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THE CONTROVERSY BETWEEN IRAN AND AFGHANISTAN
OVER THE HELMAND RIVER WATERS

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Iran-Afghanistan: Helmand River Basin. At End.

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SUMMARY

In recent years the issue of the division of the Helmand River waters has again arisen and has not only embittered relations between the Iranian and Afghan Governments but also has threatened the execution of developmental plans that would benefit both countries.

The Helmand River rises in central Afghanistan and after taking a westerly course discharges its waters into a depression that extends across the Iranian-Afghan border but lies largely in the Sistan province of Iran. When a British arbitration commission in 1872 established the boundary in this area, it provided that no works should be constructed on either side of the boundary that would interfere with "the requisite supply of water for irrigation on the banks of the Helmand."

In the 1900's disagreements arose between the two countries over the technical interpretation of the 1872 award and the two governments again turned to Great Britain for an adjudication. In 1905 the British arbitrator interpreted the "requisite supply of water" for Iranian Sistan as being one-third of the water in the lower course of the Helmand. The award was not accepted by Iran and was not executed. Several temporary agreements were signed by the two parties in the 1930's but a permanent settlement had not been reached before the outbreak of World War II.

Severe drought during the 1946 and 1947 growing seasons and the formulation by the Afghan Government of extensive plans for irrigation and hydroelectric projects on the middle Helmand have led the Tehran government to charge Afghanistan with contravention of treaty obligations and to take steps to submit the dispute to the United Nations. While the dispute is essentially local it has wider significance as a source of friction between two Middle Eastern states and as a possible means of weakening

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their ability to resist pressure by the Soviet Union.

A developmental plan for the use of the Helmand waters could probably be devised and executed that would significantly increase the cultivable area both in Afghanistan and Iran and would reduce, if not eliminate, the loss suffered, particularly by Iranian cultivators, though uncontrolled annual floods.

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I. THE CURRENT PROBLEM

Present plans for similar programs of agricultural and irrigation developments in Iran and Afghanistan have brought into prominence the question of the control and distribution of the flow of the Helmand River. Through planned irrigation the cultivable area of both countries can be increased and their economic productivity raised. The question has received added urgency because of a serious drought in 1946 and 1947 which caused suffering to inhabitants on both sides of the frontier.

The traditional mutual distrust of Iranian and Afghan officials has for ten years prevented the conclusion of a definitive treaty governing the use of Helmand River waters. The development of an ardent and jealous nationalism in both countries during the same period has further helped to create an atmosphere in which dispassionate consultation is difficult.

While winter rains and spring thaws will help to ease the current tension, the Iranian fear that proposed Afghan construction on the middle reaches of the river may adversely affect the flow of water into Iran makes international agreement urgent and essential.

The United States has an interest in a satisfactory solution of the problem since continuation of the dispute will provide an added source of unrest and economic waste in an important area of the Middle East and adversely affect the activities of American engineering firms in Iran and Afghanistan. Although the Iranian delegate to the United Nations was instructed to place the problem on the agenda of the General Assembly, the United States Government has arranged for consultations to take place between Iranian and Afghan officials in Washington where the atmosphere and the availability of experienced technical advisers should be more conducive to a reasonable solution.

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II. THE GEOGRAPHICAL AND HISTORICAL BACKGROUNDA. The Helmand River Basin

The Helmand River originates in and flows for most of its length through Afghanistan but empties into a depression which extends across the Iranian-Afghan border, but lies largely in the Iranian province of Sistan. It is the only stream in eastern Iran and southwestern Afghanistan that does not dry up during the summer. For this reason much of southern Afghanistan and all of Sistan, which receive little rainfall, depend on the Helmand for water to irrigate areas which otherwise would turn into desert.

Reputedly rich and prosperous until the twelfth century A.D.¹, Sistan suffered severely at that time from the Mongol invasions. In 1362 Timur the Lame (Tamerlane) entered the province and captured numerous villages but was repulsed. In 1383 he again entered Sistan and conquered the entire area. The great dam at Bandar-i-Kamal Khan, then known as the Band-i-Rustam but later called the Band-i-Akva, was destroyed by Timur or by his son Shah Rukh.² The canal to the west leading to Hauzdar and south to Godar-i-Shah was thus dried up and the river made a new channel west from the site of the present Band-i-Sistan dam past Sehkuha (Tapa-i-Sehkuha).³

The Rud-i-Nasru remained the main stream after 1383 but the new channel which passed Sehkuha remained substantially as it was until the 1830's. At that time the river suddenly

1. Major P. M. Sykes, Ten Thousand Miles in Persia, (New York, 1902) p. 363. In the ninth century A. D. the Saffarid dynasty went forth from Sistan "to win an empire" and at that time Sistan is described as follows: "Some land in the vicinity of this city (perhaps present-day Zabul) is barren and sandy. The air is very warm. Here they have dates; there are no hills. In winter there is no snow; in general there is a wind, and they have windmills accordingly."

2. Ibid., p. 364.

3. See inset maps at end. These maps illustrate the condition of the Helmand basin just before and after the destruction of the Band-i-Akva by Timur.

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abandoned the Sehkohe channel and formed another channel, this time from the site of the modern dam Band-i-Sistan directly northward past Nad-i-Ali to the Hamun (Lake). The inhabitants, in despair because most of central Sistan was left waterless, finally succeeded in the 1840's in directing some water back into the Sehkohe channel by building a mud dam, the Band-i-Sistan. About 1894 the river cut a new course halfway between the Rud-i-Nasru and the Nad-i-Ali channels, destroying a number of villages near the Lake in so doing.¹ Since 1894 the Nad-i-Ali branch, with an elevation higher than the other channels of the Helmand Delta, has held little water. As the Nad-i-Ali is the only branch accessible to Afghan cultivators in the Chakhansur area, they are the first and most seriously affected in low water periods. Furthermore the boundary commission in 1872 awarded Sistan west of the Nad-i-Ali channel to the Persians, giving to Persia practically all of the revenue-paying portion.

The Helmand Delta has been constantly changing as a result of accumulations of silt, and small new channels at present cut through the area between Nasratabad (Zabul) and Chakhansur (Chakansur).² The large map at the end of this study shows more accurately the permanent water-holding hamuns or lakes and also locates the marshy reed-covered area which is inundated yearly during the flood season when the great Hamun may become a hundred miles long and ten to fifteen miles wide. Below Khwabgab the Band-i-Sistan dam diverts water from the main channels to the old Sehkohe channel and attempts to stem the flood waters of the early summer from ruining the crops between Zabul and Nad-i-Ali. However, the dam washes out yearly since it is constructed only

1. See inset maps at end.

2. The large map at the end depicts the Helmand Delta as it was in 1944.

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of mud and tamarisk branches and, consequently, in October after the floods and severe summer winds have subsided, every village in Iranian Sistan sends its quota of men to rebuild the ruined dam. It is obvious, therefore, that Iranian Sistan normally suffers not from lack of water but from the devastation of annual floods, i.e. from an excess of uncontrolled water. Even in dry years Iranian Sistan receives most of the Helmand water since the Nad-i-Ali channel which waters the Afghan side is the first to dry up.

B. The Girishk Area

Girishk, the center of the Afghan development projects on the Helmand River, is a town of 8,000 inhabitants located 70 miles west by north of Kandahar and 20 miles south of the junction of the Helmand and Musa Kala Rivers where the Helmand leaves the mountains and begins its long passage around the Dasht-i-Margo (desert) to Iranian Sistan. Girishk lies in a level gravel and silt covered plain at an altitude of approximately 2,500 feet and is located at the junction of several roads leading from Kabul, Kandahar, Herat, and, via the Helmand River Valley, from Sistan. Since the rainfall is no more than five inches annually, minor irrigation ditches have existed for many years in the Girishk area and to the southwest along the Helmand. Consequently, the region has long been one of the few fertile, cultivable areas in southern Afghanistan.¹

The Girishk project as initially conceived by the Afghan Government was to consist of a diversion dam located 4.5 miles up the Helmand River northeast of Girishk, with a hydroelectric plant (capacity 6,280 kilowatts) located in the vicinity of the dam. A canal was to lead off from the dam on the west side of the river, pass southwestward between Girishk and the river and

1. WD. R-60-45, Kabul, August 29, 1945, SECRET.

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continue southwesterly in a broad arc which would turn to the southeast and bring the canal back into the Helmand approximately 50 miles downstream from the dam site. The canal was to parallel the river at a distance of a few miles, and the land to be irrigated was the strip lying west of the Helmand between the river and the canal, estimated at 44,500 acres.¹

The project was first proposed in the middle 1930's and work was actually begun in 1937 under the direction of German and Japanese engineers who accomplished little before they were expelled during the war, the Germans in 1941 and the Japanese in 1943. A number of engineering reports, estimates, and plans were submitted by these engineers before they left and eight miles of canal were partially constructed near Girishk.²

Subsequently the work was supervised by the Afghans themselves under the direction of an American-trained Afghan, Muhammad Kabir Khan Ludin, who in 1944 was appointed Acting Minister of Public Works. Ludin was instrumental in hiring two Americans, John B. Alexander and Bruce Keese, as engineers in his Department and it was under the direction of Ludin and these two Americans that work was carried on until the late summer of 1946.³

Negotiations carried out in the summer of 1945 between the Afghan Government and the Morrison-Knudsen Construction Company of New York resulted in the signing of contracts for various construction projects in Afghanistan. M-K engineers and construction men began arriving in Afghanistan in the early summer of 1946, but because of extreme difficulties in transportation of construction equipment were able for several months to accomplish only the initial surveys.⁴

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1. See large map at end.
 2. WD. R-60-45, Kabul, August 29, 1945, SECRET.
 3. Ibid.
 4. Memorandum of conversation between M-K official Dunn and Department of State officers, dated March 18, 1947, SECRET.

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Among the construction projects proposed by the Afghan Government was the Girishk canal and hydroelectric project. Consequently, M-K experts were detailed during the late summer of 1946 to prepare studies of the area to be irrigated and to investigate the practicality and cost of a storage reservoir on the Helmand River somewhere northeast of Girishk.¹ Since that time little actual construction has been completed, but M-K engineers are continuing their surveys of the cultivable land near Girishk, of the Helmand River water flow at various points from Girishk to Sistan, of the water requirements of the canal and the hydroelectric plant, and of a site for the contemplated storage dam in the mountains above Girishk. Very few figures have as yet been released by either the Afghan authorities or by the M-K engineers but the few made available serve as a basis for understanding the size and scope of the Girishk project, its effect on the Girishk area and on the Helmand River, and its effect and relation to the water requirements of Iranian Sistan.

C. Negotiations Concerning Control of the Helmand Waters

Before the death of Nadir Shah of Persia in 1747, Sistan was unquestionably part of Persia. After his death, Ahmad Shah Durrani, one of Nadir Shah's Afghan generals who made himself king of Afghanistan, claimed and held Sistan as part of his realm and for 125 years after his reign it was an Afghan possession. The last half century of Afghan control was, however, no more than nominal since at various times Sistan was in rebellion against Kabul, or was held independently by an aspirant to the Afghan throne.

Nevertheless, the territory was recognized as being under

1. Memorandum of conversation between M-K officials and Department of State officers, dated November 18, 1946, UNCLASSIFIED.

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Afghan sovereignty, although the authority of the central government over the area had been progressively weakened. In the 1860's, at a period when the Afghan Kingdom was split by a contest for the throne, Persia took advantage of Afghanistan's weakness and sent troops to occupy Sistan. After Sher Ali finally established himself on the throne at Kabul in 1868, however, he sent forces to recover Sistan and was successful in the initial stages of the campaign. At that point the Persian Government appealed to Great Britain to use its influence in halting the Afghan forces. The British persuaded both parties to agree to an arbitration of the dispute and in 1870 sent a mission to Sistan under Major General Sir Frederic Goldsmid to survey the area and then establish and demarcate the boundary.

Although Goldsmid's mission was hampered at every turn by local Persian officials determined to prove Persia's right to Sistan, the arbitral award gave to Persia most of the fertile area of the Helmand depression by locating the Persian-Afghan boundary on the easternmost channel of the Helmand delta.

Furthermore Goldsmid specified that "no works are to be carried out on either side calculated to interfere with the requisite supply of water for irrigation on the banks of the Helmand."¹

The evidence gathered by the Goldsmid mission regarding the opposing claims to Sistan established a stronger case for Afghan rather than for Persian sovereignty over the area. However, British foreign policy at this period favored strengthening of the Persian Government as a barrier to Russian aggression in the Caucasus and Trans-Caspian regions, and therefore the award

1. Majors St. John, Lovett, and Evan Smith, Eastern Persia; An Account of the Journeys of the Persian Boundary Commission, 1870-1-2 (London, 1876) p. 414. See Appendix A.

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was drafted to elicit Persian cooperation in resisting Czarist Russia. Well aware that the Afghans would acquiesce very reluctantly to the boundary award, Goldsmid inserted the provision regarding water supply to prevent the Afghans from cutting off the flow of water to Sistan and thereby making the area a desert.

In 1905 a slight change in the course of the Helmand necessitated a second British mission, this time under Sir Henry MacMahon, which made slight adjustments in the Irano-Afghan Boundary. Since 1872, however, the problem of the Helmand River waters has been extremely important between Iran and Afghanistan because this river, the largest between the Tigris and the Indus, flows almost its entire length in Afghanistan but empties into and irrigates the most fertile section of southeastern Iran. From that situation arises the present problem, for whatever Afghanistan does that in any way affects the upper waters of the Helmand affects Iranian Sistan also. Both the Goldsmid and the MacMahon awards are particularly important to this study in that they establish not only Iran's right to a requisite amount of water (the Goldsmid award) but define that amount as "one third of the water which now reaches Sistan at Bandar-i-Kamal Khan" (the MacMahon award).¹ However, although the Goldsmid award was accepted by both countries the MacMahon award was accepted only by Afghanistan; Iran, while never definitely rejecting it, did not accept it.

Between 1905 and the middle 1930's the question of the Sistan water supply was settled by the two countries by the appointment of a joint commission which, when drought made it necessary, measured the Helmand water flow at Bandar-i-Kamal Khan

1. D-114, Kabul, August 8, 1946, SECRET.

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and made the decision regarding the diversion of such water.¹

On several occasions the Afghan Government suggested to Iran that a definite agreement be reached on the division of water and in 1933 the late Nadir Shah of Afghanistan offered Iran a one-half share of the Helmand River water reaching Bandar-i-Kamal Khan in place of the one-third share recommended in the MacMahon award. Negotiations which began in 1933 resulted in the joint protocol of 1936² which incorporated Nadir Shah's offer and was used as a basis for a temporary agreement signed in 1937.³

By December, 1938 a permanent agreement was drawn up, signed by the Afghan Minister of Foreign Affairs and the Iranian Ambassador, and submitted to the two governments for ratification.⁴

Difficulties arose over a declaration annexed to the agreement by the Iranian ambassador to the effect that the Afghans would not interfere with the requisite supply of water for Sistan. The Afghan Foreign Minister urged the Afghan National Assembly to accept the annex but the latter considered it superfluous as the same provision was contained in the agreement itself and, therefore, refused to accept it.⁵ The agreement with its annex was ratified by Iran but when that country learned of the Afghan rejection of the annex the Majlis in return rejected the agreement.

1. No information is available regarding the basis on which the water division was made at these times although the Iranian Minister of Agriculture admitted recently that between 1900 and 1938 about four-fifths of the Helmand water was used by Iran "because Afghanistan had no use for it." D-485, Tehran, September 5, 1947, UNCLASSIFIED.

2. D-114, Kabul, August 8, 1946, SECRET, Enc. 1, See Appendix C.

3. Ibid. Enc. 1, See Appendix D.

4. Ibid., Enc. 2, See Appendix E.

5. Ibid., Enc. 3. See Appendix F. Sections 2 and 8 of Appendix E would seem to demonstrate that the Afghan National Assembly had a basis for its contention.

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During 1939 the Afghan Government repeatedly tried to reach an understanding with Iran, broadening its offer by proposing first that Afghanistan guarantee Iran a fixed quantity of water to be determined by a mixed commission, and second, that the question be submitted to a disinterested third country as arbitrator if direct negotiations failed. Iran turned down the Afghan overtures, however, and the outbreak of World War II cut short further efforts. Since the war Afghanistan has brought forward three substitute declarations¹ to annex to the 1938 Agreement but none was acceptable to Iran.

III. RECENT DEVELOPMENTS

A. Causes of Friction

The present crisis between Iran and Afghanistan over the Helmand River was aggravated by the extreme drought of the 1946 and 1947 growing seasons. Since 1937, however, when foreign engineers hired by the Afghan Government began work on the Girishk project, Iranian authorities have kept a watchful eye on Helmand River developments. The recent war diverted Iranian interest for a time but in October 1945 the Tehran press revived the issue, claiming that the Afghan Government had 20,000 workmen digging canals and changing the course of the Helmand near the Iranian frontier and asserting that the Iranian cabinet was preparing to protest.²

The Iranian Government's interest increased during the following summer, first, because 1946 promised to be abnormally dry and, secondly, because the first Morrison-Knudsen engineers were arriving in Afghanistan in preparation for work on various

1. Ibid., Encs. 4, 5, and 6. See Appendix F.
2. Memorandum answering R&A request - Iran - No. 602.3/65, October 24, 1945.

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development projects including the one at Girishk. An Iranian Government official made inquiries of American Ambassador Allen in July 1946 concerning details of the Girishk project and asked if the American Government had granted a loan to Afghanistan for the work.¹ Ambassador Allen pointed out that the arrangements for the project were strictly between the Morrison-Knudson Company and the Government of Afghanistan and that no loan by the American Government was involved.

Meanwhile the Iranian press became increasingly concerned over the drought situation in Sistan and continued to accuse the Afghans of diverting Helmand River water to the detriment of Iranian Sistan. The Afghan Government maintained that settlement of the question by direct negotiation was the most sensible and desirable method but that it was prepared to submit to arbitration if necessary. Aware of Soviet interest in this phase of Irano-Afghan relations, Afghan authorities refused to consider the Iranian idea of a Soviet commission of experts and let it be known that they would insist on American or Swiss experts even though such a move might offend the USSR.²

The situation continued to deteriorate during the winter of 1946-47 and in May 1947 the Iranian Prime Minister in a telegram to Kabul notified the Afghan Government that Iran was prepared to submit the entire question for settlement to a third party, possibly the United Nations, unless an early agreement was reached.³ Afghan authorities urged the continuation of direction negotiations but admitted that the settlement was held up because a commission representing various Afghan Government agencies had not completed its study of the Helmand valley.⁴

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1. T-1008, Tehran, July 23, 1946, SECRET.
2. T-117, Kabul, August 3, 1946, SECRET
3. T-123, Kabul, May 23, 1947, SECRET.
4. T-135, Kabul, June 11, 1947, CONFIDENTIAL.

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The Afghan commission completed its study of the Helmand Valley in early July and strongly urged the establishment of a joint Afghan-Iranian technical commission to determine the Sistan water requirements and to investigate the possibility of an Afghan guarantee of such requirements. However, although M-K Manager Horan pointed out that a sizeable storage dam would be required above Girishk for such a guarantee, the Afghan authorities insisted that they wanted first a joint study of Sistan water requirements and would propose the dam study later.¹

Consequently, on July 5, 1947, an Afghan note to the Iranian Government proposed a study of the problem as recommended by the Afghan commission and asked for an immediate answer.² On July 22 the Iranians answered that the immediate creation of a joint commission was inadvisable and suggested that the Iranian Minister of Agriculture and other officials from Tehran visit Kabul, discuss the question, and study the Afghan development projects in the Helmand Valley.³ On July 23 the Afghan Government notified the Iranian Embassy that the Iranian Minister of Agriculture would be welcomed in Kabul but that a study of the Helmand projects could not be authorized.⁴ Instead, the Afghans suggested, they were always ready for a study of that section of the river below Bandar-i-Kamal Khan with the idea of assuring a 50-50 division of the water there.⁵

Meanwhile unprecedented drought conditions along the Helmand continued and Sistan's plight grew worse daily. The Iranian press increased its agitation, placing the blame for the

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1. T-158, Kabul, July 7, 1947, CONFIDENTIAL
 2. T-188, Kabul, August 8, 1947, SECRET.
 3. Ibid.
 4. This attitude may be partly due to the fact that some of the area in question is a military reservation.
 5. T-188, Kabul, August 8, 1947, SECRET.

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severe drought on Afghan manipulations in diverting water at sites up the Helmand River.¹ Afghanistan repeatedly denied these accusations and sent its water-measuring mission to Bandar-i-Kamal Khan in early June to meet an Iranian mission. The Afghan mission was accompanied by an M-K hydrographer who, however, was forced to return to Girishk when, after a month's wait, the Iranian mission failed to put in an appearance.² The Iranian mission finally joined the Afghan mission on August 5 giving as a reason for its delay the fact that the extreme scarcity of the Helmand River water reaching Sistan made the work of any joint dividing mission useless.³

Two days later, on August 7, the Iranian Embassy in Kabul handed the Afghan Government a strongly-worded note threatening that unless the Afghan authorities arranged for a free water flow to Sistan the Government of Iran would be forced to take such action as seemed necessary.⁴ The immediate effect of this note in Kabul was that the Afghans considered useless any further attempts to create a joint technical commission and agreed with the American Legation in Kabul that a purely technical commission of engineers (neither Afghan nor Iranian) should study the problem and give a disinterested opinion.⁵ High Afghan officials pointed out, however, that the tone of the August 7 Iranian note made it extremely difficult for Afghanistan to propose such a commission.

Afghanistan replied to the Iranian note on August 17, informing Tehran that a visit by the Iranian Minister of Agriculture would still be welcomed but that Kabul doubted the use-

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1. T-135, Kabul, July 11, 1947, CONFIDENTIAL.
 2. T-188, Kabul, August 8, 1947, SECRET.
 3. T-191, Kabul, August 11, 1947, SECRET.
 4. T-188, Kabul, August 8, 1947, SECRET.
 5. T-196, Kabul, August 19, 1947, SECRET.

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fulness of any discussion since no new basis existed for such talks. The Afghan note further aggravated the situation by denying Iranian charges of Afghan interference with the Helmand River water flow and by making counter charges in regard to Iranian activities. The Afghan Government emphasized also its determination and obligation to defend the rights of the people of Afghanistan.¹ Unofficially the Afghan officials declared themselves strongly in favor of the establishment of an impartial technical commission while, similarly, the Iranian Charge d'Affaires in Kabul telegraphed Tehran recommending such a commission to be composed of three experts, one M-K man chosen by Afghanistan, one M-K man chosen by Iran, with a chairman² (Mexican, Dutch, or Swiss) acceptable to both countries.

Meanwhile, the new Governor General of Iranian Baluchistan reported in Tehran that the Sistan farmers were in a desperate situation because of the drought which allegedly was due to the diversion of the Helmand water below Bandar-i-Kamal Khan into new canals built by Afghan farmers. The Iranians, he affirmed, were getting excited and considered the Afghans entirely responsible for the situation.³ Shortly thereafter the Iranian Minister of Agriculture informed the American Embassy in Tehran that drought conditions in Sistan were crucial, that Iran had conclusive evidence that the Afghans were diverting Helmand River water below Bandar-i-Kamal Khan, and that Iran was going to take action to get its water.⁴

B. Opposing Claims

1. The Iranian Case. In justifying their stand on the Helmand River controversy the Iranians indicate that the Goldsmid award

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1. T-201, Kabul, August 26, 1947, SECRET.
 2. Ibid.
 3. T-794, Tehran, August 25, 1947, SECRET
 4. T-796, Tehran, August 25, 1947, SECRET

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of 1872 constitutes the only legal basis by which the controversy can be judged. The MacMahon award of 1905, which allotted two-thirds of the Helmand River water above Bandar-i-Kamal Khan to Afghanistan, was never accepted by Iran. The 1937 temporary agreement based on the protocol of 1936 was to serve only until a permanent agreement could be drawn up. Although such an agreement was concluded in December 1938 it was rejected by both countries because of the misunderstanding arising from the proposed annex. Consequently, Iran argues that any settlement must be based on the Goldsmid award, or, to be exact, on the concluding sentence of the award which reads:

"It is moreover to be well understood that no works are to be carried out on either side calculated to interfere with the requisite supply of water for irrigation on the banks of the Helmand."

Two consecutive years of drought coupled with Afghan development activities on the Helmand River have caused Iran to insist on a settlement that will insure Iranian Sistan its requisite supply of water. The Government of Iran contends that it has proof that the Afghans are accentuating the water shortage by diverting water in complete disregard of the terms of the Goldsmid award. That award, the Government of Iran affirms, not only gives Iran the right to learn the details of and to inspect the Afghan development projects on the upper Helmand but also to share directly in the supervision of such projects which from the Iranian point of view will interfere with Sistan's requisite supply of water.

The Government of Iran views the recent negotiations as positive proof that, since it has tried every means of peaceful settlement but has been met by stubborn non-cooperation from the Afghans, Iran is left with no alternative but to refer the controversy to the United Nations. Iran defends its stand with the following statements; (1) Afghanistan refused to allow the

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Iranian Minister of Agriculture to survey the development projects on the upper Helmand; (2) Afghanistan has in no way disproved the Iranian charges that Afghan farmers are illegally diverting water near the Iranian frontier; (3) Afghanistan has insistently proposed that it be allowed to send a mission to Iranian Sistan to determine its water requirements even though the present cultivated area of Sistan is far too small to provide a fair basis for judgment; (4) the Afghans are complicating the proceedings by insisting that water division take place at Bandar-i-Kamal Khan rather than Band-i-Kamel Khan which is a farther upstream;¹ (5) Afghanistan is continuing its Helmand projects in utter disregard of Iran's protests; and (6) the Government of Afghanistan demonstrated its lack of sincerity by rejecting the proposed annex to the 1938 agreement even though the annex simply restated the Goldsmid award's concluding sentence.

2. The Afghan Case. The Afghan Government's stand on the Helmand River question can be summarized as follows: The Afghans realize that the Goldsmid award of 1872 is the fundamental legal document accepted by both countries relating to the division of the Helmand River water. They point out, however, that the MacMahon award of 1905 confirmed and defined the Goldsmid award and, although not accepted by Iran, nevertheless contained an unbiased and carefully calculated conclusion to the effect that one-third of the Helmand water reaching Bandar-i-Kamal Khan was more than sufficient to irrigate Iranian Sistan. The Afghans observe that, in 1936, they voluntarily increased that share to one-half, thus demonstrating their fairness.

1. Confusion exists as to whether the intended point of division is actually Bandar-i-Kamal Khan or Band-i-Kamal Khan, the words "Bandar" and "Band" being easily confused in the Persian texts. It will not be possible to clarify this point until copies of the original Persian texts are available.

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They point out that Afghanistan has actually offered to guarantee Sistan its yearly requirement of water and note that there have been very few years when Sistan suffered from a lack of water. During those years Afghan Sistan suffered equally if not more, since the boundary branch of the Helmand River which waters the Chakhansur district is much higher than the Iranian branches and consequently is the first to dry up. Afghanistan maintains also that Sistan suffers far more from floods than from droughts and cites both the Goldsmid and MacMahon awards as proof.

In regard to the Goldsmid award on which the Iranians base their case, the Afghans argue that the British Secretary of State for Foreign Affairs in 1873 stated that the last sentence of the Goldsmid award should not be interpreted as applying to existing canals or to old or disused canals that might be repaired or to any new canals, provided that the requisite supply of water for irrigation is not lessened. The Afghans maintain that the development projects now being planned on the upper Helmand River would in no way interfere with Sistan's water supply but would, through the construction of storage facilities, increase and stabilize it. Furthermore, they maintain, any interference from Iran in such purely Afghan activities would be a breach of Afghan sovereignty. On the same grounds the proposed annex to the 1938 agreement was turned down by Afghanistan. The Iranian proposals that Iranian officials should survey the upper Helmand projects are viewed in the same light.

3. Analysis of Claims

a. Sistan Water Requirements. That Iranian Sistan ordinarily suffers from an uncontrolled excess of water rather than from a lack of it is illustrated by the following tables:

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Irrigation Requirements¹

1 cusec² of water per 100 acres of winter (cereal) crops.
 1 cusec of water per 52 acres of summer crops.
 Winter crops require 3 waterings spread over 100 days.

Normal Helmand River Waterflow into Iranian Sistan³

Mean minimum	2,000 cusecs (late fall and winter)
Mean maximum	60,000 cusecs (spring and summer)

Number of Acres Possible to Irrigate

By minimum waterflow, winter crops	200,000
By minimum waterflow, summer crops	104,000
By maximum waterflow, winter crops	6,000,000
By maximum waterflow, summer crops	3,120,000

Actual Acreage Irrigated and Cultivated⁴

Wholly cultivated	150,000
Partially cultivated	100,000
Total	250,000

Crops (largely wheat) are planted after the Band-i-Sistan dam is rebuilt in October. Consequently, at the time of planting winter crops the cultivators could count only on the mean minimum waterflow. In other words, although 200,000 acres could be irrigated only 150,000 acres are now normally cultivated. Several factors prevent enlargement of this acreage and hinder such production as is attempted. They are:

1. Destructive floods which, due to the lack of controlling head-works on the channels and canals, destroy thousands of acres of crops yearly.
2. Even during the low winter waterflow, water is drawn off and often wasted by upstream cultivators without water regulators and without regard for the needs of downstream cultivators.

1. British NID Handbook, Persia, B. R. 525, September, 1945, p. 424.

2. One cusec equals one cubic foot of water flowing past a given point in one second.

3. British NID, Handbook, Persia, op. cit., p. 116.

4. Ibid.; Report on Program for the Development of Iran, prepared by International Engineering Company, Inc., for Morrison-Knudsen International Company, Inc., section 1.4208, p. 105. Although it is stated in D-493, Tehran, September 18, 1947, SECRET, that the Sistan area normally planted to crops totals about 150,000 hectares (375,000 acres), this information seems to have been gathered from doubtful sources.

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3. Frequent flooding and constant irrigation for several centuries have formed an extremely high ground water table in the area, covered with a highly alkaline soil which allows only small grains to grow and greatly diminished their yield.
4. Little patches of cultivated land are built up to different levels by carrying off alkaline soil to build up the edges of the patch, thus making irrigation extremely difficult.
5. Wind erosion closes irrigation ditches and strips good land of its topsoil due to the fact that the irrigation ditches are denuded of grass by goats and cattle and the surrounding land is stripped of tamarisk and bushes for fuel.

The Morrison-Knudsen Construction Company of New York claims that it could rehabilitate the area for the initial outlay of \$2,530,000, with an annual upkeep cost of \$141,200.

Their table of reconstruction cost is given below:¹

Estimated Investment

Topographic Survey	\$ 180,000
Land Purchase and Resale	150,000
Diversion Dam	300,000
Land leveling	750,000
Irrigation Ditches	300,000
Head Gates, etc.	300,000
Drainage Ditches	300,000
Roads	250,000
Total	<u>\$2,530,000</u>

Estimated Annual Costs

Interest. 4% of \$2,530,000	\$ 101,200
Depreciation (50-year life)	
0.66% of \$300,000	2,000
Operation and Maintenance	
Ditches and Canals	
3% of \$300,000	18,000
Roads. 2% of \$250,000	5,000
Administration	15,000
Total	<u>\$ 141,200</u>

Morrison-Knudsen estimates that 30,000 additional acres would be benefitted by this program,² thereby making the cost

1. Report on Program for the Development of Iran, prepared by International Engineering Company, Inc., for Morrison-Knudsen International Company, Inc., section 1.4208, p. 108.

2. This figure, added to the 150,000 acres already cultivated, would make a total acreage of 180,000 acres. Since one cusec of water will irrigate one hundred acres of land for winter crops, the water requirement of the 180,000 acres would be 1800 cusecs.

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of rehabilitation equal \$84.30 per acre and the annual cost \$4.70 per acre for operation, interest, and maintenance. With the increased production, however, the initial and operating costs could be liquidated in a very few years.

b. Girishk Water Requirements. The proposed hydroelectric plant to be located 4.5 miles northeast of Girishk will require 4000 cusecs waterflow from the Helmand River. Of the 4000 cusecs, 1500 cusecs will immediately be returned to the river, and 2500 cusecs will be diverted for the canal. Over half of the 2500 cusecs diverted into the canal will be lost by evaporation. Consequently it is probable that no more than 1000 cusecs would return to the Helmand from the canal, making a total flow of 2500 cusecs below the canal mouth, in addition to whatever is furnished by the Arghandab River which flows into the Helmand below Girishk.¹

In normal years the Helmand has at least 4000 cusecs available at the site of the proposed hydroelectric plant even during low water flow. During high or flood water seasons the flow is normally 60,000 to 70,000 cusecs and has reached 600,000 to 700,000 in abnormal years. However, occasionally, perhaps once every 10 or 15 years, the low-level flow during the dry fall and winter season goes below the 4000 cusec mark, at times going as low as 1500 cusecs. Unfortunately, the years 1946 and 1947 are examples of extremely low-water years. In 1946 the water flow went below 1500 cusecs and in the late summer of 1947 the flow was lower still, furnishing only about 42 cusecs of water to Iranian Sistan and none at all to the Chakhansur area of Afghanistan.²

In view of the desperate drought situation caused not

1. D-114, Kabul, August 8, 1946, SECRET, pp. 5-6.

2. T-196, Kabul, August 19, 1947, SECRET.

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only in Iranian Sistan but also to an even greater extent on the Afghan side of the boundary, and in view also of the impracticality of building a hydroelectric plant and a canal at Girishk without a guaranteed adequate water supply and with the view of assuring the Sistan area of a constant, adequate water flow, the Afghan Government requested the M-K engineers to continue their survey of an up-river site for a storage dam. By October 1946 M-K engineers had located a site which they considered ideal for the purposes of storage. They estimated that a dam 250 feet high on the Helmand northeast of Girishk could store approximately 2,800,000 acre feet of water and would cost between five and six million dollars to construct. A 150-foot dam might be adequate with less capacity and cost.¹ By August, 1947, after further survey, M-K engineers verified the desirability of the location (about 65 miles up the Helmand from Girishk as shown on the map at the end) and Minister Ludin spoke of the dam as backing up the river for 30 miles and having a capacity of 2,600,000 acre feet.² Assuming these figures to be approximately correct the following computations can be derived from them:

Waterflow from Proposed Storage Dam

Dam's capacity	2,600,000 feet
Which equals minimum water available by storage for one year or	113,256,000,000 cubic feet
Which would supply per day	310,290,411 cubic feet
Per hour	12,928,767 cubic feet
Per minute	215,479 cubic feet
Per second	3,591 cubic feet (or cusecs)

This assumes that once the dam is filled it must supply the water flow for an entire year; in reality, the reservoir will be receiving a constant but varying flow of water from the Helmand upstream, even during the driest part of the year.

1. T-169, Kabul, October 8, 1946, SECRET.
2. T-196, Kabul, August 19, 1947, SECRET.

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Furthermore, since it appears that the dam will be located above the Musa Kala River the Helmand will have added to it below the dam the waters of the Musa Kala and the Arghandab. Even in a normal flood season the Helmand would fill the reservoir in one month of flood water flow and in abnormally high water years the reservoir could be filled in a little over two days. Consequently, as Ludin has pointed out, it would be necessary to supplement the up-water storage dam by building flood control works on the lower Helmand.¹

4. American Attempts to Effect a Settlement. The American Embassy in Tehran and the Legation in Kabul tried repeatedly to smooth the way for an amicable Irano-Afghan agreement and to caution whenever possible against the exchange of futile acrimonious notes between the two governments. In mid-July Ambassador Allen in Tehran forwarded to the Iranian Acting Foreign Minister information relative to the International Joint Commissions which attend to the problems of boundary waters between the United States and Canada and the United States and Mexico, and expressed the hope that the information might be of some value in settling the Helmand River problem.² Ambassador Allen reported that both the Iranian and Afghan authorities expressed doubt that any Irano-Afghan joint commission could be given authority comparable to that given the commissions referred to in the Embassy information.

Subsequently, Ambassador Allen sent Mr. Bolster, the Embassy Agricultural Attache, to Sistan for the purpose of examining the situation there at first hand. On his return in early September Bolster reported that the branch of the Helmand River which forms the Irano-Afghan boundary in Sistan was dry and the population was forced to dig wells to meet their minimum

1. T-106, Kabul, August 19, 1947, SECRET.

2. D-467, Tehran, August 11, 1947, CONFIDENTIAL.

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needs. He reported further that the Iranians were convinced that the Afghans were diverting almost all of the Helmand water above Bandar-i-Kamal Khan. They claimed to have proof from an investigation conducted late in August that the Afghans were diverting the water through 25 flowing canals, some of them new. The Sistan population, Bolster noted, was growing restive and threatened to use force.¹

The question of Afghan diversion of the Helmand waters by canals received the attention of M-K engineers who reported late in August that seven Afghan canals below Band-i-Kamal Khan (all constructed before the MacMahon Award) were completely dry as were also all the important canals above Band-i-Kamal Khan.² The Afghan Government and the American Legation soon realized, however, that even this information was useless in the negotiations since M-K was certain to be criticized by the Iranians as being unwilling to prejudice its position in Afghanistan by producing a report unfavorable to that country. Consequently, on September 3, Minister Palmer reported his conviction that the only possible way to settle the problem outside of an arbitration court was by the enactment of a permanent agreement based on the findings of a three-man technical commission whose members were neither Afghan nor Iranian nor affiliates of the Morrison-Knudsen Engineering Company.³ In Tehran Ambassador Allen concurred⁴ and the Department of State noted that such a program might eventually lead to a long-term solution of the problem.⁵

1. T-860, Tehran, September 6, 1947, SECRET.
2. T-204, Kabul, August 29, 1947, SECRET.
3. T-213, Kabul, September 3, 1947, SECRET.
4. T-873, Tehran, September 11, 1947, SECRET.
5. T-182, to Kabul, September 8, 1947, SECRET.

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In view of the increased seriousness of the situation¹ the Department agreed that Bolster and Paddock, accompanied if possible by Iranians and Afghans respectively, should jointly make an on-the-spot investigation of the entire Helmand River question and report their findings to Tehran and Kabul, but that such an investigation should not be construed as replacing the need for a settlement of the long-term difficulties.²

IV. INTERNATIONAL IMPLICATIONS

For several reasons it is highly desirable that the Helmand River dispute between Iran and Afghanistan be settled as quickly as possible. Not only would a continuation of the present critical situation be detrimental to the maintenance of peace and security in the Middle East but a prolonged dispute might easily increase the tension between the several great powers interested in the future of that area.

The USSR is watching this new development in Irano-Afghan relations with interest because it promises to furnish the Soviet Union with a means either of increasing its influence in the area as a possible arbitrator or of weakening Anglo-American influence by efforts to prolong or intensify the dispute. In harmony with its program of guaranteeing its frontiers by the creation of satellite states, the USSR would like to include Iran and Afghanistan in its sphere of influence. To further this ambition the Soviet Union has exploited incidents or situations that create tension or disunity in this area. Currently, the USSR has two possible exceptional opportunities of extending its influence in Iran and Afghanistan; (1) through the tension

1. T-212, Kabul, September 3, 1947, SECRET. The Afghan Foreign Office wired its Minister in Tehran questioning reports that Iran had massed in Sistan 900 infantry, 1000 cavalry, 500 Gendarmerie, and one artillery battalion and planned to transfer a division from Kerman. The Afghan Minister of Foreign Affairs, however, doubted the veracity of the reports.

2. T-182, to Kabul, September 8, 1947, SECRET.

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in Iran aroused by the proposed oil agreement and (2) through • the upheaval in India where a disrupted transportation and economic system may gradually force landlocked Afghanistan to turn to its powerful northern neighbor for vital imports.¹ The Helmand River dispute may present the USSR with a third opportunity.

The United States and Great Britain are keenly aware of this Soviet interest, which may threaten the strong traditional British influence in Afghanistan and adjacent areas. It is an important part of American policy in the Middle East that no state in the area shall have its independence and integrity endangered and that American influence be maintained and strengthened where ever possible. A dispute such as the one between Iran and Afghanistan over the Helmand River threatens this policy. Consequently, the United States is making every effort to effect conciliation on the basis of mutual trust and compromise.

A satisfactory settlement of the Helmand River question could be a model for the solution by legal means of future disputes in the Middle East. If the United States is instrumental in achieving such a settlement American influence in the area will be greatly enhanced. Furthermore, a large American engineering firm has contracted with the Afghan Government to work on a number of construction projects. The same firm has prepared a preliminary survey for economic development for the Iranian Government and may be expected to participate in its execution. Since American prestige in Afghanistan (and potentially in Iran) will depend to a great extent upon the accomplishments of this firm, the United States Government has a natural interest in the

1. One alternative solution of the transportation problem would be the construction of a road from the Iranian port of Chahbar across Iran to Afghanistan. That would, of course, require close Iran-Afghan cooperation.

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progress of the company's work. Currently that part of the company's program in Afghanistan which affects the Helmand River is being hampered by the Irano-Afghan dispute. That provides another incentive to the United States to seek a quick settlement of the question. A reasonable settlement not only opens the way for the completion of the progressive Afghan development plans but also promises increased prosperity in the Helmand valley in Afghanistan and the Helmand basin in Iran.

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Appendix ATHE SISWAN ARBITRATION, 1872

General summary and arbitral opinion by Major-General Goldsmid; dated Tehran, August 19, 1872. Text from Majors St. John, Lovett, and Evan Smith, Eastern Persia: An Account of the Journeys of the Persian Boundary Commission, 1870-71-72 (London, 1876), Appendix B.

Preamble

The Arbitral opinion which I am required to deliver has been formed after perusal of the several histories of Sistan of more general note; after examination of much oral and written evidence; and after a stay of forty-one days within the localities under dispute. Naturally the more immediate argument with which I have to deal is contained in the statement authoritatively given in by the Persian Government (through the Foreign Office, or Mirza Melkam Khan), and Afghan Commissioners. These have been carefully considered together with the documentary evidence with which they are supported.

I now proceed to summarise my views on the whole Sistan question, and to carry out the instructions with which I have been honoured.

Summary

I. Sistan was undoubtedly in ancient times part of Persia, and it appears to have been so especially under the Sefavian Kings: but under Ahmad Shah it formed part of the Durani Empire. Further it had not been recovered to Persia until at a very recent date; and that only partially, and under circumstances the nature of which materially affect the present enquiry.

II. Ancient associations, together with the religion, language, and perhaps habits of the people of Sistan Proper, render the annexation of that tract to Persia by no means a strange or unnatural measure. But Persia has no valid claim to possess it on abstract right, whether the country be taken from Afghanistan, or whether it be simply deprived of independence. The period referred to for former connection is too remote. A century of disconnection cannot fail to be a bar to validity.

III. The possession of the Afghans for the second half-century may have been more nominal than real, and more spasmodic than sustained. It may have been asserted by raids and invasions, or mere temporary tenure: but it has nevertheless a certain number of facts in support; and these are most material in an enquiry of this nature. General principles and theories are always important, but they cannot produce facts: whereas facts have a more practical tendency—for they support and establish general principles and theories. Neither ancient associations nor national sympathy are strong enough to nullify the force of circumstances, and circumstances

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show that Persia has exercised no interference in the internal administration of Sistan from the days of Nadir Shah until a very recent date.

IV. Geographically, Sistan is clearly part of Afghanistan, and the intrusion of Kain into that province is prejudicial to the delineation of a good natural frontier.

It has been commonly considered part of Herat and Lash Juwain; though its dependence on the Helmand for irrigation may cause it to be included by some in the general valley of that river. The Neh Bandan Hills manifestly separate Sistan from Persia. I cannot but believe such would have been found to be the status had an illustrative map accompanied the sixth article of the Paris treaty.

V. But while, in my opinion, Afghanistan has the advantage in claims on the score of an intermediate tenure, superseding that of Nadir Shah or the Safavian Kings, it cannot be denied that from year to year she has been relaxing her hold over Sistan; and this has been evinced in a marked manner since the death of the Wazir Yar Muhammad. It would be absurd to contend that the second half-century of Afghan connection with the province has been a period of continuous possession. That Sistan has now fallen into the hands of the Amir of Kain can only be attributed to the helplessness of its independence and the personal action of its ruler. It was for a time at least out of the hands of Afghanistan. I do not admit that the manner in which Sistan was occupied by Persian troops corresponds with an appeal to arms such as contemplated by Lord Russell's letter quoted--There was no fair fighting at all. Nor can it be admitted that allegiance was obtained by the single means of military movements or open procedure of any kind. On the other hand, I cannot see that the Afghans took any measures to counteract the proceedings of Persia when treating with Ali Khan, Taj Muhammad, or other Sistan chiefs.

VI. As the Sistan of the present day is not the separate principality of the past, and it is essential to a due appreciation of claims, that the parts in possession of either side should be intelligibly defined, I revert to a territorial division which has appeared to me convenient and approximate. By this arrangement the rich tract of country, which, the Hamun on three of its sides and the Helmand on the fourth, cause to resemble an island, is designated 'Sistan Proper,' whereas the district of Chakhansur and lands of the Helmand above the Bank, and Sistan desert, are known as 'Outer Sistan.'

The first may be considered in absolute possession of Persia, and has a comparatively large and mixed population.

The second is either without population or inhabited chiefly by Baluchis, some of whom acknowledge Persian, some Afghan sovereignty. The professions of Kamal Khan and Imam Khan do not to my mind prove a possession to Persia, similar to that of Sistan Proper. Chakhansur on the right bank of the Helmand is under the Afghans. But the fort of Nad Ali on the same bank has been lately taken by the Persians.

VII. I have to consider ancient right and present possession, and report briefly my opinion on both these heads: 1st. That Sistan

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was incorporated in the Persia of ancient days: but the Afghanistan of Ahmad Shah, which also comprised Sistan, had not then come into existence; and it is impossible to set aside the fact that this kingdom did exist, any more than that Ahmad Shah was an independent monarch. 2nd. That the possession of Sistan obtained in recent days by Persia cannot affect the question of right as regards Afghanistan. If admitted at all under the circumstances, it can only be so subject to certain restrictions, and with reference to the particular people brought under control.

Arbitral Opinion

Weighing therefore the merits of the case on either side as gathered from evidence of many kinds, and with especial regard to the great advantages of a clearly defined frontier, I submit an opinion that the tract which I have called 'Sistan Proper' should be hereafter included by a special boundary line within the limits of Persia, to be restored to independence under Persian protection, or governed by duly appointed governors. This opinion is accompanied by an expression of the sincere and earnest hope that the Persian rule will prove beneficial to a people whose nominal state has been from time immemorial one of terror, suspense, and suffering.

But I am thoroughly convinced that, by all rules of justice and equity, if Persia be allowed to hold possession of a country which has fallen to her control under such circumstances as these detailed, her possession should be circumscribed to the limits of her actual possession in Sistan Proper, as far as consistent with geographical and political requirements. She should not possess land on the right bank of the Helmand.

If in a question of ancient right and present possession, a military occupation of six or seven years and the previous action of a local chief be suffered to outweigh rights and associations extending more or less over a whole country, and Arbitration award the most coveted, populous, and richer part of the Sistan province, it is manifestly fair that some compensating benefit should accrue to the losing side.

It appears therefore beyond doubt indispensable that Nad Ali should be evacuated by Persian garrisons, and both banks of the Helmand above the Kohak Band be given up to Afghanistan. And this arrangement becomes doubly just and proper when the character of the inhabitants along the banks of the river is compared with that of the Sistanis of Sekuha, Deshtak, and Sistan Proper.

The main bed of the Helmand therefore below Kohak should be the eastern boundary of Persian Sistan, and the line of frontier from Kohak to the hills south of the Sistan desert should be so drawn as to include within the Afghan limits all cultivation on the banks of the river from the Band upwards.

The Malik Siah Koh on the chain of hills separating the Sistan from the Karman desert, appears a fitting point.

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North of Sistān the southern limit of the Naizar should be the frontier towards Lash Juwain. Persia should not cross the Hamun in that direction. A line drawn from the Naizar to the "Kuh Siah" (black hill) near Bandan, would clearly define her possessions.

It is moreover to be well understood that no works are to be carried out on either side calculated to interfere with the requisite supply of water for irrigation on the banks of the Helmand.

F. J. GOLDSMID, Major-General,
On Special Mission.

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Appendix B.THE MACMAHÓN AWARD OF 1905

The following pertinent excerpts from the text are from D-114, Kabul, August 8, 1946.

"5. The condition under which the present arbitration has been agreed to by the Governments of Persia and Afghanistan is that the award should be in accordance with the terms of Sir Frederick Goldsmid's award.

"6. In framing my award I am, therefore, restricted by the above condition.

"7. Sir Frederick Goldsmid's award on the water question was as follows:—'It is to be clearly understood that no works are to be carried out on either side calculated to interfere with the requisite supply of irrigation on both banks of the Helmand.' Her Majesty's Secretary of State for Foreign Affairs, in his capacity as the final confirming authority of that award further laid down in 1873, after consulting General Goldsmid, that the above clause should not be understood to apply either to existing canals or to old or disused canals that it may be desired to put in proper repair, nor would it interfere with the excavation of new canals, provided that the requisite supply on both banks is not diminished.

"8. The above award is so definite that it is unnecessary to make any attempt to define it further, except on one particular point. This award provides that Persia has a right to a requisite supply of water for irrigation. In order to prevent future misunderstandings, it only remains to define what amount of water fairly represents a requisite supply for Persian requirements.

"9. From the careful and exhaustive measurements, observations, and enquiries made by this Mission in Seistan, the following facts have been clearly established:

"(a) Seistan suffers more from excess than deficiency of water. Far more loss is caused by damage done to land and crops year after year by floods, than is caused by want of water for irrigation.

"(b) In only very few exceptional abnormal years of low river has any question of sufficiency of water arisen in Seistan, and then Afghan Seistan has suffered equally with Persian Seistan. Moreover, questions as to the sufficiency of water only prove serious when the spring crop cultivation is concerned, when the river is at its lowest, i.e., between the autumn and spring equinoxes, yet it has been ascertained that in only 3 out of the past 35 years has there been any serious deficiency of water in Seistan during that season. It is necessary, therefore, first to consider water requirements during the season of spring crops. Any settlement based on the requirements of that season will meet the case of the remainder of the year also.

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Appendix CIRANO-AFGHAN JOINT PROTOCOL CONCERNING DISTRIBUTION OF
HELMAND RIVER WATERS (SIGNED SEPTEMBER 3-5, 1936)

Text from D-114, Kabul, August 8, 1946, Enclosure No. 1.

The representatives of the Royal Afghan Government and of the Imperial Government of Iran, having met in a friendly spirit, have agreed temporarily that any quantity of water from the Helmand River that reaches Band-i-Kamal Khan and between that point and Band-i-Lakhshak will be distributed half and half between the inhabitants of Afghan Chakhansur and Iranian Seistan. Each party is entitled to use its share at any places in its territory. Prior to flood in the Helmand River, in order that no damage be incurred, dams will be constructed as usual. However, at that time also the Afghan subjects are able to use half of the said water at any place it is needed.

This agreement is executed in duplicate and signed by the representatives of both parties. Dated Fifteenth Shahriwar corresponding to twelfth Sumbola, thirteen hundred fifteen.

Representatives of the
Royal Afghan Government

Representatives of the
Imperial Government of
Iran

Mohamed Karim Khan,
Chief of the Mission

Sarkar Sarhang Dokry,
Chief of the Mission

Mohamed Ashraf Khan,
Frontier Commissioner

Mr. Nasiri, representative
of the Ministry of
Foreign Affairs

Mohamed Siddiq Khan,
Director of Foreign Affairs,
of Farah & Chakhansur

Mr. Sheerazi, representative
of the Finance Ministry

Mohamed Kabir Khan,
Engineer

Mr. Halati, representative
of the General Directorate
of Agriculture

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"(c) After carefully calculating the normal volume of the Helmand river during the period between the autumn equinox and the spring equinox it has been clearly ascertained that one-third of the water which now reaches Seistan at Bandar-i-Kamal Khan would amply suffice for the proper irrigation of all existing cultivation in Persian Seistan, and also allow of a large future extension of that cultivation. This would leave a requisite supply for all Afghan requirements."

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Appendix DTEMPORARY AGREEMENT BASED ON PROTOCOL OF 1936.
(SIGNED OCTOBER 5-7, 1937)

In accordance with instructions from their Governments, the Representatives of the Imperial Government of Iran and of the Royal Afghan Government having met on 11/7/1316 (11th Mizan 1316) at Pand-i-Kohak and after measuring the quantity of water for canals of both countries and measuring the water falling into Band-i-Kamal Khan, it was decided that half of the water from Band-i-Kamal Khan be left to Lakhshak according to the protocol dated 15/6/1315 (15th Shahriwar 1315) corresponding to 12th Sumbola, 1315. The protocol was agreed to by the representatives of the Royal Afghan Government and of the Imperial Government of Iran on 15/7/1316 (15th Mehr 1316) corresponding to 13th Mizan 1316, at Chakhansur and copies were exchanged between them.

Representatives of the
Imperial Government of Iran

Representatives of the Royal
Afghan Government

Mr. Hasan Dibaian, Chief
of Agriculture Department
and Public Domain of Seistan.

Mohamed Ashraf Khan,
Assistant to Oriental
Bureau, Ministry of
Foreign Affairs

Mr. Manuchir Khalmani,
Engineer and Chief of
Construction of Seistan.

Mohamed Kabir Khan,
Engineer, Director of
Eastern Road of Afghanistan

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Appendix E

DRAFT AGREEMENT BETWEEN THE ROYAL AFGHAN GOVERNMENT
AND THE IMPERIAL GOVERNMENT OF IRAN CONCERNING
DISTRIBUTION OF WATER OF THE HELMAND RIVER,
(SIGNED DECEMBER 29, 1938)

Section 1

The Governments of Afghanistan and Iran agree that any quantity of water reaching Band-i-Kamal Khan from the Helmand River every year may be distributed equally between Afghanistan and Iran after Band-i-Kamal Khan.

Section 2

In order that from the village of Char Burjak to Band-i-Kamal Khan no water may be used in excess of the quantity of water now consumed, the Afghan Government agrees not to dig or construct any canal in addition to canals now running within the above distance.

Section 3

The authorized officials and water distributors of both sides will determine jointly each year the quantity of water reaching Band-i-Kamal Khan in the autumn season, and will fix the quantity of water to be taken by each party by canals from Band-i-Kamal Khan to Sikh Sar to be counted equally in the shares of both sides. The method of distribution, the names of canals and the quantity of water of canals of both sides will be communicated to each other after determination. In case hereafter any change is deemed essential in the above methods of distribution of water, they will inform each other if they want more water at one place and instead less at another place.

Section 4

Necessary apparatus and instruments for the determination of the quantity of river and canal water of both sides will be furnished equally by the technical staffs of Afghanistan and Iran at the Governments' expense and will be installed at appropriate places after Band-i-Kamal Khan and will also regulate the watercourse of the River from Band-i-Kohak to Sikh Sar if necessary.

Section 5

In order that the distribution of water of the Helmand River from Band-i-Kamal Khan may be accomplished on an equitable basis, which is the object of this agreement, the technical staffs of both parties will build permanent watersheds at appropriate places in their territories. The expenses for erection of these watersheds will be born by the contracting parties after agreeing together in the proportion of water to be used by them.

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Section 6

Dams from tamarisk wood will be built as before until permanent dams and dikes are constructed. If tamarisk wood is needed for construction of dams by one of the parties, the other party will supply the wood against payment.

Section 7

As the mouths of canals which come out directly from the Helmand River and Band-i-Kamal Khan and run into the territories of both parties are made of mud, and in order that no damage be sustained by either party, the contracting parties agree to construct the mouths of bricks and lime at their own expense within four years of the signing of this contract.

Section 8

The contracting parties agree that no action will be decided upon and taken from Band-i-Kamal Khan to Deh Dost Mohamed Khan and Sikh Sar which may reduce the share of water of, or cause damage to, either party.

Section 9

The Governments of Afghanistan and Iran reciprocally agree that the technicians and water distributors serving as staffs for the operation of this contract and similarly laborers and workmen for construction of dams, cleaning and regulating dams and canals between Band-i-Kohak and Sakh-i-Sar, are allowed to enter the territory of each other with necessary permits without weapons provided they are authorized to work in the opposite territory in accordance with this Agreement.

Note: Materials, apparatus and articles which are required for carrying out this contract or living necessities which they take with them across the frontier will be exempt from customs duty.

Section 10

In case the Helmand River shifts to a new bed from Band-i-Kamal Khan, the application of Section 1 to any other place which may serve instead of Band-i-Kamal Khan in the present Chakhansur District will be settled by the contracting parties and watersheds will be determined. If below Band-i-Kamal Khan it should shift to a new bed, or if the present bed becomes so deep that it cannot irrigate Seistan lands, the contracting parties agree in this case to supply water for Seistan lands under separate terms and conditions from the share of water specified in Section 1.

Section 11

Any kind of differences which occur in the execution of the provisions of this Agreement which cannot be settled by the water

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distributors or the officials in charge, or which may be beyond their authority, will be settled by the Afghan Governor and Revenue Officer of Chakhansur and the Iranian Governor and Revenue Officer of Seistan or their representatives. Their unanimous vote will be final and decisive. If the dispute is not settled within two months from the date it originated, it will be settled definitely at an early date by the Central Governments of the Contracting Parties.

Section 12

Each of the contracting parties agrees that if nationals of either interfere with the method prescribed in this Agreement for the use of water of the Helmand River from Bend-i-Kamal Khan, or violate the provisions of the Agreement, they shall be prosecuted at once in its territory and the culprits shall be legally punished.

Section 13

Within two months from the date of the signing of the Agreement each of the Contracting Parties will inform its frontier officials and inhabitants living along the river about the arrangement for utilizing water and as to its share from Band-i-Kamal water.

Section 14

Each of the Contracting Parties immediately after the signature of this Agreement will nominate an official to supervise the carrying out of the provisions of the Agreement and will inform the other party in writing.

Section 15

This Agreement will be ratified by the competent authorities of the Contracting Parties within three months after its signature and instruments of ratification will be exchanged in Kabul.

Section 16

This Agreement will be valid and effective after exchange of ratifying documents.

Kabul, Eighth of Jadda (Dey) 1317.

Royal Afghan Minister
of Foreign Affairs

Ambassador of the
Imperial Government of Iran

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Appendix FDRAFTS OF ANNEX TO THE 1938 AGREEMENT PREPARED BY THE
IRANIAN AND AFGHAN GOVERNMENTS

Texts from D-114, Kabul, August 8, 1946, Enclosures 3 - 6. The Iranian declaration is dated December 29, 1938. The three Afghan projects were proposed subsequent to the end of World War II.

1. Declaration Proposed by Iran

In view of the sincere friendly and brotherly relations which happily exist between the Royal Afghan Government and the Imperial Government of Iran, on this occasion when the Agreement for the distribution of Helmand River water is being signed by the Plenipotentiaries of the Contracting Parties and in order that there may not remain any anxiety or misunderstanding between the inhabitants of Chakhansur and Seistan and the two Governments, and so that the inhabitants of both sides can with great sincerity and with confidence in their reciprocal friendship cooperate with and trust one another, the Plenipotentiaries have signed the following joint declaration and annexed it to the Agreement for the distribution of Helmand River water of today's date.

1. The Royal Afghan Government hereby declares that it has no object or intention whatsoever to interfere with the supply of water to Seistan and therefore will not allow any action which may result in a reduction of the share of Iran from Band-i-Kamal Khan (as specified in Section I of the Agreement) that would cause damage and loss to the agriculture and irrigation of Seistan.
2. The Imperial Government of Iran hereby declares that its sole object under this Agreement is agriculture and irrigation of Seistan so that farmers may not be in difficulty and distress, and has no idea to find any pretext to interfere in the internal affairs of Afghanistan and always hopes for its progress and advancement.

Kabul, Eighth of Jadda, 1317.

Royal Afghan Minister
of Foreign Affairs

Ambassador of the
Imperial Government of Iran

2. First Afghan Project of Declaration

The Royal Afghan Government declares that it has no idea to interfere with the supply of water to Seistan while preserving its full right to use water of the Helmand River above Band-i-Kamal Khan for development of agriculture and irrigation of the country

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as stipulated in Section 1 of the Agreement. No steps will be taken below Band-i-Kamal Khan which may result in reduction of the share of Iran and consequent damage to the agriculture and irrigation of Seistan.

The Imperial Government of Iran declares that it does not consider in any case the use of water of the Helmand River above Band-i-Kamal Khan for agriculture and irrigation of lands of Afghanistan to constitute interference with the supply of water to Seistan.

3. Second Afghan Project of Declaration

The Royal Afghan Government declares that it has no idea to interfere with the supply of water to Seistan while preserving its full right to use water of the Helmand River above Band-i-Kamal Khan for development of agriculture and irrigation of the country as specified and stipulated in Section 1 of the Agreement. No steps will be taken below Band-i-Kamal Khan which may result in reduction of the share of Iran and consequent damage to the agriculture and irrigation of Seistan.

The Imperial Government of Iran declares that its object under this Agreement is agriculture and irrigation of Seistan from the specified share of water for Iran from Band-i-Kamal Khan as specified in Section 1 of the Agreement so that farmers may not be in difficulty and distress on this account. It further declares that it does not consider in any case the use of water of the Helmand River above Band-i-Kamal Khan for the improvement of agriculture and betterment of irrigation of territory of Afghanistan as constituting interference with the supply of water to Seistan.

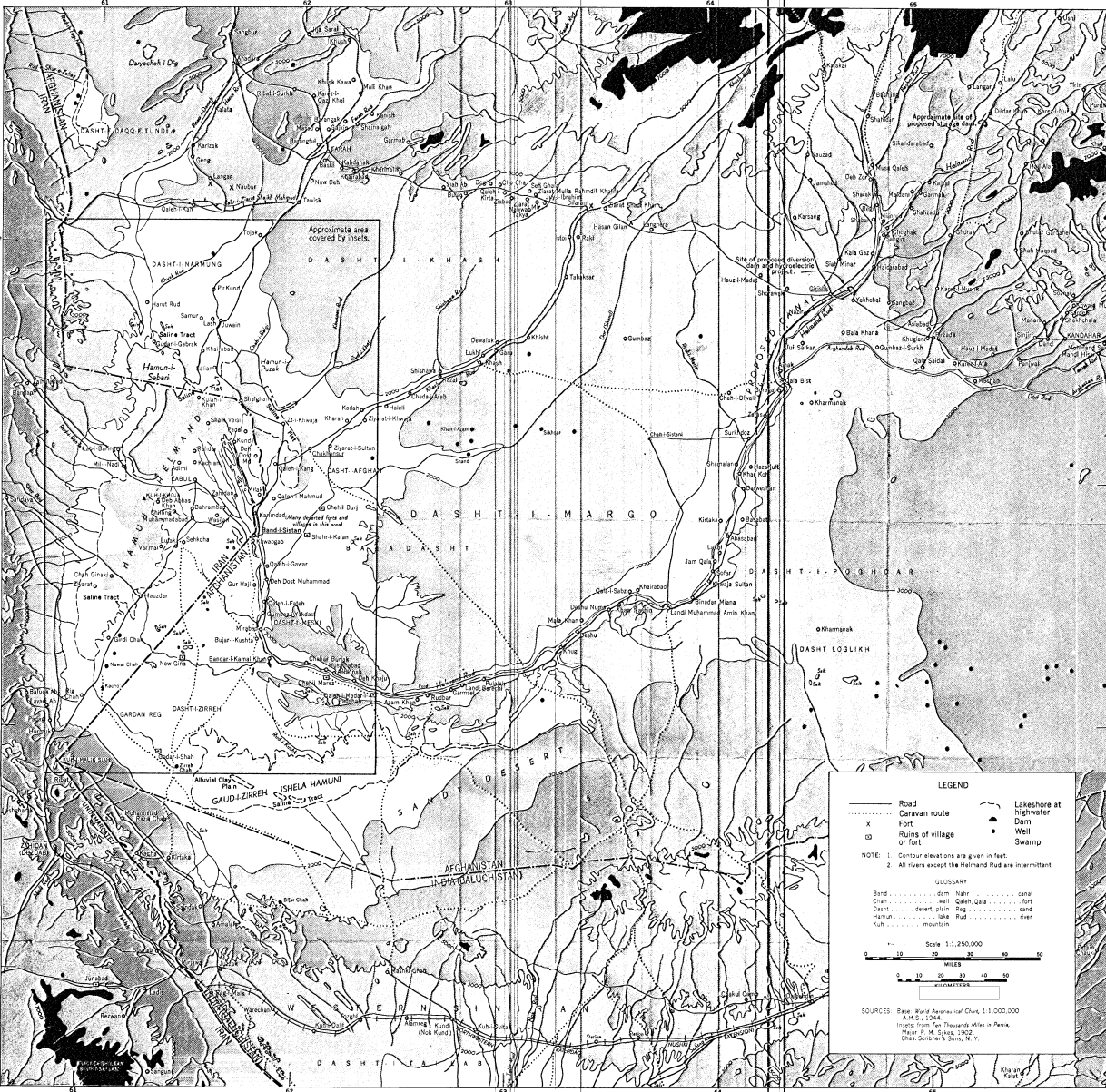
4. Third Afghan Project of Declaration

If the Imperial Government of Iran on the approval of the Majlis Shora Meli is insistent on the non-amendment of the former declaration and desires its renewal, it is alternatively proposed that by letter the Ambassador of the Imperial Government in Kabul or the Minister of Foreign Affairs of the Imperial Government will officially interpret and comment on the former declaration as follows:

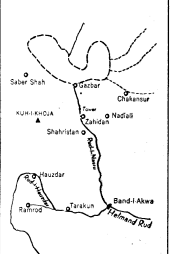
I assure you that the use of water of the Helmand River above Band-i-Kamal Khan for development of agriculture and irrigation of Afghanistan will not at all be considered in the opinion of the Imperial Government of Iran an interference with the supply of water to Seistan.

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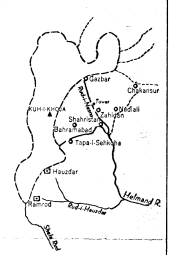
IRAN-AFGHANISTAN: HELMAND RIVER BASIN



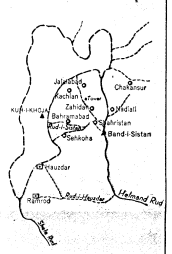
THE HELMAND DELTA—1362



THE HELMAND DELTA—after 1383



THE HELMAND DELTA—c. 1840



THE HELMAND DELTA—c. 1895

