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Dr. Mohammad Ramin Hakimy  Basel Abou Rokba


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# Water disputes between Afghanistan and Iran: The new regime's (Taliban) perspective

Dr. Mohammad Ramin Hakimy<sup>1</sup>  Basel Abou Rokba<sup>2</sup>

<sup>1</sup>Faculty of Law and Political Science, Kateb University, Kabul, Afghanistan <sup>2</sup>Faculty of Law and Political Science, Kateb University, Kabul, Afghanistan

## ABSTRACT

One of the current issues is water scarcity, particularly in arid and semi-arid regions of the world. According to projections, nearly half of the world's population would live in places with acute water shortages by 2030. The Helmand River (Hirmand river), which is an international river flowing southwest of Afghanistan and eastern Iran, once again water disputes emerged between Afghanistan and Iran after the Taliban took control of Afghanistan. The current study uses a descriptive-analytical approach to answer the following question: what are the elements that have contributed to the current scenario - the Taliban's water policy - and the Taliban's perspective on Iran's water rights? The research findings show various factors such as ideological differences, infrastructure built on the river, low volume of river water, and insufficient Taliban literacy of water diplomacy between countries. Helmand (Hirmand) is the only source of water for the Nimroz areas in Afghanistan and Sistan in Iran. The low volume of the river has caused people to lose their jobs and income due to direct and indirect reliance on Helmand. It is therefore suggested to both countries, compromise on a common understanding of the issue, and agree to work on a comprehensive water management plan.

## ARTICLE HISTORY

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## I. Introduction

Currently, one of the major problems of countries is limited water resources. Since everyone needs fresh and clean water, it is not far-fetched to see the world's future wars over water resources. In the past 50 years, 37 conflicts between countries have been reported over water, 30 of which are related to the Middle East, as reported by the United Nations, water shortages are an acute problem throughout the Middle East. The water crisis of the past due to the low population was not as tangible as it is today, but today with the increasing population and the need for more food, this crisis is more obvious than ever before. Border rivers, as one of the water resources, play a decisive role in agricultural development, social, economic, and cultural development of countries whose dryness or dehydration endangers human beings and causes social, economic, and environmental losses. One of the border rivers between Afghanistan and Iran with great importance is the Helmand (Hirmand) Border River. Helmand River, as one of the important sources of water supply for both sides of the border, is the vital artery of these areas and this province has a great dependence on the flow of water.

The Helmand River, due to its geographical location, has been one of the factors affecting Iran-Afghanistan relations in the past decades, so at different times it has caused cross-sectional crises between the two countries and has affected bilateral relations between the two countries.

**CONTACT:** Dr. Mohammad Ramin Hakimy  [raminhakimy12@gmail.com](mailto:raminhakimy12@gmail.com)

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Although the international border between Iran and Afghanistan has been accepted by the two neighboring countries in the middle of the main tribute of the Helmand (Hirmand) River in Sistan for many years, the dispute over how to divide the water of the Hirmand River and other rights related to this international river has not yet been resolved.

Afghanistan is facing a serious water crisis due to a lack of proper management of these natural resources. Due to its high hydrological position in Iran, it has gradually changed the provisions of water contracts in its favor and seeks to revive agriculture as its only major economic sector. Iran and Afghanistan share three catchments in Qaraqam, Petrgan-Khaf, and Hamoon Helmand, and the Harirud and Helmand rivers are the two main common rivers between the two countries. Afghanistan is facing a serious water crisis in the eastern regions of Iran, including Khorasan and Sistan, due to the construction of several dams up the Harirud and Helmand rivers and disregard for the rights of downstream countries of these common rivers. <sup>[1]</sup>

Afghanistan and Iran signed the treaty in 1972 under former Prime Minister Musa Shafiq, under which Afghanistan water must go to Iran annually for 817 million cubic meters in the Helmand River (Hirmand). But previous Afghan governments have always had controversy in implementing the agreement with Iran. They stressed that the river's water goes to Iran several times more annually than the amount mentioned in the agreement. <sup>[2]</sup>

A few months after the Taliban came to power in Afghanistan, the Taliban's Ministry of Energy and Water announced that they fully agreed to the implementation of the 1972 treaty between Kabul and Tehran on Iran's rights to the Helmand Sea and opened kamal khan dam to Iran. However, the opening of kamal khan's dam valves provoked harsh reactions. And because of the dam, there are disputes between Iran and Afghanistan arise.

This paper will examine the Helmand river disputes between the border of Iran and Afghanistan, and the final solutions will be presented to resolve the dispute between the two countries regarding the Issue of the Helmand river with the axis of Helmand treaty.

## Review of Literature

In the article “ Water conflict management and cooperation between Afghanistan and Iran”<sup>[3]</sup> authored by Safi Pamir Jan, The transformation of the water dispute between Afghanistan and Iran is examined in the essay at various phases. It starts by examining previous riparian conflicts between upstream and downstream riparians, which have been centered on conflicting rights assertions and have ended in zero-sum conflicts where one party's loss is perceived as another party's gain, potentially leading to conflict. The study goes on to create a decision-making tool Before providing useful methods for figuring out basin requirements and benefit sharing, we give a technique for turning disagreement into collaboration, allowing riparians to negotiate a win-win arrangement.

Fatima Aman in her article “Iran-Afghan Differences over Helmand River Threaten Both Countries” has discussed the origins of examining the causes of the water issue between Iran and Afghanistan. Even though Afghanistan has been unable to fully utilize the Helmand River's resources due to three decades of war, she contends that "the county urgently needs to renovate or build new water infrastructures on this river to increase storage capacity, improve irrigation efficiency, and generate electricity." <sup>[4]</sup> She also spoke about earlier agreements between nations, which is the focus of this essay and one that we will regularly refer to during our study.

[1] (Dehshiri and Hekmatara 2019)

[2] (Ebrahimkhel, n.d.)

[3] (Jan 2021)

[4] (Aman 2016a)

## Methodology

This article is based on doctrinal research and has been done by the descriptive-analytical method. The data collection method has been carried out using archive library resources and internet databases.

## Historical Background

Iran and Afghanistan have long ties to the larger Persian civilization. Geographical closeness, a shared past, and strong sociocultural connections united the two nations. Beyond the framework of national interest, the historical patterns of migration, market integration, the interdependence of local communities, their transnational networks, and regular population migrations are important. The social, historic, linguistic, religious, and cultural links between the two nations were so strong that several northern Afghan cities, including Herat, Farah, Ghor, Badghis, Balkh, Baghlan, and Parwan, still have Persian Dari<sup>[5]</sup> speakers.

Despite Afghanistan's strong linguistic, cultural, and socioreligious ties to Iran, there have sometimes been regional and political conflicts throughout history.

In Afghanistan's western regions, life has been supported for thousands of years by the rivers in the country's center. Beginning in the middle of the nineteenth century, while contemporary boundaries were being created, conflicts arose over the control of water. This connection is composed of five rivers:

- In the Sistan Basin, close to Zabol, Iran, the Helmand, Farah, and Adraskan (Harut) rivers flow southwest and converge to form the Hamun Lakes.
- The Harirud (Tejen) river originates in western Iran, runs into Afghanistan, and then turns north to form the boundary with Turkmenistan.

Water disputes between Iran and Afghanistan go back to the British rule of Afghanistan in the 1870s. The Iran-Afghanistan boundary was marked by a British officer at the Helmand River's major branch. Reza Shah Pahlavi's government in Iran and Mohammad Zahir Shah's government in Afghanistan agreed to a convention about the distribution of the river's waters in 1939, but the Afghans did not ratify it.

Another attempt to settle the conflict started in Washington in 1948. Iran and Afghanistan chose a three-person panel to look into the matter and make a recommendation based on an American idea. The Helmand River Delta Commission released their findings on February 28, 1951, and suggested that Iran's share of the Helmand waters be twenty-two cubic meters per second.

[5] Dari refers to the Persian court language of the Sassanids. In contemporary usage, the term refers to the dialects of modern Persian language spoken in Afghanistan. This term officially recognized in 1964 by the Constitution of Afghanistan as one of the two official languages of Afghanistan; the other is Pashto. Dari is the mother tongue of approximately 50% of the population, serving as the country's lingua franca.

Iran, however, disapproved of the findings and demanded a bigger cut.<sup>[6]</sup> Renegotiations lasted for a protracted period. In his diaries from 1969, Asadollah Alam, the Shah's minister of the judiciary, noted that Afghanistan had promised to supply additional water in exchange for increased access to the Iranian ports of Chabahar and Bandar Abbas as well as economic aid from Iran.<sup>[7]</sup>

Amir Abbas Hoveida from Iran and Mohammad Musa Shafiq from Afghanistan signed an agreement accepting water flow into Iran of 22 cubic meters per second with an option for Iran to acquire an extra 4 cubic meters per second during "normal" water years four years later, in 1973.<sup>[8]</sup>

In exchange, Iran consented to provide Afghanistan unrestricted access to the ports of Bandar Abbas and Chabahar. However, owing to political developments in both nations, including an Afghan coup in 1973, the Iranian revolution in 1979, the Soviet occupation of Afghanistan that same year, and eventually the establishment of the Taliban in 1995, this agreement was not approved nor completely executed.

In the Helmand Valley, irrigation canals and dams have been built by several Afghan governments to support agriculture. In the 1930s, Germany and Japan both sought to rebuild historic canals for Afghanistan, but their efforts came to a halt following their loss in World War II. In 1946, the Afghan government hired the American company Morrison-Knudsen to construct roads and irrigation systems in the southern Helmand-Arghandab regions.

US assistance was used to fund this endeavor. Morrison-Knudsen advised that a storage dam and reservoir be constructed to maximize the utilization of the water from the repaired canals halfway through their rehabilitation. The construction was completed without first completing surveys to keep costs down, which turned out to be a "fatal vulnerability" of the project, according to a later review by the US Agency for International Development.<sup>[9]</sup>

In 18 miles of northeast Kandahar, the 44.2-meter (145 feet) Arghandab Dam was built in 1952 and has a 388,000 acre-foot water storage capacity. The Kajaki Dam was completed 72 miles upstream from Lashkar Gah a few months later, in April 1953. It was constructed to produce energy, water for agriculture, and flood control, and it resulted in the creation of the most significant water reservoir in Afghanistan.

Similar to the Arghandab Dam, the project's economic viability was questioned in a 1950 United Nations assessment, which also anticipated detrimental environmental consequences, including waterlogging and salinization downstream from the dam, in the lower valley.<sup>[10]</sup>

The Kajaki Dam has had a mixed effect because it enhanced Iran's water flow during the dry season while decreasing the flood waters that pastoralists rely on for fertilizer.<sup>[11]</sup> However, the issue would have been far more problematic if the 1973 agreement hadn't been in place.

Rain and glacier melting provide Afghanistan's water supplies. Five major rivers flow in the country, three of them into its neighbors. One of two rivers that flow into Iran is the Helmand; the other is the Harirod River. Surface water makes up about two-thirds of Afghanistan's 75 billion cubic meter water storage capacity, and the nation can only utilize 25 to 30 percent of the river water flow.

The Helmand River, which makes up the majority of Afghanistan's surface water, is the country's -

[6] (Aman 2016b)

[7] (Alam and Alikhani 1993)

[8] (The Afghan-Iranian Helmand-River Water Treaty (with 2 Protocols) 1973)

[9] (Clapp-Wincek and Baldwin 1983)

[10] (Whitney 2006)

[11] (Weinthal et al. 2014)

longest river. The southern and southwestern districts of Afghanistan depend heavily on Helmand, which is located in Afghanistan to a degree of 95 percent. As a result, the Helmand conflict has been elevated to a national scale and appears to be getting harder for any Afghan administration to settle. Helmand water is also evolving into a national concern for Iran. In actuality, Iran's post-1979 governments have always upheld the same fundamental stance regarding the water conflict with Afghanistan. <sup>[12]</sup>

The Kamal Khan dam, which was finished after 47 years, is one of the primary and most recent causes of these problems. While such projects may aid Afghanistan's socioeconomic growth, Iran, which sees Afghanistan's ambitions in Helmand as a direct security threat, has expressed concern about them. Iran's water supply might be reduced if upstream water demand rises. Iran worries that the ensuing water shortages might further destabilize Sistan and Baluchistan in its eastern region. <sup>[13]</sup>

### Agreements and treaties signed between Iran and Afghanistan so far

The importance of Hirmand River water in providing drinking water and its use in agriculture has caused controversy between the two countries since about 150 years ago. <sup>[14]</sup> Apart from what regime being based in Kabul, this dispute has always existed as the only serious controversial factor among the governing boroughs of the two countries but has been severe in proportion to the presence or lack of water in the region. That is when the region has faced the problem of drought and subsequent agreements have been proposed to solve the problem, but in the watery years the intensity and intensity of the dispute have decreased and the implementation of these treaties has been marginalized. <sup>[15]</sup>

Since 1872 there are water disputes between Iran and Afghanistan, until this time there are lots of agreements and treaties signed between both countries but not yet been settled. <sup>[16]</sup>

**Table 1. Water treaties signed between Iran and Afghanistan**

No.	Date	Countries	River name	Treaty title	The purpose of treaty
1	August, 19, 1872	Iran and Afghanistan	Helmand	Treaty of 1857 Paris, Goldsmith's vote	Determining Helmand's right
2	April, 10, 1905	Iran and Afghanistan	Helmand	Treaty of 1857 Paris, McMahon's vote	Determining Helmand's right
3	January, 1, 1939	Iran and Afghanistan	Helmand	Hirmand Water Contract	Determining Helmand's right
4	Feb, 28, 1951	Iran and Afghanistan	Helmand	Commission of the Helmand River Delta	Determining Helmand's right
5	March, 13, 1973	Iran and Afghanistan	Helmand	The Treaty on the Water Division of Helmand River	Determining Helmand's right
6	1973	Iran and Afghanistan	Helmand	Treaties for the Division of River Water Hirmand, 1973.	26 cubic meters per second equivalent to 820 million cubic meters per year for Iran in normal years

[12] (Morad Veisi, "Journalist and Former Instructor of Military and Politics")

[13] (Dehgan et al. 2014)

[14] (Alizadeh et al. 2021)

[15] (Aatari and Aawida 2017)

[16] (Nagheeby and Warner 2022, 150)

Resolving disputes is conducted through political means such as negotiation, mediation, compromises, and efforts, or legal methods such as arbitrating or referring to the court. The study of Iran and Afghanistan's water contracts with neighbors shows that the issue of dispute resolution has been predicted in various forms in most of these contracts.

In the 1973 Iran-Afghanistan Agreement on the Hirmand River, its 9th quarter referred to the issue of dispute resolution. According to this article, in the event of a dispute in the interpretation or implementation of the provisions of this agreement, the parties, firstly through diplomatic negotiation.<sup>[17]</sup> And secondly, through third-party efforts to resolve the dispute, they take action to resolve it. If these two stages are not effective, the prototyping of annex 2 of the contract directive for referring the mentioned difference to the ruling has been predicted. According to this procedure, if one of the parties to the treaty is mentioned after the dual procedures, and Calls for the referral of the dispute to the ruling, the party informs the other party of the ruling by remembering the diplomatic mission based on the formation of the governing body (fact-finding) and, if necessary, the formation of the divan. The representatives of the parties agree on the composition of the board of the ruling board and the instructions of the board within three months of the receipt of the diplomatic note while convening the meetings. If the parties accept it. The results and recommendations of the tribunal will not be agreed based, the dispute will be referred to an annulment divan consisting of three members. Each party designates one of its nationals as the arbitrator, and the third arbitrator, who is the head of the ruling divan, during the three months after the determination of the two arbitrators.

The Country is determined by the agreement of the Parties. If the third arbitrator is not elected within three months, the parties or one of the parties shall ask the Secretary-General of the United Nations to appoint a third arbitrator. The Head of the Court of Law will be among the nationals of a country that has had friendly relations with Afghanistan and Iran but does not share the same interests with either country. After performing the duties, the Divan of The Decree will provide the parties with a copy of their verdict confirmed for written reasons, which is a final and binding vote.<sup>[18]</sup>

### **The position of the current regime (Taliban) in Afghanistan about the water rights of Iran from the Helmand river**

After the second Talibancoup in Afghanistan in 2021. Water factor again played a key role. Currently, due to several factors, the Islamic Republic of Iran continues to evade official recognition of the Taliban, putting forward some preconditions. However, at the same time, the Iranian authorities are in active contact with the interim Taliban government, trying to resolve issues related to Afghan refugees, water problems, and border security.

Ashraf Ghani the former president of Afghanistan offered Iran a "water for oil" deal, the Taliban tried to use the "water for recognition" formula. In response, the Iranian side proposes the formula "water in exchange for supporting Afghan refugees living in Iran" and "water in exchange for providing a transit route to Afghanistan."<sup>[19]</sup>

After the visit of the Minister of Foreign Affairs of the interim Taliban government, Amir Khan Mutagi, to Tehran in January 2022. According to the decision of the Taliban, senior Iranian officials said that the necessary amount of water from the Kamal Khan reservoir will be sent to Iran.<sup>[20]</sup> While the official Iranian media regarded this event as a diplomatic victory for the government of Iranian President Ebrahim Raisi, the Taliban denied that the Kamal Khan water was flowing to Iran and claimed that the reservoir was opened at the request of the residents of the Afghan Nimruz region.

After the Taliban's denial, unrest in the Iranian province of Sistan quickly turned into protests.<sup>[21]</sup>

[17] (The Afghan-Iranian Helmand-River Water Treaty (with 2 Protocols) 1973)

[18] (Aatari and Aawida 2017)

[19] (Институт востоковедения НАН РА and Израелян 2022)

[20] (FARAKHABAR, n.d.)

[21] ("Protesters in Sistan and Baluchistan Demand Equitable Share of Water from the Helmand River," n.d.)

In January 2022, residents of Hamun, Zabol, and Nimruz on the Iran-Afghan zero border in Milak, organized a protest demanding that Afghanistan ensure Iran's water rights from Helmand. The demonstrators demanded that the Iranian authorities begin serious negotiations with the Afghan authorities, threatening to close the import-transit route for the Taliban.

On January 31, 2022, Iranian Foreign Ministry spokesman Said Khatibzade called on the Taliban to comply with their obligations, noting that Afghanistan supplied only 5% of water to Iran in 2021. [22] In this regard, according to the Iranian Ambassador to Afghanistan, Bahadur Aminian, almost all the governments of Afghanistan, including the Taliban, diverted the flow of millions of m<sup>3</sup> of water to the desert, which was supposed to be supplied to Iran, so that it would not reach Iran.

Taliban officials at the Ministry of Energy and Water recently said that 70 percent of Afghanistan's water is wasted and that they are trying to resume the construction of large dams. The ministry said water will now be traded with oil. Although Taliban officials spoke of a water deal against oil, an Iranian Foreign Ministry official said early in the Taliban's dominance that the Taliban recognized Helmand's right in secret talks with the Islamic Republic. [23]

In the near future, the challenge of nation-state-building is also facing Afghanistan's new rulers, and nation-building will sooner or later be of importance to the country's rulers. This will be inexhaustible with a degree of nationalism, necessarily reflecting an indigenous model of non-nationalization and social understanding based on the outsider self (or even friend-enemy). In the meantime, the Taliban specifically need to attract the attention of the international space for recognition, especially the Islamic Republic of Iran, so it will not express a blue nationalist slogan in its speeches, but on the other hand, the issue of water in Afghanistan has become nationalized, and whenever the right of the Islamic Republic of Iran is released, the Taliban will be pressured by the general public. Similarly, if water has been a tool for state-building in Karzai's government, and if water has been a tool for nation-building in Ashraf Ghani's government, during the Taliban era, water is a tool for both state-building and nation-building. Therefore, the Islamic Republic of Iran should take into account that the water issue between Iran and Afghanistan is not the only issue over water. The historical record of the first period of the Taliban's rule also indicates that the water issue will remain a major issue between Iran and Afghanistan. [24]

## **Conclusion**

Based on the findings of the study, it can be concluded that one of the main challenges, especially in the Hirmand Basin between Iran and Afghanistan, is the lack of a division that the two sides can equally benefit from the basin water. Therefore, both are facing a water crisis. Accordingly, water has become a hydro-political issue in this region. The present and future of settlements in the border town of Zabol depend on this precious resource. In general, the water resources in Hirmand may not be the main cause of the severe tensions between the two governments, but its crisis and the lack of a properly accessible

[22] (TOLONews 2022)

[23] (Int. Afghan., n.d.)

[24] (Qureshi 2022)

and entitled division may be one of the causes of the conflict between them. Accordingly, in the near future, water-related problems will likely bring conflict and conflict to access water at different levels of "local, national, regional, and even global" levels. In sum, water is more a symbol of partnership and cooperation between states and nations than it is the epitome of competition and war. On this basis, with a realistic approach, replacing water diplomacy that underlies cooperation and interaction instead of hydropolitics, which is more indicative of competition among actors, may be a positive step in the transformation and change of views and works in the river basin of border houses, especially in the Hirmand basin (Zabol border city) so today the southeast of the country, especially the border city of Zabol, is one of the parts of the country that the issue of security is the issue of security. And insecurity is of outstanding importance. One of the basic dimensions that affect security and insecurity in this geographical space and has been discussed in this study is "lack of rainfall, drought and water shortage in Hirmand Basin". The results of library studies conducted in the present study show that these insecurities have increased in the border cities between Afghanistan and Iran due to the drying of the Hirmand River in recent years. Therefore, the border city of Zabol and Helmand, despite the significant deprivations in their biological and natural foundations, is almost at the lowest level in terms of development indicators compared to the national averages. In general, it can be said that water diplomacy on the part of Afghanistan and Iran, especially on the border of the two sides, is one of the requirements that must be taken seriously in recent years, using the positive and political capacities of Afghanistan and Iran, using the principles of international law. The international community should be followed to reduce the dependence of border cities on international waters with simpler and less expensive solutions before reaching the crisis stage or a way to settle the situation of the Hirmand watershed based on the use of water diplomacy and the formation of understanding and cooperation in This basin should be implemented to stabilize urban settlements.

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