensions of exploiting the Helmand, *Quarterly of Public Law Research*, 22<sup>nd</sup> period, No. 68 (2020), 299.



a turbulent state, and environmental security will be in crisis. It seems that it should be taken as an effective measure to maintain regional and biological stability. Some of these measures can be observed in the following Table:



**Fig. 3:** Sustainable development measures for the Helmand<sup>40</sup>

In this regard, it can be considered an effective measure of the direct and indirect investment in development with due regard to biological sustainability. It seems that the crisis of Helmand should be resolved by solving the disputes of the local and regional crisis of Helmand and the southeastern of Iran will have a very valuable opportunity ahead. The process of sustainable development in Helmand is in the phase of active and reactive launching. Although the traditional structure may have problems, the development path should be prepared.

#### **4. Iranian-Afghan Diplomacy and Continuity of Relations**

Bilateral relations between Iran and Afghanistan have been founded on a deep background and many commonalities, such as history, culture, and religion. This interaction has gone through many vicissitudes and has passed three different periods (according to Table. 1). Although the civilization structure of the two countries is at the highest point of world civilization, it has never had successful diplomacy in the meantime.

##### **4.1 The countries of Iran and Afghanistan**

One of the unsuccessful diplomacies is the Helmand diplomacy which hasn't led to any results despite

40 SafaeeMehri, & Tayebi, 8.

the available efforts.<sup>41</sup> In the meantime, internal developments in Afghanistan, such as the formation of terrorist groups of Taliban and Al-Qaeda, added to the previous problems like the border disputes and the issues caused did not let the relations between the two governments of Iran and Afghanistan develop any further.<sup>42</sup> However, foreign countries like the United States have repeatedly tried to put Iran's relations with border countries, including Afghanistan, into a state of tension and war through the border countries, which has been resolved by the special measures of the Iran and Afghanistan governments. Although it seems that there isn't official diplomacy between the two governments at the desired and expected level, and its main reason has been due to the lack of political instability in Afghanistan, it has also accomplished effective efforts in this direction. These efforts should be directed towards extreme ethnicity in common borders so that it can be considered a safe territory for Helmand. Iranian-Afghan diplomacy should not be involved in the struggle and abyss of ethnic disputes and extremist-terrorist movements, and the relations should be continued in a proper form and a more effective framework than past and present.

#### 4.2 The issue of Iran's water right from the Helmand

With the separation of Afghanistan from Iran in 1857, according to the Treaty of Paris, the issue of water rights in Helmand was turned into one of the significant political, social, and environmental issues of the two countries. An agreement was concluded between the authorities of the two countries in Kabul in 1972 (the vote of the Delta Commission for the water right of Iran) after the failure of numerous negotiations between the authorities of Iran and Afghanistan in 1930 and 1948 by the intervention of three countries of America, Canada, and Chile and it was considered 62 cubic meters of water per second (equivalent to 850 million cubic meters per year) be shared for Sistan and the Lake Hamoun. However, the amount of Helmand water inflow to Hamoun constantly decreased since the late 1990s simultaneously with the decrease in precipitation and prevailing drought in Sistan. The absence of a powerful government in Afghanistan, the construction of the Kajaki dam on the Helmand, installation and use of various pumps along the Helmand River to cultivate poppies by the Afghan farmers have caused Lake Hamoun to dry up.<sup>43</sup>

It should be noted that the Helmand River is the largest river in the plateau of Iran and Afghanistan with a basin area of 350000 square kilometres.<sup>44</sup> The river is considered the longest in South Asia between the Indus, Tigris, and Euphrates, with a length of almost 1100 kilometers. The other branch of Helmand is called the Sistan River, at the beginning of which has been put the water intake channel of Chah Nimehs. The river travels about 70 kilometers across the Sistan plain and flows into Hamoun

41 Wikipedia, Relations between Iran and Afghanistan, Encyclopedia of Wikipedia (2014). <<http://fa.wikipedia.org/wiki>>

42 Yousef Motevali Haqiqi, Afghanistan and Iran, *Islamic Research Foundation of Astane Quds Razavi* (2004), 276.

43 Abbas Saloor, The Helmand River and the water rights dispute, quarterly of contemporary history of Iran, 6<sup>th</sup> year, No. 21-22, (2002), 578.

44 Muhammad Mehdi Raoufi, Muhammad Qanbari, Effects of climate change and drought on biodiversity of the Hamoun's wetland and the health of Sistan, Pure man-Pure Earth Center website, (2012), 24. <<http://www.phce.org/environment/860-1391-03-25-22-24-44.htm>>

of Helmand in Iran. However, Kajaki Dam has been constructed with a capacity of 1800 million cubic meters along the Helmand River in the Helmand province of Afghanistan. The construction of the dam and the excessive water extraction by Afghans have caused the water of the river to decrease dramatically before reaching Iran.<sup>45</sup> Although it was stipulated in the 1973 treaty between Iran and Afghanistan regarding Helmand that Iran has 850 million cubic meters of water right from Helmand per year, which was especially for hot seasons and drought days, the Afghans claimed that the spring floods are also about 850 million cubic meters per year. However, Iran rightly considers such water uncontrollable and beyond the treaty. In this regard, the failure of Helmand's risks resulted from three effective factors that are: first, the Ministry of Foreign Affairs acted weakly in enforcing Iran's rights, and second, there is no serious determination in the Afghan government to resolve the issue, but the most important factor is lack of a powerful government in Afghanistan which makes it easy for non-governmental agents and factors to build dams and channels across Helmand River.<sup>46</sup> Anyway, the absolute interruption of water flow has resulted in the dried Helmand River, and lead to ignoring Iran's water rights by the Afghans.



Fig. 4: Map of the Helmand River drainage basin<sup>47</sup>

45 Analytical-news site of Asriran, Iran's water right from the Helmand. Behind the injustice barrier of Afghans, the news code 177020, (2011), 1. <<http://www.asriran.com/fa/print/177020>>

46 Pir Muhammad Molazehi, Iran's water right from the Helmand, poppy bushes, news code 35168, Tabnak site (2015), 1. <<http://www.tabnak.ir/pages/?cid=35168>>, reference

47 Raoufi, & Qanbari, 28.

### 4.3 Comprehensive strategic development for the Helmand crisis

Although the Iranian government has shown its goodwill in the years of homelessness of the Afghan people during the Afghanistan war and it has always accommodated Afghan refugees in Iran in the last two decades, It is expected that this issue will be resolved amicably and appropriately. It seems that comprehensive development in different dimensions can be the most effective strategy to resolve the problems of the Helmand River. The comprehensive development should be accomplished within the framework of regulations of the two countries based on political, social, and cultural behavior. In this respect, it's necessitated that Helmand's legal regime must control the disputes ahead and form the bilateral committee. Also, it's an undeniable necessity to have a special environmental treaty for Helmand, which its necessity must be pointed out by the Islamic Republic of Iran. However, it is possible to consider solutions for the issue of Helmand water and strategies to come out of the crisis ahead:

- 1- Not politicizing the issue of Helmand and preventing tension due to the special conditions of the Helmand area.
- 2- Dividing the Helmand water based on the annual water needs of each side and taking effective measures in this regard.
- 3- Building regular and logical channels to stabilize the equal distribution of agricultural water and to prevent misusing the water or wasting it.
- 4- Improving the banks of Lake Hamoun and Shile Shalagh.
- 5- Implementing the common investment projects in different sections.
- 6- Tourism development, agricultural, and economic development plans along and aligned with sustainable development.<sup>48</sup>

## 5. Discussion

### 5.1 Common commitments

One of the most significant common commitments between Iran and Afghanistan is the 1973 treaty which aimed to implement the provisions for sharing the Helmand water, and Iran has repeatedly asked Afghanistan to fulfill its commitments. In this regard and to maintain the path of diplomacy, the Ministry of Foreign Affairs of the Islamic Republic of Iran expressed in a letter to the United Nations Secretary-General in 2002 that the authorities of the two governments are determined for common cooperation and to implement the 1973 treaty and basically, they are trying a lot to improve the intolerable living conditions of the people in Sistan and Hamoun wetland caused by the blockage water flow through the Helmand river.<sup>49</sup> Therefore, it seems that obligating the two governments to common commitments enriches the relations and trust between the two sides. In this respect, Iran should observe Afghanistan's

48 Ali Pourmirza, The role of Helmand River on the relations between Iran and Afghanistan, jamejamonline site, News code 100004202956, (2002), 1. <<http://www1.jamejamonline.ir/newstext.aspx?newsnum=100004202956>>

49 M. Javad Zarif, Letter from Iran to the UN Secretary-General: Blockage of water flow in the Hirmand River (A/57/644-S/2002/1364), Fifty-seventh session, Agenda item 87, Environment and sustainable development, from UN Security Council, Published on 13 Dec (2002). <<http://reliefweb.int/report/iran-islamic-republic/letter-iran-un-secretary-general-blockage-water-flow-hirmand-river>>



goodwill in this regard, and the goodwill is nothing except following the approved commitments. It is expected that the government of the Republic of Afghanistan, especially its head President Hibatullah Akhundzada, will take effective actions. Undoubtedly, fulfilling the common commitments of the Helmand area will lead to the behavioral stability of the two countries as well as a turning point in the history of the two countries at the international level. Accordingly, the 1973 treaty is a bilateral treaty with an international approach, and in terms of the guarantee, it follows the 1969 Vienna Convention on the Law of Treaties. The common commitments have also been considered necessary based on the convention, and disobeying the substantive issues will entail the government's responsibility. Therefore, the parties should not have a fundamental breach of the treaty on the agenda, which will result in the non-implementation of the treaty and subsequent consequences.<sup>50</sup>

## 5.2 The principle of limiting territorial integrity

According to this principle, the land that is located in the downstream part of the river has the right to demand the continuation of the natural flow of water that flows from the upstream. The dispute between Hortemberg and Badeen is an example of a dispute between two states in Germany, which was decided by the Supreme Court. And he commented that: "the government that manages the transboundary river should not cause damage to other countries."<sup>51</sup>

## 5.3 International management

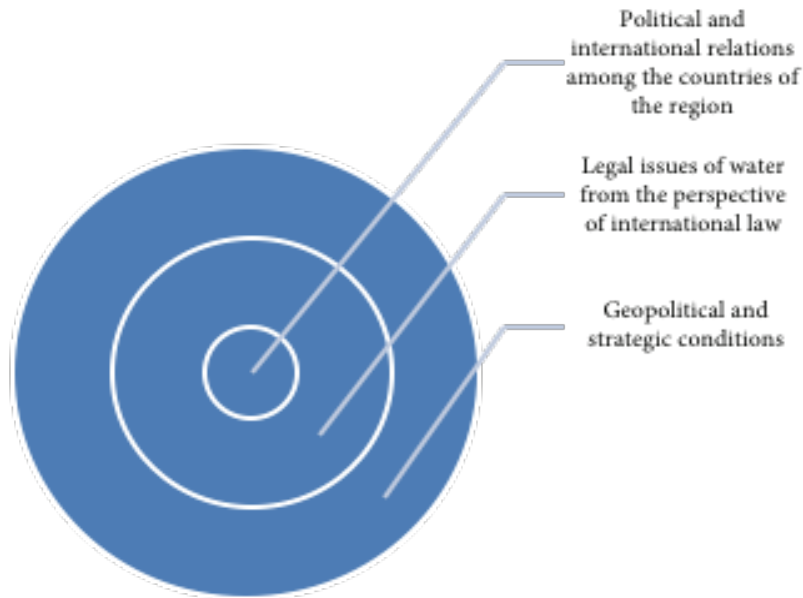
The fact that Helmand's condition has deteriorated confirms the reality of the water shortage crisis, especially in the region, which potentially threatens regional peace as the water shortage will be a key factor of any war in the future. According to the conditions, the reasonable use of the border rivers, such as the Tigris-Euphrates, Helmand, and Amu Darya, at the heart of political conflicts among the coastal countries have strong effects on the present and future of peripheral relations. In other words, Iran suffers from a lack of water and insecurity in its neighboring countries, but it has still been involved significantly due to the political disputes caused by the overuse of the border river. Iran, despite the border rivers with its neighboring countries, about 22% of its land border includes the border rivers. Considering this, it's necessary to survey Iran's border river comprehensively to reduce friction with other coastal countries. Among Iran's border rivers, the Helmand River, which is considered the common border between Iran and Afghanistan, is of utmost importance for both countries. Hence, the water dispute between Iran and Afghanistan in the Helmand River requires special measures and international management.<sup>52</sup> Regarding the Helmand, the beneficiary countries should prepare plans from the perspective of water access, productivity, supply, and maintenance. In this regard, the beneficiary countries should plan concerning each other's rights and benefit from the existing water resources fairly and appropriately. Anyway, with due regard to the international management measures

50 Naqme Naseri Larijani, Interactions between the rights of treaties and the rights of international liability to justify not-fulfillment of international commitments, *Magazine of International Rights*, 27<sup>th</sup> year, No. 42 (2020), 236.

51 Reza Moosazadeh, & Morteza Abbaszadeh, Legal Aspects of Exploitation of Hirmand Border River by Iran and Afghanistan, *Central Asia and The Caucasus Journal*, Vol. 22, Issue 93 (2016), 159-183.

52 Hojjat Mianabadi, & Erik Mostert, Hydro-politics of Hirmand river, water dispute between Iran and Afghanistan, *NCR-DAYS 2011 Conference*, 27-28 October, TU Delft, Netherlands (2011), 1.

for water resources, following points should be considered in this cycle:



**Fig. 5:**Management cycle of benefiting from international waters<sup>53</sup>

In this respect, in the field of mutual relations between water and politics, it has been considered some causes of creating political problems as follows:



**Fig. 6:** Political problems caused by the use of water<sup>54</sup>

53 Sayyed Fazlullah Mousavi, *International rivers rights emphasizing on the areas of Jordan Lithuania and managing and planning the water*, Dadgostar Publication (2010), 88.

54 Ibid, 99.



In this regard, it can also be observed that some of the mentioned items are bolder and others less bold in the Helmand area. In other words, it's considered definite being the agreements regarding the Helmand, but effective cooperation is disrupted until any result is achieved. Anyway, it can be briefly mentioned that the most important reasons for not solving the water issues are: water shortage, lack of agreements, non-acceptance of water-sharing plans by the relevant countries, lack of help from international investment agencies and the World Bank, and different orientations of the countries.

## 6. Conclusion

Since Afghanistan is an upstream country and Iran a downstream country of the Helmand River, it has caused the government of Afghanistan use Helmand as a political tool in its relations with Iran which is considered a kind of geopolitical challenge for Iran. The fluctuation of Helmand water has been one of the effective factors in the political relations between Iran and Afghanistan. The border dispute has caused threats and risks to emerge along with other consequences. The lack of stability in interactions in the region between two neighbours of Helmand has led to economic, political, social, environmental, and security problems. Also, changing the border through morphological changes disordered the political relations of both countries.

It can be stated in response to the research question that, Effective use of water diplomacy can provide many fields for cooperation between countries and politically create a stable situation. With the proper use of water diplomacy, Iran can strengthen its relationship with its neighbors and prevent future damages and challenges. These relations will promote Iran's status in the international system and prevent disputes and create stable security within the framework of common borders.

Also, the most important way to save the region from drought and lack of water on both sides of the border is to industrialize the region, that too in low water industries.

The consequences are the differences in specifying the border exactly in the variable river bed, differences from the instability of distribution pattern of water rights between the two countries, and finally, the differences in specifying the extent and territory of the border area have led to ecosystem instabilities. In this regard, considering Helmand as one of the well-known border rivers, has always been confronted with the problem of setting the limit. However, the border rivers don't usually divide the water quantitatively. This issue has been considered regarding the Helmand. It seems that it should be considered fair use not based on the encroachment on the territory of the neighboring country but rather on respect to the sovereignty and territorial integrity regarding Helmand. It means what has been mentioned in the border concord between Iran and Afghanistan on the Helmand be applied, and using the Helmand not be done arbitrarily. As the judge of Lauterpacht declares in his analysis of the verdict of lawsuits between the two states of Germany over the river deviation: "The flow of national, border and international rivers isn't in arbitrary and dictatorial power of one of the riparian governments. There's a rule of international law on the basis that any government isn't allowed to change the natural conditions in its territory as it hurts the natural conditions of the neighboring country's territory. It means that not only is a government not permitted to stop or to divert the flow of a river which is

flowing from its territory towards the neighboring country, but also it can't exploit the river water either it hurts the neighboring country or the river in its territory."

## 7. Recommendations

It seems that besides diplomacy, there's also an international legal way to resolve the dispute, but it seems more effective to advance the purposes in the framework of diplomacy despite being available. The procedure becomes strong and stable in the framework of defense diplomacy, and by this means, it can represent the interaction along with the power. A point that should be regarded as a defense consideration with an emphasis on security frameworks. However, we should lead the subject of Helmand in the framework of effective diplomacy ahead, but we should consider that the prolonged Helmand diplomacy, which causes the insatiability of security inside the borders of Iran and it's confronted with danger to the local livelihood and human safety. Accordingly, it seems that the process of bilateral negotiations between Iran and Afghanistan should be resumed seriously. Surely, a bilateral treaty should be formed in the framework of effective diplomacy after pursuing the negotiations, and it should be the Helmand legal regime to minimize the regional situation of the East country, especially in Helmand, which necessitates being thoughtful of special measures, taken and by applying effective strategies to achieve Helmand's sustainable development in the light of three fundamental axes of defense diplomacy, environmental diplomacy, and geographical diplomacy.

## References

### Books

- Bess Corner, Natasha. Water Security and the Middle East, translation: Pirouz Izadi, first edition, Publications of Strategic and Defense Science Research Institute of Imam Hussein University, (1993).
- Fakhari, Qolamreza. The dispute between the governments of Iran and Afghanistan on the Helmand River, Ministry of Foreign Affairs publications, (1992).
- Mirheydar, Durreh. Principles of political geography, Tehran, SAMT Publications, (2002).
- Motevali Haqiqi, Yousef. Afghanistan, and Iran, Islamic Research Foundation of Astane Quds Razavi, (2004).
- Mousavi, Sayyed Fazlullah. International rivers rights emphasizing on the areas of Jordan Lithuania and managing and planning the water, Dadgostar publication, (2010).
- Partow, Sistan Oasis Parched by Drought. In Atlas of Global Change. United Nations Environmental Program, Oxford University Press, (2003).

### Articles

- Ahmadi, Seyyed Abbas. The Helmand's hydro-political survey, quarterly of teaching geography, Publications of Educational Planning and Research Organization of Ministry of Education, No. 67, Tehran, (2004).
- Akbari, Narges, Mashhadi, Ali, & Kazemi Foroushani, Hussein. Legal dimensions of exploiting the Helmand, Quarterly of Public Law Research, 22nd period, No.68, (2020).
- Analytical-news site of Asriran, Iran's water right from the Helmand. Behind the injustice barrier of Afghans, the news code 177020, to the address: <<http://www.asriran.com/fa/print/177020>>, reference, (2011).
- Badiei Azandahi, Marjan, RahimiHarAbadi, Saeid, Goudarzimehr, Saeid. The role of morphological changes of the Helmand border river in political relations between Iran and Afghanistan, quarterly of human geography researches, publications of geography institute of Tehran University, No. 78, (2011).
- Darvish, Muhammad, Environmental diplomacy: the way to save the Hamon and Sistan, Controlling desertification blog to the address: <<http://darvish100.blogfa.com/post-2494.aspx>>, reference, (2013).
- Dabiri, M. R. Legal-Historical review of the Helmand river, Iranian diplomacy site, to the address: <<http://www.irdiplomacy.ir/fa/page/11868>>, reference, (2011).
- Ezati, E., Muhammad Hassan Khazri, Nik farjam, Mahboubeh, An analysis on hydro-politics of East of Iran, quarterly periodical of modern attitudes in human geography, fourth year, first number, (2011).
- Ezati, Nasrollah, Heydari pour, Esfandiar and Eqbali, Naser, The role and position of border regions preparation in the planning system (case study: border areas of Iran), quarterly periodical of

- modern attitudes in human geography, third year, No.4, (2011).
- Hafez Nia, M. R., Mojtahedzadeh, P. & Alizadeh, J. Hydropolitics of Helmand and its impact on political relations between Iran and Afghanistan, quarterly of human science teacher, 10th period, No. 2, (2006).
- Kavyanirad, Morad, Hydro-political relations between Iran and Afghanistan, Quarterly of strategic studies, the research institute of strategic studies, No.28, eighth year, second number, (2005).
- Keyvan Hosseini, Asqar, Consequences of Afghanistan crisis on the national security of the Islamic Republic of Iran, Magazine of defensive politics, No.20-21, (1997).
- Klar, Michael, New geography of disputes, translation: Omid Rezaei Eskandari, Quarterly of foreign politics, Publications of the Office of International and Political Studies of Ministry of Foreign Affairs, sixteenth year, No.1. (2002).
- Molazehi, Pir Muhammad, Iran's water right from the Helmand, poppy bushes, news code 35168, Tabnak site to the address: <<http://www.tabnak.ir/pages/?cid=35168>>, reference (2015).
- Moosazadeh, Reza, Abbaszadeh, Morteza, Legal Aspects of Exploitation of Hirmand Border River by Iran and Afghanistan, Central Asia and The Caucasus journal, Volume 22, Issue 93 (2016).
- Mianabadi, Hojjat, Mostert, Erik, Hydro-politics of Hirmand river, water dispute between Iran and Afghanistan, NCR-DAYS 2011 Conference, 27-28 October, TU Delft, Netherlands (2011).
- Nami, Muhammad Hassan, Muhammad Pour, Ali, Hydro-political survey of west areas of the country (sample: Zab, Sirvan, Alvand), Magazine of Geography and regional development, 14th number, Publications of Ferdowsi University of Mashhad (2010).
- Najafi, A., & Vatan Fada, J. The importance of comprehensive management of water resources in transboundary drainage water, study sample; the Helmand transboundary river, 4th Iran water resources conference, Publications of Amirkabir University of Technology (2011).
- Naseri Larijani, N. Interactions between the rights of treaties and the rights of international liability to justify not-fulfillment of international commitments, Magazine of international rights, 27th year, No.42, (2020).
- Poorhashemi, A. Emergence of "International Environmental Law": as a new branch of International Public Law". CIFILE Journal of International Law, 1(2), 33-39. DOI: 10.30489/cifj.2020.218985.1013 (2020).
- Poorhashemi, A. Opportunities and Challenges Facing the Future Development of International Environmental Law. In: Gökçekuş, H., Kassem, Y. (eds) Climate Change, Natural Resources and Sustainable Environmental Management. NRSEM 2021. Environmental Earth Sciences. Springer, Cham. <[https://doi.org/10.1007/978-3-031-04375-8\\_5](https://doi.org/10.1007/978-3-031-04375-8_5)> (2022).
- Pourmirza, A. The role of Helmand River on the relations between Iran and Afghanistan, jamejamonline site, News code 100004202956, to the address: <<http://www1.jamejamonline.ir/newstext.aspx?newsnum=100004202956>>, reference, (2002).

- Rahmanian, D., & Boraghi, D. The position of the Helmand water issue in the relations between Iran and Afghanistan during the reign of Reza Shah, *History of Iran*, Tehran, No. 64-65, (2010).
- Raoufi, M. M., Qanbari, M. Effects of climate change and drought on biodiversity of the Hamoun's wetland and the health of Sistan, Pure man-Pure Earth Center website, to the address: <<http://www.phce.org/environment/860-1391-03-25-22-24-44.htm>>, reference, (2012).
- Saed, N. Drawing the horizons of the world strategic affairs in the 2030s, *English perception, periodical of strategic information*, No. 47, (2007).
- Saed, N., & Qasem, A. Comparative-defensive diplomacy and drawing its management pattern organism in the Islamic Republic of Iran, *quarterly of defensive strategy*, No. 24, (2011).
- Saloor, A. The Helmand River, and the water rights dispute, *quarterly of contemporary history of Iran*, sixth year, No. 21-22, (2002).
- Safae Mehr, M., & Tayebi, S. Evolution of relations between Iran and Afghanistan regarding the Helmand river, National Congress on border settlement of sustainable development and investment opportunities, Parsabad city, Islamic Azad University –ParsabadMoghan Branch, <[http://www.civilica.com/Paper-FSDIO01-FSDIO01\\_010.html](http://www.civilica.com/Paper-FSDIO01-FSDIO01_010.html)>, reference, (2014).
- Shokri, A., Moftehari, H., & Hosseini, M. The historical problem of Helmand and solutions to reduce the challenges caused by it, *Journal of Historical Researches of Iran and Islam (JHRIS)*, Volume 16, Issue 30 - Serial Number 30, (2022).
- Tayebi, S. & Esmaili Fard, M. Application of defensive diplomacy on the way of advancing the environmental diplomacy, *Quarterly of defensive diplomacy*, No.7, (2015).
- Wikipedia, Relations between Iran and Afghanistan, from the free encyclopedia of Wikipedia to the address: <<http://fa.wikipedia.org/wiki>> (2014).
- Zavari, M. Security consequences of water crisis for the future Iran; relying on forty possible scenarios, *periodical of futurology*, No. 10, (2014).
- Zarif, M. J. Letter from Iran to the UN Secretary-General: Blockage of water flow in the Hirmand River (A/57/644-S/2002/1364), Fifty-seventh session, Agenda item 87, Environment and sustainable development, from UN Security Council, <<http://reliefweb.int/report/iran-islamic-republic/letter-iran-un-secretary-general-blockage-water-flow-hirmand-river>>, Published on 13 Dec (2002).

## Thesis

- Alizadeh, J. *Hydropolitics of the Helmand and its impact on political relations between Iran and Afghanistan*, Master's thesis, Tehran, Publications of Tarbiat Modares University (2014).