

## TRANSBOUNDARY WATER POLICY OF AFGHANISTAN

*Draft*

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### **Background**

The Ministry of Energy and Water sent a letter to the president office on 25th July 2006 regarding discussion ...

### **Section I. The importance of a transboundary water policy and agreements with neighboring countries**

Afghanistan is short in an adequate water supply infrastructure and faces many challenges in supplying adequate, reliable and on time water for human consumption, for agriculture and other productive sectors of importance for economic and social development of the country.

Three major rivers and numerous smaller rivers, seasonal stream and washes originate in Afghanistan and flow into the downstream nations of Central Asia, and to Pakistan and Iran, the latter two receiving water from the Kabul, the Helmand and the Harirud River respectively. In the North, the Amu Darya River originates from Zar Kul Lake in Afghanistan and flows to the downstream nations of **Tajikistan**?, Uzbekistan and Turkmenistan. The Kokcha, Kunduz, Panj and other Afghan rivers contribute significantly to the Amu Darya.

Afghanistan and its neighbors also share groundwater resources across borders. Extraction of groundwater on one side of the border may impact supplies and groundwater levels on the other side, with groundwater depletion leading to increased desertification and drying of marshy lands, natural ponds, springs and *Karezes*.

Afghanistan's neighboring nations, without consultation with Afghanistan as source of water resources in the up stream, have been increasing their consumption of water from transboundary waters during the three decades of occupation, civil unrest and post-conflict reconstruction. During this period, Afghanistan has not been able to implement projects already studied and in preparation, or defend its interests in the ongoing process of water resources sharing and further more those infrastructures built before, were damaged or have lost their capacity and capability.

Afghanistan lacks adequate dams, reservoirs, and other facilities to adequately control and manage flows, resulting in unregulated flow in the rivers, frequent floods, stream bank erosion, and insufficient and unreliable flow during portions of the year.

Except for the Helmand River, Afghanistan has no agreements with neighboring nations on transboundary waters.

Neighboring nations, by getting advantage of the unrest, hostile and unstable situation and lack of legal government in the country, have not sought agreements nor permission neither compensated Afghanistan for the extra water (historical use) diverted from these rivers and up to now have not helped finance the dams, reservoirs, and control structures needed to properly manage the quality and quantity of water and protect river banks, agricultural land, and the environment.

Water demand in Afghanistan is expected to increase to the pre war level and to significantly increase as a function of the ongoing economic development process. The execution of multi-purpose water development projects initiated and some of their construction started decades ago but abandoned because of occupation, war and civil unrest now being restudied and funded by international donors will impact flows into neighboring nations.

International memoranda of understanding and agreements could therefore be needed with neighboring nations in order to:

- protect Afghan water rights
- ensure proper management of limited water resources
- better manage reoccurring floods and drought
- reduce risk of pollution and protect the environment
- establish fair and sustainable allocation of water between nations
- encourage regional cooperation and exchange of information
- possibly benefit sharing of rivers
- prevent possible conflicts over water
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International agreements will:

- improve the common understanding between Afghanistan and its neighbors
- clarify the responsibilities of each side
- improve the management of water and promote bilateral and multilateral economic development
- reduce interventions, improve relationships and help solve other political issues
- encourage and increase investments in water resources by international donors, financial institutions and neighboring countries,
- ensure proper utilization, development, conservation, management and protection of Afghanistan transboundary waters, and promote the optimal and sustainable utilization for present and future generations

## Section II. General Principles

Afghanistan will use the transboundary water policy to guide negotiations with other single or multi nations in the form of memoranda of understanding, cooperative agreements and treaties.

Such agreements will adhere to the following principles:

- ensuring that sufficient quantity and quality of water will continue to be available for the people of Afghanistan, its social and economic development, and the protection of its environment
- providing guidance for a reasonable allocation and utilization of water resources, while, in particular, considering the special situation and needs of Afghanistan as a developing country inhibited in its natural development by years of war, civil strife and tumor, and foreign forces working against the interests of the country
- defending Afghanistan's justified interests while respecting as far as possible the historic water use by neighboring nations
- preventing harm to the people of Afghanistan and neighboring nations, and, in particular, providing adequate water supplies for vital human needs

Afghanistan will respect international law and conventions on transboundary water and use them to guide the establishment of agreements and treaties with neighboring nations to the extent that the health and well being of the Afghan people is protected.

This implies the consideration of:

- the social and economic needs of Afghanistan concerning transboundary waters
- the dependence of its population on transboundary waters
- the need for water conservation, protection, and sustainable development
- the economic and efficient use of water resources and cost sharing of measures undertaken to that effect
- the development of alternative water supplies based on the principles of cost recovery and sharing in proportion of the benefits received
- the protection and enhancement of natural ecological resources

Afghanistan will also seek:

- the regular exchange of data and information on hydrology, meteorology, the environment, water quality, flow monitoring and projections and other factors
- the protection, preservation and management of ecosystems
- the regulation of flow and withdrawals from surface and ground water resources
- sharing of the costs of dams, reservoirs, and control structures and other facilities needed to preserve and manage transboundary waters
- payment for past, present and future use of extra water than the historic use out of right of Afghanistan,

Afghanistan will seek the formation of technical working groups with neighboring nations to improve cooperation and collaboration on water resource management and development. And possibly conduction of joint studies and running joint hydromet stations????

### **Section III. Establishment of a basis for transboundary water agreements and treaties**

Afghanistan in cooperation with peace loving countries, international donors and neighboring nations will institute a program to establish the information needed and the basis for agreements on transboundary water and provide details of annual run-off in Afghanistan, the estimated amount currently being utilized and the amount the country could reasonably expect to use.

Specific programs that will be implemented and information that will be established and collected includes:

- data, monitoring, and flow projections/modeling of transboundary waters
- current and historic water consumption within Afghanistan (agricultural, municipal, industrial)
- projections of water demand within Afghanistan to meet future needs and economic development
- historic consumption of downstream nations by river

### **Section IV. Responsibilities**

International water allocation and sharing agreements and treaties will be signed by the President and approved by the Parliament.

The Ministry of Foreign Affairs and the First Vice President are responsible for negotiating water sharing and allocation agreements and treaties. They will seek the advice of the Supreme Council for Water Affairs' Management SCWAM on such agreements and work with individual Ministries as appropriate in their development.

A National Water Secretariat will be established under the Supreme Council for Water Affairs' Management SCWAM and will work under the direction of the First Vice President. Among its responsibilities, the Secretariat will coordinate with the Ministries on development and review of data and information used to establish international water agreements and treaties, as well as in memoranda of cooperation executed by individual Ministries with counterparts in neighboring nations.

Individual Ministries are encouraged to establish working groups, memoranda of cooperation, and collaborative efforts with their counterparts in neighboring nations in the water technical areas within their responsibilities as defined in the National Water Plan of Afghanistan. Such memoranda and agreements will be reviewed by the Supreme

Council for Water Affairs' Management SCWAM and supported by the National Water Secretariat in order to better coordinate such efforts within the Afghan government.

If necessary, Afghanistan will seek impartial third party advice in resolving disputes over water allocation and management policies and agreements with neighboring nations. The National Water Secretariat will provide technical support for such third parties.