THE AFGHAN-IRANIAN HELMAND-RIVER WATER TREATY:

Following is the text of the Afghan-Iranian Helmand River water Treaty:

Afghanistan and Iran, desiring to remove permanently all causes of controversy with respect to the water of the Helmand River, and being moved by international comity and by brotherly and neighbourly feelings, and having resolved to conclude a Treaty for this purpose, and having named as their Plenipotentiaries:

Afghanistan:

Mohammad Moussa Shafiq, Prime Minister of Afghanistan,

and

Iran:

Amir Abbas Hoveyda, Prime Minister of Iran;

who, after having communicated to one another their respective full powers, found in good and due form, have agreed upon the following Articles:

ARTICLE I:

For the purposes of this Treaty,

(a) First of January corresponds to 11 Māghūmav-11 July-11 Dey.

First of February corresponds to 12 Salwagha-12 Dalwa-12 Bahman.

First of March corresponds to 10 Keb-10 Hout-10 Esfand.

First of April corresponds to 12 Warray-12 Hamal-12 Farwardin.

First of May corresponds to 11 Ghwāray-11 Sawr-11 Ordibehesht.

First of June corresponds to 11 Ghbargoly-11 Jawza-11 Kharad.

First of July corresponds to 10 Chomash-10 Saratan-10 Tir.

First of August corresponds to 10 Zamaray-10 Asad-10 Tir.

First of September corresponds to 10 Wozhy-10 Sonbola-10 Sharivar.

First of October corresponds to 9 Tabi-9 Mizan-9 Mehr.

First of November corresponds to 10 Larum-10 Aqrab-9 Azar.

In leap years the difference of one day shall be taken into consideration according to Solar Hijri calendar.

(b) A “water year” means the period from October first to the end of the succeeding September.

(c) A “normal water year” means the year during which the total flow of water from the first of October to the end of the succeeding September, measured and calculated at the hydrometric station at Dehrawud located on the Helmand River upstream from the entrance to Kafak Reservoir, is four million five hundred and ninety thousand (4,590,000) acre feet (5661.715) million cubic metres. The amounts of monthly flow in a normal year are indicated in Protocol No. 1, annexed to this Treaty.

(d) The hydrometric station at Dehrawud is recognised solely as an instrument for the purpose of determining whether the flow of water is that of a normal water year.

ARTICLE II

The total amount of water from the Helmand River to be delivered by Afghanistan to Iran in a normal water year, is limited to an average flow of twenty two cubic metres per second, in accordance with table 10 of the Report of the “Helmand River Delta Commission”, dated February 28, 1951, with monthly distributions shown in Column 2 of the table in Article III of this Treaty, and an additional amount, which is being granted by Afghanistan to Iran as an expression of goodwill and brotherly relations, of an average flow of four cubic metres per second with monthly distributions as shown in Column 3 of the table in Article III, which distributions are proportionate to those in Column 2.

ARTICLE III

(a) During a normal water year, or on an above normal water year, Afghanistan shall deliver to Iran in the bed of the Helmand River at the places mentioned below, the specific amounts of Helmand River water described and determined in Article II of this Treaty, according to the monthly distributions specified in Column 4 of the following table:
The places of delivery shall be as follows:
1. At the place where the boundary line crosses the Rudeh Seistan.
2. At two other places, where the boundary line is located in the bed of the Helmand River between boundary pillars number fifty one and fifty two. The places shall be fixed by the Commissioners of the two parties, who shall establish the distance and direction of each one of the above mentioned boundary pillars, within three months from the date of entry into force of this Treaty. The establishment of the two places shall be effective after the approval of the two Governments.

(a) The two parties shall build suitable joint structures and install necessary devices, in accordance with the plans and specifications agreed upon by the two parties, at the places mentioned in paragraph (a) of this Article, so that the amounts of water specified in the Articles of this Treaty may be measured and delivered effectively and accurately in accordance with the provisions of this Treaty.

ARTICLE IV
In years when due to climatic factors, the amount of flow is less than that of a normal water year, and the measured flow figures at the hydrometric station at Dehraudin indicate that the flow of the months previous to the month in question has been less than that of a normal water year, the amounts stated in Column 4 of the Table in Article III shall be adjusted, for the succeeding months of that water year, in the ratio that the actual flow for the previous months of that water year (in this case from March to the month in question) bears to the same months of a normal water year, and the adjusted amounts shall be delivered to Iran at the places provided in Article III.

In the event that in any succeeding month, after the month in question, the hydrometric station at Dehraudin indicates a flow equal to or greater than that of the same month of a normal water year, water in that month shall be delivered according to Column 4 of the Table of Article III.

ARTICLE V
Afghanistan agrees that it shall take no action to deprive Iran totally or partially of its water right to the water of the Helmand River as fixed and delimited by the provisions of Articles II, III and IV of this Treaty.

Afghanistan shall retain all rights to the balance of the water of the Helmand River and may make such use or disposition of the water as it chooses.

Iran shall make no claim to the water of the Helmand River in excess of the amounts specified in this Treaty, even if additional amounts of water may be available in the Helmand Lower Delta and may be put to a beneficial use by Iran.

ARTICLE VI
Afghanistan shall take no action to make the water to be delivered to Iran suitable for agriculture, or to cause it to be polluted by industrial chemical effluent to such an extent that even after being purified by conventional methods for the purpose of stabilisation of the bed of the Helmand River at the places where the boundary line is located at the bed of the River, can be constructed only after the plans and specifications for such structures have been approved by the parties to this Treaty.

ARTICLE VIII
Each party shall appoint a Commissioner and a Deputy Commissioner from among its own nationals, who shall represent their respective countries in the implementation of the provisions of this Treaty. The scope of their authority and their duties and responsibilities are defined...
in Protocol No. 1, annexed to this Treaty.

ARTICLE IX

In the event that a difference should develop in the interpretation or application of the provisions of this Treaty, the parties shall endeavour, first, to solve the difference through diplomatic negotiations, secondly through the use of the good offices of a third party. Should neither effort result in a solution the difference shall be submitted to arbitration pursuant to the provisions of Protocol No. 2, annexed to this Treaty.

ARTICLE X

Afghanistan and Iran agree that this Treaty represents the complete and permanent agreement of the two Countries, that the provisions of this Treaty are valid only within the limitations of its contents, that the Treaty shall not be subjected to any other present or future principle or precedent.

ARTICLE XI

If extreme drought or force majeure should make the reaching of the water to the Helmand Delta temporarily impossible, the Commissioners of the two parties shall immediately enter into consultation and shall formulate and submit an urgent necessary plan for meeting or minimizing the emergency to their respective Governments.

ARTICLE XII

The Treaty shall enter into force on the day of exchange of instruments of ratification.

In witness whereof the respective Plenipotentiaries have signed this Treaty.

Done in duplicate at Kabul in the Pashto, Dari (Persian) and English languages, the three texts being equally authentic the English text, however, being the only text to which reference shall be made in the event of recourse to the good offices of a third party or arbitration. this 13th day of March 1973.

For Afghanistan
Mohammad Moussa Shahiq
Prime Minister

For Iran
Amir Abbas Hoveyda
Prime Minister

Following are the texts of the two complementary protocols of the treaty on water from Helmand. signed between Afghanistan and Iran.

PROTOCOL NO. 1

Annexed to the Afghan-Iranian Helmand River water Treaty relating to the authority and duties of the Commissioners

ARTICLE 1

The Treaty mentioned in this Protocol is the Afghan-Iranian Helmand River water Treaty between Afghanistan and Iran signed on the 13th of March 1973.

ARTICLE 2

Each of the parties to the Treaty shall appoint a Commissioner and a Deputy Commissioner who shall be nationals of and represent their respective Governments in connection with the implementation of the provisions of the Treaty regarding the delivery of water from the amount of water of the Helmand River therein specified.

ARTICLE 3

(a) The Commissioners shall be appointed from among high ranking officials.

(b) Each Commissioner, in the performance of his duties, may utilize the services of two advisers of his nationality.

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Note: The distribution of the monthly flow in a normal year is as follows:

ARTICLE 6

The Afghan and Iranian Commissioners shall act jointly in the measurement and delivery of the water at the places of delivery specified in Article III of the Treaty, according to the provisions of the Treaty and this Protocol.

ARTICLE 7

The Afghan and Iranian Commissioners shall constitute the "Joint Committee of Commissioners" hereinafter referred to as the "Joint Committee". This Committee shall endeavour to solve expeditiously, and problem which may arise in the performance of its duties under this Protocol. The decisions of the Joint Committee shall be binding within the limits of its authority.
ARTICLE 8
The Joint Committee shall hold regular meetings periodically, as the Joint Committee shall determine. In cases of emergency, either Commissioner may call a special meeting of the Joint Committee. The Joint Committee shall hold its regular meetings in Kabul or Zaranj (in Afghanistan) or in Tehran or Kabul (in Iran), as the Joint Committee shall determine. The special meeting of the Joint Committee shall be held at any one of the places mentioned above named in the call for the meeting.

ARTICLE 9
The Commissioners shall submit a report of the activities of the Joint Committee during the preceding water year to their respective Governments prior to the first of November of each year. They may submit interim reports, within the limitation of their duties specified in this Protocol, to their respective Governments at such other times or times as they deem necessary.

ARTICLE 10
(a) Each of the parties to the Treaty shall appoint a delegation headed by the Minister in charge of matters pertaining to water utilization. The delegations of the two parties shall together constitute the "Committee of Ministers".
(b) The Committee of Ministers shall meet at the request of one of the Governments. The Committee of Ministers shall have jurisdiction to solve any problem that may arise in the application of this Protocol. The Joint Committee shall be bound to apply the decisions of the Committee of Ministers.
(c) Either Commissioner may request his Government to call a meeting of the Committee of Ministers, either in an emergency or when the members of the Joint Committee cannot reach agreement.
(d) The Joint Committee and the Committee of Ministers shall exchange the information of their meetings.

ARTICLE 11
In the event the Committee of Ministers do not reach agreement, each party to the Committee shall submit a report to its respective Government in order that the two Governments seek for a solution through diplomatic channels. The decisions made by each Committee or decisions reached through diplomatic channels shall not contravene any of the provisions of and shall be within the limits of the Treaty and this Protocol. Any decision made or action taken by either Committee shall not in any manner whatsoever establish a precedent.

ARTICLE 12
No amendment to, change in, or revision of, this Protocol agreed to by the parties to the Treaty, shall in any manner whatsoever affect the Treaty, or Protocol No. 2, annexed thereto.

ARTICLE 13
This Protocol shall be regarded as an integral part of the Afghan-Iranian Helmand River Water Treaty signed in Kabul on the 13th day of March 1973 and shall be effective beginning with the day of the entry into force of the Treaty.

In witness whereof the respective Flemtentatiories have signed this Protocol.

Donor.in duplicate at Kabul in the Persian, Dari (Persian), and English languages, the three texts being equally authentic, the English text, however, being the only text to which reference shall be made in the event of recourse to the good offices of a third party or arbitration this 13th day of March 1973.

For Afghanistan
Mohammad Moussa Shafiq
Prime Minister
For Iran
Amir Abbas Hoveyda
Prime Minister

PROTOCOL NO. 2
Annexed to the Afghan-Iranian Helmand River Water Treaty, relating to arbitration

ARTICLE 1
The Treaty mentioned in this paragraph and within three months of the appointment of the members appointed pursuant to the provisions of paragraph (a) of this Article, should the third arbitrator not be chosen within three months, the Secretary General of the United Nations, shall be requested by the parties or one of the parties, to appoint the third arbitrator. The Chairman of the Arbitral Tribunal appointed pursuant to the provisions of this paragraph shall be from nationals of a country with which both Afghanistan and Iran maintain friendly relations, but has no common interest with either Afghanistan or Iran.

(c) The Arbitral Tribunal shall, with the concurrence of the parties, adopt such rules for its proceedings as may be deemed expedient and necessary. Such rules
shall be in conformity with the provisions of the Treaty, Protocol No. 1, and this Protocol. The Arbitral Tribunal shall endeavour to submit to the two parties a copy of its decision when rendered. Each such decision shall be supported by reasons in writing.

(e) The decision of the Tribunal shall be paid by the Government of the two parties.

ARTICLE 6
Should any member of the Arbitral Tribunal under Article 4 or of Arbitral Tribunal under Article 5 of this Protocol, for any reason, cease to serve, he shall be replaced in the same manner he was originally appointed or chosen. In that event, further proceedings shall be resumed at such time as the newly appointed or chosen member shall have had such opportunity and time as he may reasonably require to acquaint himself with all proceedings which transpired prior to his appointment or choice.

ARTICLE 7
The expenses of each arbitrator shall be paid by the Government which chose the arbitrator and the expenses of the third arbitrator shall be shared equally by the two parties.

ARTICLE 8
No amendment to change in, or revision of this Protocol agreed by the parties to the Treaty, shall in any manner whatsoever affect the Treaty, or Protocol No. 1, Annexed thereto.

ARTICLE 9
This Protocol shall be regarded as an integral part of the Afghan-Iranian Holmand River Water Treaty signed in Kabul on the 13th day of March 1973 and shall be effective beginning with the day of entry into force of the Treaty.

In witness whereof the respective Plenipotentiaries have signed this Protocol.

Done in duplicate at Kabul in the Pashto, Dari (Persian) and English languages, the three texts being equally authentic, the English text, however, being the only text to which reference shall be made in event of recourse to the good offices of a third party or arbitration, this 13th day of March 1973.

For Afghanistan
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