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HIRMAN RIVER FROM LEGAL SHARE TO POLITICAL FROWN; CHALLENGES AND OPPORTUNITIES



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Center for Strategic and Regional Studies (CSRS)



HIRMAN RIVER FROM LEGAL SHARE TO POLITICAL FROWN; CHALLENGES AND OPPORTUNITIES

INTRODUCTION

Since in recent years the issue of water shortage and drought has been a global concern, it has drawn the attention of international organizations and countries to take persistent measures. Today, the lack of water is noticeable in all regions and has become a controversial issue; Especially these days, between Afghanistan and the Islamic Republic of Iran, it has become a hot political issue.

In these days, the verbal reactions between Iranian and Afghan officials were on the headlines of national and regional news. Iran's president Ebrahim Raeesi, during his visit to Sistan and Baluchistan province, addressed the government of the Islamic Emirate regarding Haqaba of Hirmand as follows: "I want to tell the rulers of Afghanistan not to take my words as a matter of course, but to take them very seriously; I warn the officials and rulers of Afghanistan to give the rights of the people and the region of Sistan and Baluchistan immediately". But Zabihullah Mujahid, the spokesman of the Islamic Emirate, in response to the president's harsh words, called him a lack of knowledge and use of inappropriate words that can harm the political and neighborly relations of the two countries.

Previously, in the year 1400 AH, when the Kamal Khan Dam was opened by the former president of Afghanistan, Ashraf Ghani, and his claim to prevent the free flow of Afghan water to neighboring countries, it also provoked the reactions of the Iranian authorities. Now the reactions of the Iranian authorities regarding Iran's water rights over the Hirmand river are on the rise, while the government and the people of Afghanistan have been complaining about the drought all over the country, especially in the border provinces with Iran, even in some cases, there have been reports of 50% drying up of the waters. they give.

On the other hand, the United Nations warned in its 2023 report of the impending water crisis in the world, about 26% of the world's population lacks access to clean drinking water and about 46% of other people lack access to managed services. And safekeeping has reported.

Also, the World Environment Protection Organization (IUCN) has recently announced on its Twitter that the frequency of sea heat waves has increased by 50% during the last ten years.

In this article, the hydro political situation of Afghanistan, the Hirmand river from its geographical extent to its legal share, the factors of recent tensions on the Hirmand river, and finally the challenges and opportunities that exist beyond Iran and Afghanistan in relation to the Hirmand river are the issues that have been discussed and investigated.

HYDRO POLITICAL POSITION OF AFGHANISTAN

Afghanistan is a mountainous and landlocked land that is located in the heart of Asia by being located in the Northern Hemisphere and the Eastern Hemisphere. This country has about 5800 kilometers of common borders with neighboring countries, about 2384 kilometers in the north with Central Asian countries, 2240 kilometers from the east and south with Pakistan, 73



to 93 kilometers from the northeast with China, and about 855 to 930 Km shares a border with Iran on the west side. Mountains and rocks cover large parts of Afghanistan in the north and northeast. And these towering mountains such as the Pamir and Hindu Kush mountains, which have snow-covered peaks even in the heat of summer; It has caused large rivers to flow in this country.

Due to the lack of facilities and capacity of water exploitation in Afghanistan, the flow of abundant and sweet rivers has drawn the special attention of the neighboring countries to control the waters of this country. On the one hand, the construction of the common borders of Afghanistan has caused verbal tensions between this country and its neighboring governments regarding the proper management of water, on the other hand, the ongoing civil wars in Afghanistan have not given the government and people of this country a chance to properly manage their waters. The lack of management of these water resources and the indiscriminate use of these raging rivers by the neighboring countries during several decades of war in Afghanistan has changed the views of the governments in the neighboring countries regarding the legal share around the cross-boundary water of this country; Because according to statistics, about 75% of Afghanistan's water flows to neighboring countries. War, insecurity and mismanagement of water resources in Afghanistan have caused this country, apart from pouring a lot of water worth 50 billion US dollars to neighboring countries, as Afghanistan spends another 300 million US dollars annually to buy the required electricity. from Uzbekistan, Turkmenistan, Tajikistan and Iran.

On the other hand, it is not impossible that water is one of the most obvious boundaries between the rich and the poor in today's world. Based on this, the average daily consumption of one person in North America is 400 liters and in Europe it is estimated to be 200 liters per day, while in developing countries this amount does not exceed 10 liters on average. With this price, water consumption in rich countries is higher than in poor countries. However, the phenomenon of drinking water pollution due to the discharge of sewage or factory waste into the seas and other sources of fresh water is more widespread in poor areas. And according to the report of the World Health Organization, four fifths of the world's diseases can be attributed to contaminated drinking water.

Furthermore, years before today (1995), the vice president of the World Bank had warned that the future wars will be over water, not oil! Also, theorists called the 21st century "Hydro political Century" due to the occurrence of disputes between countries upstream and downstream of the seas over water resources.

Therefore, the recent developments, the reactions of Afghanistan's neighbors at this time and their ignorance of the situation of the people in this country under the pretext of water rights, provide the concept of the same belief that it is said that the wars of several decades in Afghanistan are water wars and the neighbors do not want Afghanistan to be a safe country. They see relative or little social welfare and eventually political stability.

HIRMAND RIVER FROM GEOGRAPHICAL EXTENT TO LEGAL SHARE

Hirmand River is one of the large and water-filled seas of Afghanistan and Asia, were billions of cubic meters of water flow annually. This sea originates from the heights of Mount



Baba, 40 km west of Kabul, from the Hindu Kush Mountain range in Afghanistan. And after a distance of 1100 km from the eastern side of Afghanistan to the west, it bends to the northwest in the Kamal Khan dam area and enters the Hamun lake, which is a common lake between Afghanistan and Iran, 36 km southeast of Zabul. It should be mentioned that 180 balers are installed across the border of Afghanistan and Iran, 90 of which are located from Zulfiqar crater to the vicinity of Shindand (from north to south) and another 90 balers are located from Rabat-Jali to the end of Makmahon (from south to north). Shows And the Hirmand Sea, passing through the Kamal Khan Dam, extends for about 70 kilometers parallel to the Afghanistan-Iran border, and after the 51-bayer (base) of the middle of the sea, it forms the common border between Afghanistan and Iran. And this border extends 27 kilometers up to Bayler 54, although Iran shares only 27 kilometers with Afghanistan along the 1150 kilometers of Hirmand Sea. According to this, the country of Iran can only have the right to 2-2.4% of the Hirmand Sea.

Regarding the legal debate of this river, it can be said that since many years, about a century ago, there have been regular or irregular discussions between Afghanistan and Iran, and treaties have been signed. But in none of the previous treaties, there was no general agreement, and it became a problem again later. Finally, the last treaty is the treaty of 1351 solar year, which the parties have agreed to and always emphasize on its implementation.

The Treaty of Hirmand Sea was signed in 1351 between Afghanistan's Prime Minister Musa Shafiq and Iran's Prime Minister Amir Abbas Howayda. This treaty consists of an introduction, twelve articles and two protocols, which according to the first and second articles of Iran's water rights in a normal water year (which is the total flow of water from October 1st to the end of September of the following year in the matter of the hydrological device of Dehraud on the Hirmand Sea, which is about It becomes six billion and 500 million cubic meters of water. And above the normal water year, 22 cubic meters per second based on the Delta Commission and 4 cubic meters based on goodwill and fraternal interests, which is a total of 26 cubic meters per second and 820 million cubic meters of water is estimated in one year in determined in the treaty will be delivered from Afghanistan to Iran.

Also, according to the 4th, 5th and 11th articles of the treaty, if Afghanistan hands over the water rights to Iran, it can use it in any way it wants while maintaining all the rights over the remaining water of the Hirmand River. And in case of climatic events, the amount of water flow is less than the normal water year, or a severe drought makes it temporarily impossible for water to reach the Hirmand Delta; In this case, the commissioners of the parties will immediately consult and prepare the necessary urgent plan to solve the problems or mitigate them and propose them to their respective governments. And in the fifth article of the second protocol, it is stated that if the governments do not agree on the conclusions and recommendations of the arbitration board, they should submit the point or points of dispute to the arbitral tribunal composed of three members, and if the parties choose the third member or the head of the arbitration and they did not reach an agreement for three months. The parties or one of the parties request the Secretary General of the United Nations to determine the third ruling.

According to this treaty, the water rights of the parties are clear in different times such as drought, climatic events or other disputes that cause problems; In this treaty, appropriate ways



have been considered to resolve it. So, what are the causes of verbal tensions between the rulers of Iran and Afghanistan, we will discuss it in the following title.

FACTORS OF RECENT TENSIONS ON THE HIRMAND SEA

Drought and climate events: Drought and impending water crisis in the whole world is a big problem that humanity is facing with. And no one can deny this truth. As the United Nations in the 2023 report considers drought as a cause of water shortage, it presents a dark picture of increasing water shortage in the world. And the UN report also states that in the last four decades, global water consumption has increased by about one percent every year.

On the other hand, the "World Resources Institute" research center in the United States of America (WRI) has placed Afghanistan in the category of high risks of drought in a report published in 2018.

Additionally, the United Nations Children's Fund (UNICEF) in a report in 2017 considered 500,000 Afghan children to be at risk due to lack of rain and drought. Also, the government of Afghanistan announced in this year (2017) that due to drought, 50% of Afghanistan's surface water has decreased and underground water has settled up to eight meters across Afghanistan.

Therefore, it is impossible to ignore all these environmental changes that no one can ignore the truth of the Hirmand Sea, which, of course, confirms the announcement of the Islamic Emirate government in Afghanistan regarding the lack of water in the Hirmand Sea.

Population density on both sides of Hirmand borders: The problem of population increase is another undeniable problem in the whole world that all countries are struggling with without exception, and the two sides of the border in the direction of the Hirmand Sea will not be an exception to this rule. According to the population statistics in 1355 solar, the population of Sistan and Baluchistan province was 660 thousand people, and now, although it is said that there have been migrations, but the director general of Sistan and Baluchistan civil registration organization in 2022, in a report, the population growth of Iran is less than one of the said percentage reaches 2.24% in Sistan and Baluchistan and the province's share of the country's population is 3.76% with a population of 3.195 thousand 999 people.

Nimroz province, which is located on the border with Iran, is considered one of the poorest and least populated provinces in Afghanistan, but the population growth in this province and other border provinces in Afghanistan with Iran cannot be ignored.

Therefore, when the population grows in the upstream country, water consumption also increases. With the increase in water consumption in the upstream areas, the remaining water in the downstream areas, even if there is adequate population growth, naturally, water cannot meet the needs of the people of the region as it was in the past, especially a few decades ago.

Economic Development: When economic development has a direct relationship with improving people's quality of life, international organizations use the human development index, a major part of which is the increase in per capita income in a country, to improve people's quality of life. According to the United Nations Human Development Reports, thousands of people die every year, especially children, by using unsafe water. In these types of reports, the crisis of water shortage and the use of unhealthy water is considered one of the most serious challenges to development in underdeveloped countries. Therefore, human resources in the



treaty parties in Hirmand Sea need more water for their economic development (improvement of quality of life) in the areas of poverty reduction, human development, agriculture sector development, energy production and economic integration. And it will be difficult to control it completely by the governments, because every farmer or gardener preserves or saves the water of their land or area, without a doubt, the seas will face water shortage.

Excessive expectations of the Iranian government: According to the statements of the officials of the Ministry of Energy and water commissioners in the Hirmand Sea from Afghanistan, this country has not been able to manage its waters during decades of wars and widespread insecurity. And this has caused the government of the Islamic Republic of Iran to benefit from the Hirmand Sea above its water rights. As Asadullah Milad, Senior Legal Adviser for Transboundary Waters of the Ministry of Energy and Water of Afghanistan, said in an interview with TOLONews TV: In the meeting of the 25th round of negotiations between the commissioners of the two countries in 2022, which was held in Iran, it was clearly proven that Iran uses its water rights more every year. According to her, Iran's indiscriminate use of water from the Hirmand Sea during several decades of war in Afghanistan has made Iran addicted to using more of its legal share. Meanwhile, Javad Zarif justified Iran's excessive use of the Hirmand Sea to floods in a television interview. Therefore, it turns out that Iran considers the chaotic situation in Afghanistan as an opportunity, and wants to give legal form to its unilateral use of the Hirmand Sea in the course of several decades.

The excuse of lack of water in Sistan and Baluchistan for the purpose of Iran's irrigation: According to reports, there are four large semi-wells (artificial lakes) in Sistan, to which a part of the Hirmand Sea is directed by canals. And these large pits have a capacity of 1500 million cubic meters of water, which are used for drinking and agriculture in times of water shortage. Based on the statistics given by the head of the Sistan and Baluchistan Management and Planning Organization, there are 22 thousand water sources in Sistan and Baluchistan, of which about 19 thousand and 450 are deep and non-deep well sources, and the amount of underground water withdrawal is also two billion cubic meters. On the other hand, he adds that there are about 1,200 kariz fields in the center and south of Sistan and Baluchistan province, most of which are located on the sea bed. And about 300 to 400 million cubic meters of water are taken from them. While the population in Sistan and Baluchistan does not reach four million people, there are so many sources and these large water harvests in this province. These sources and perceptions are high figures that the people of Sistan and Baluchistan have. Therefore, it is believed that the government of the Islamic Republic of Iran is not looking for the lack of water in Sistan and Baluchistan, but rather the abundance and roar of the seas that pass through this province.

CHALLENGES AND OPPORTUNITIES IN THE USE OF HIRMAND SEA

According to the issues discussed above, it can be said that the current reality of the Hirmand Sea, along with the verbal tensions of the government officials of the two countries, especially the Iranian government, will be challenging and confusing if there is no management and responsible action around these tensions. Therefore, in this section, we will try to present possible opportunities to our audience along with the challenges:



CHALLENGES

- As there have been mistrusts regarding the unfair distribution of water in the Hirmand Sea for years, as long as these verbal conversations continue, not only well-known solution be found, rather, these tensions in some cases have caused border conflicts, harming the citizens of both countries on both sides of the border. On the other hand, it causes life and financial damage to the border residents and adds to their poverty and misery.
- As the parties to the conflict over the Hirmand Sea are going on, none of the parties involved in the Hirmand Sea have a suitable and satisfactory economic situation, Due to the verbal tensions, harsh and inappropriate addresses as well as border conflicts, it will have an impact on the commercial relations of the parties, and as a result, it will have negative effects on the economy of both countries.
- The continuation of verbal tensions between the countries of Iran and Afghanistan will create a sense of pessimism and will cause the diplomatic relations between the two countries to deteriorate. Beneficiary countries or countries biased to both governments will benefit from these tensions or emotional conversations, as a result of which these two countries will turn into a regional playground together as brothers and Muslims.
- Recently, the non-implementation of the treaty of 1351 by both countries, along with sentimental and emotional addresses; It will enter both countries into a long-term war and will take peace and comfort from both sides in such a way that it will leave the winner and loser of the war unknown, which will definitely not be the winner of these two.

OPPORTUNITIES

Despite the challenges, there are also opportunities that can be a suitable solution for the satisfaction of the parties on both sides of the Hirmand border:

- The first opportunity to solve the issue of Hirmand water rights will be the implementation of the Hirmand Sea Treaty of 1351 solar year by both countries, because the aforementioned treaty is comprehensive, referring to it at the right time will solve any concerns and mistrust regarding the unfair distribution of the Hirmand Sea water.
- Refraining from coercion and warnings about the Hirmand Sea has paved the way for peaceful talks regarding the fair division of the Hirmand Sea, and has had a positive effect on the political relations and trade exchanges between the two countries. Both countries will prosper.
- It is a great and unprecedented opportunity for both countries that both have common values, a common language, a common religion and a common enemy. Therefore, it is necessary for both factions to make optimal use of these opportunities with full confidence and to eliminate or compensate for the problems and sanctions in cooperation and alignment with each other.
- Another certain truth is that drought and lack of water is a global problem, and according to the opinions and opinions of experts, the war over access to water will be a possibility in the not-too-distant future. And starting this war between two brother and Muslim countries is an ugly and unforgivable thing; Because its huge losses will be paid not only by the governments, but also as a matter of dignity by the nations with the beliefs and beliefs of the rulers in the lands.



- Recently, some experts on Iran and Afghanistan believe that one of the possible solutions is that Iran should buy water from Afghanistan or take water from Afghanistan in exchange for oil. Of course, it is a matter that has been raised many times by Iranian personalities and Afghan experts in secret and open meetings.

RESULT

Although the Islamic Republic of Iran and Afghanistan are managed by two separate governments with different policies, there is no doubt that the people of Iran and Afghanistan have common ideological, cultural and historical values, that a great and famous civilization of the world is attributed to these two countries and their common geography. It is possible that the governments in these two countries should understand this historical truth and civilizational commonality in every statement. On the other hand, Afghanistan has plenty of water and rough seas, but apart from the entire country, even in the border provinces of the Hirmand Sea, Afghanistan does not have electricity for more than one hour a day. At the same time, these provinces are at the peak of poverty and misery. At this time when Afghanistan is struggling with many problems, it is expected that the neighboring countries will cooperate on the path of normalizing the current situation and getting Afghanistan out of political isolation, not that because of the chronic problems that can be solved in a calm and natural situation, they will intensify the problems at this time and stop talking against diplomacy Culture.

However, the position of the Islamic Emirate of Afghanistan was measured in connection with the provocative and seditious words and was in line with the diplomacy of respected countries and was expressed in a balanced manner in the atmosphere of Islamic brotherhood and solidarity with the people who are suffering from water shortage. The reality of the matter is that the situation of Afghanistan's border provinces with Iran is worse than the situation of Iran's border provinces with Afghanistan, and at the same time, the people and the government of Afghanistan are committed to good conduct and brotherly relations with Iran. The urgent need of societies and the international responsibilities of governments demand the respect of mutual international rights, and any kind of action against mutual respect will have consequences that the custodians of affairs in any government are more aware of.

End

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