

Good Governance and the Issue of Hirmand River Water Rights

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Abstract

The dispute over river water has always been a challenging issue worldwide and has occasionally resulted in litigation between states. At the same time, the concept of good governance has emerged, referring to principles such as transparency, participation, rule of law, and justice, which can potentially transform the long-standing disputes over the Hirmand River's water rights into opportunities for cooperation. This study seeks to analyze the discourse of good governance and the issue of Hirmand River water rights. Findings indicate that resolving disputes over the Hirmand River's water rights within the framework of good governance faces multiple challenges, some of which are rooted in historical, political, and structural issues. Such challenges include: lack of mutual trust between Iran and Afghanistan, weakness of joint monitoring institutions, climate change and reduction of water resources, political instability in Afghanistan, geopolitical interests of regional and transregional powers, limited participation of local communities, and finally, the outdated provisions of the 1973 treaty and their incompatibility with current conditions (such as demographic, environmental, and technological changes). Strengthening the rule of law through the revision and strict implementation of the 1973 treaty, along with the establishment of joint monitoring institutions, constitutes another step toward resolving this crisis. Meanwhile, institutional accountability to citizens and the international community, through supervision by organizations such as the United Nations, ensures the proper implementation of agreements. Although challenges such as political tensions and climate change remain, indirect diplomacy and investment in climate-adaptive projects can mitigate these obstacles. Ultimately, good governance, by transforming competition over water into cooperation, provides a model for the sustainable management of other shared border resources.

Keywords: Good governance, Hirmand River, Iran and Afghanistan, international system

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1. Introduction

Good governance is one of the concepts that, over the past few decades, has attracted the attention of governments and international communities (Daliri, 2024). Based on principles such as transparency, accountability, participation, rule of law, and justice, it can manage crises between states by establishing cooperative mechanisms. This framework, through the sharing

of accurate data (such as hydrological information in water disputes), the participation of local and international stakeholders, and the drafting of legal agreements based on international rules, contributes to reducing mistrust and ensuring the equitable distribution of resources (Rohmad et al., 2016). However, the success of this approach depends on factors such as the political will of states, the support of neutral institutions (such as the International Court of Justice), and the adaptation of solutions to modern challenges (such as climate change) (Intergovernmental Panel on Climate, 2021). Ultimately, good governance, by transforming competition into cooperation, not only resolves current crises but also lays the groundwork for sustainable peace and the prevention of future conflicts. Accordingly, the main objective of this research is to examine the role of good governance in resolving the water dispute between Iran and Afghanistan over the Helmand River.

2. Research Method

This study is applied in terms of its objective since its results can be utilized by Iran's legal and diplomatic institutions. In terms of data collection and analysis, it is descriptive–analytical in nature. The data collection method is documentary, relying on scientific sources such as books, articles, dissertations, and credible domestic and international reports, with the latest content related to the subject of the study being analyzed. Note-taking and card-indexing methods are used for the collection and recording of information. For the analysis of data, the study adopts an analytical–argumentative approach. Accordingly, the researcher, by studying theoretical foundations and related theories, seeks to challenge the existing problem through rational reasoning and to propose solutions to address it while answering pre-formulated questions.

3. Theoretical Foundations

3.1. Definition of Good Governance

Good governance refers to methods of public administration in which transparency, accountability, citizen participation, and the rule of law, as fundamental principles, guarantee social justice and sustainable development. This concept goes beyond government and includes constructive interaction among the three sectors of government, the private sector, and civil society to achieve shared objectives (Grindle, 2004). Good governance not only improves the quality of public services but also reduces corruption, increases public trust, and enables the efficient management of resources.

3.2. History of Good Governance

The concept of good governance has roots in the intellectual and practical transformations of various historical periods. In ancient times, thinkers such as Kautilya in India, with his famous work *Arthashastra*, emphasized just administration and combating corruption, while in Islamic civilization, scholars such as Nizam al-Mulk Tusi and Ibn Khaldun laid the foundations of concepts such as “justice” and “the responsibility of rulers.” In the European Enlightenment era, philosophers such as John Locke and Montesquieu strengthened the theoretical basis of modern governance by introducing ideas such as the separation of powers and citizens' rights (Fuller, 1994).

However, the formal emergence of the term “good governance” dates back to the 1980s when the World Bank, in its 1989 report titled *The Governance Crisis in Africa*, identified government inefficiency as the main reason for the failure of development programs and stressed the need for transparency, accountability, and participation in public management (Smith, 2007). In the 1990s, the United Nations Development Programme (UNDP), by defining good governance as “the management of public resources for achieving sustainable human development,” transformed the concept into one of the main pillars of the development discourse (Grindle, 2004). This international institution emphasized elements such as the rule of law, transparency, and social justice as the foundations of sound governance. At the same time, civil society organizations such as Transparency International, by publishing the Corruption Perception Index, highlighted the relationship between administrative corruption and weak governance (Giordano, 2003).

In the 21st century, good governance expanded into new domains such as the environment and technology. For example, the 2015 Paris Agreement emphasized the necessity of environmental governance to address climate change

(Intergovernmental Panel on Climate, 2021), while digital governance, centered on data transparency and citizen participation, has become one of the major challenges of the contemporary era.

Today, good governance is recognized not only as a theory but also as a practical tool for resolving crises such as border disputes, water scarcity, and social inequalities. Nevertheless, critics argue that its measurement indicators are often based on Western values and may not align with the local realities of developing countries (Grindle, 2004). Despite these challenges, the experience of countries such as Norway and Singapore demonstrates that integrating good governance principles with specific cultural contexts can result in successful models for sustainable development.

3.3. Principles of Good Governance

Good governance is founded upon a set of key principles whose ultimate goal is to secure public interests and guarantee sustainable development.

- **First Principle:** The first principle is the active participation of citizens in decision-making processes, in such a way that all social groups, especially marginalized populations and minorities, have the opportunity to express their views. This participation is achieved through mechanisms such as free elections, civil institutions, and public consultations (Grindle, 2004).
- **Second Principle:** The second principle is transparency, which requires citizens' access to information related to policies, budgets, and the performance of government institutions. Transparency not only increases public trust but also prevents corruption and abuse of power (Smith, 2007).
- **Third Principle:** The third principle is accountability of governmental institutions, whereby officials are obliged to answer to the people and oversight bodies for their decisions and actions. This accountability may be ensured through parliamentary supervision, independent media, or judicial authorities (Giordano, 2003).
- **Fourth Principle:** The fourth principle is the rule of law, which emphasizes the fair and impartial implementation of laws for all citizens. In this framework, no person or institution should act above the law, and the judiciary must preserve its independence from political pressures (Mousavi, 2009).
- **Fifth Principle:** The fifth principle is justice and fairness in the distribution of resources and opportunities, aiming to reduce social inequalities and protect vulnerable groups (Burchi, 2014).
- **Sixth Principle:** The sixth principle is effectiveness and efficiency in resource management, meaning the optimal use of financial, human, and natural resources to achieve the best outcomes with minimal waste (Daliri, 2024).
- **Seventh Principle:** Finally, environmental responsibility as the seventh principle emphasizes the need to preserve ecological balance and prevent the degradation of natural resources in the process of development (Intergovernmental Panel on Climate, 2021). Collectively, these principles provide a comprehensive framework for transparent, just, and accountable governance.

3.4. The Difference Between Governance and Rulership

The terms "governance" and "rulership" both refer to processes of managing and administering society, but conceptually and practically, they contain subtle differences.

- **Governance:** Governance refers to systems, processes, and institutions through which power is exercised, collective decisions are made, and public resources are managed. This concept emphasizes the participation of governmental institutions, the private sector, and civil society in the administration of public affairs, and it is widely used in development and political science literature. Good governance is a subset of this concept and focuses on principles such as transparency, accountability, and the rule of law (Grindle, 2004).
- **Rulership:** Rulership, however, refers more to the exercise of power and sovereignty by an individual or a single institution (such as a state, monarch, or party), and its connotation leans toward control and dominance. This term is often used in classical political or philosophical texts to describe traditional methods of exercising power. For example,

in the theories of Machiavelli or Hobbes, rulership means maintaining order and security through concentrated authority (Fuller, 1994).

Therefore, the difference between the two concepts in terms of nature, objective, and sources of power can be explained as follows:

- **Nature:**
 - Governance is a multi-stakeholder and interactive process involving the cooperation of various institutions.
 - Rulership is limited to the unilateral exercise of power by rulers.
- **Objective:**
 - Governance seeks sustainable development and collective welfare through participation and transparency.
 - Rulership may focus solely on the preservation of power or political stability.
- **Sources of Power:**
 - In governance, power is exercised through laws, institutions, and public legitimacy.
 - In rulership, power may rest on coercion or traditional authority (such as monarchy).

3.5. *Dimensions of Good Governance*

- **Participation:** The active participation of citizens and civil institutions in decision-making processes is one of the pillars of good governance. For instance, holding free elections and consulting with local communities in development projects are examples of this principle (Grindle, 2004).
- **Rule of Law:** The rule of law means the fair implementation of laws for all citizens, and its violation leads to corruption and injustice (Mousavi, 2009).
- **Transparency:** Transparency is realized through the publication of public data, such as government budgets (Smith, 2007).
- **Accountability:** Accountability of government institutions for their performance is possible through independent oversight mechanisms (Giordano, 2003).
- **Consensus Orientation:** This dimension emphasizes resolving disputes through collective dialogue (Wolf, 1998).
- **Justice and Fairness:** The fair distribution of resources, especially for disadvantaged groups, is one of the key objectives of good governance (Burchi, 2014).
- **Effectiveness and Efficiency:** The optimal use of resources requires performance evaluation systems (Daliri, 2024).
- **Environmental Responsibility:** Integrating sustainability principles into policymaking is necessary to prevent environmental degradation (Intergovernmental Panel on Climate, 2021).

4. **Models of Good Governance**

4.1. *UNDP Model*

The United Nations Development Programme, in its 1997 report, defined good governance based on eight key components: participation, rule of law, transparency, accountability, consensus orientation, justice and fairness, effectiveness and efficiency, and environmental responsibility. This model emphasizes the human dimension of development and presents good governance as a tool for reducing poverty and inequality. According to UNDP, desirable governance is only realized when all stakeholders, including government, the private sector, and civil society, actively participate in the decision-making process (Grindle, 2004).

4.2. *World Bank Model*

The World Bank, in its “Worldwide Governance Indicators” project, introduced six key indicators for assessing the quality of governance in states:

- • Voice and accountability

- • Political stability and absence of violence
- • Government effectiveness
- • Regulatory quality
- • Rule of law

4.3. *Control of corruption*

This model is based on statistical data and international surveys, enabling countries to compare their performance with others. With a focus on anti-corruption measures and institutional efficiency, the World Bank views good governance as a prerequisite for sustainable economic growth (Smith, 2007).

4.4. *OECD Model*

The Organisation for Economic Co-operation and Development (OECD), in its “Principles of Good Governance,” emphasizes twelve principles, including transparency, accountability, rule of law, and justice. This model particularly highlights the role of governance in improving public services, financial management, and administrative reforms. It also stresses the importance of “multi-level governance,” in which different levels of government (local, national, and international) cooperate to address complex challenges (Wolf, 1998).

4.5. *Transparency International Model*

Transparency International, focusing on the fight against corruption, presents a model of good governance based on three pillars:

- Prevention of corruption through strengthened laws and independent oversight.
- Financial transparency and disclosure of government revenues and expenditures.
- Participation of civil society in monitoring institutional performance.

This model, through its annual publication of the “Corruption Perception Index,” ranks countries based on levels of administrative corruption, demonstrating that corruption is a key obstacle to achieving good governance (Giordano, 2003).

4.6. *Ecological Governance Model*

This model, proposed by environmental scholars, emphasizes the integration of sustainability principles into governance. According to this model, good governance must ensure a balance between economic development, social justice, and environmental preservation (Intergovernmental Panel on Climate, 2021).

5. **Discussion and Conclusion**

Resolving disputes over the Hirmand River water rights within the framework of good governance faces numerous challenges, some of which are rooted in historical, political, and structural issues. The first challenge is the lack of mutual trust between Iran and Afghanistan. Decades of disputes over the implementation of the 1973 treaty and Afghanistan’s unilateral actions in constructing upstream dams (such as the Kamal Khan Dam) have generated deep mistrust. Good governance requires transparency and cooperation, but the absence of trust makes constructive participation difficult (Akbari et al., 2020; Aman, 2016).

The second challenge is the weakness of joint monitoring institutions. The absence of a neutral and powerful body to oversee water allocation and resolve technical disputes complicates the implementation of agreements. Even when agreements are signed, the lack of strong executive and legal mechanisms increases the likelihood of violations (Mousazadeh & Abbaszadeh, 2016).

Climate change and the reduction of water resources also constitute a key challenge. Recurrent droughts and declining rainfall in the Hirmand Basin have significantly reduced the amount of water available for allocation. This problem intensifies

disputes, as both countries face growing pressure to meet the needs of their expanding populations (Ettehad, 2010; Intergovernmental Panel on Climate, 2021).

Another challenge is political instability in Afghanistan, particularly after the Taliban's takeover in 2021, which has further complicated bilateral cooperation. The absence of a stable central government in Afghanistan limits the possibility of structured and long-term negotiations. Moreover, the geopolitical interests of regional and extra-regional powers may negatively influence the resolution process and turn it into a tool of political leverage (Aman & Slavin, 2013; Nader, 2014).

The limited participation of local communities is also a significant barrier. The residents of Sistan in Iran and Nimruz in Afghanistan—who are most affected by water scarcity—usually have no role in the decision-making process. This gap between policymakers and direct stakeholders makes the implementation of fair solutions more difficult (Asgari, 2023).

Finally, the outdated provisions of the 1973 treaty and their incompatibility with current conditions (such as demographic, environmental, and technological changes) represent a fundamental challenge. This treaty not only requires revision but also must include flexible mechanisms for adapting to climate change (Karamzadeh & Moradian, 2017; Tayebi & Abolghasemi, 2023).

Regarding the Hirmand River, the 1973 treaty between Iran and Afghanistan is recognized as the legal foundation for water allocation (Akbari et al., 2020; Mousazadeh & Abbaszadeh, 2016). However, its incomplete implementation—exacerbated by a lack of transparency and accountability—has intensified disputes (Tayebi & Abolghasemi, 2023). International organizations have repeatedly warned that the drying of the Hamoun wetlands will lead to irreversible environmental and social consequences (Gleick & Heberger, 2011; Intergovernmental Panel on Climate, 2021).

In this context, good governance, by relying on principles such as transparency, participation, rule of law, and justice, can transform the long-standing disputes over the Hirmand River water rights into an opportunity for cooperation. The first step is the transparent sharing of hydrological data between Iran and Afghanistan to clarify the actual flow of the river, water projects (such as the Kamal Khan Dam), and water consumption in both countries. Such transparency, supported by annual reports based on the 1973 treaty, reduces historical mistrust and allows for more accurate monitoring.

At the same time, the participation of local communities in Sistan (Iran) and Nimruz (Afghanistan) in decision-making processes is essential, as farmers and residents of these regions are most directly affected by water scarcity. Civil society organizations and international institutions can also serve as neutral mediators to improve dialogue and propose solutions grounded in justice.

Strengthening the rule of law through the revision and precise enforcement of the 1973 treaty, alongside the establishment of joint monitoring institutions, constitutes another step toward resolving this crisis. Bilateral technical commissions can oversee the equitable distribution of water and resolve technical disputes using scientific data. Furthermore, water distribution must prioritize ecological needs, such as the restoration of the Hamoun wetlands in Iran and the provision of irrigation for agriculture in Nimruz. This approach not only contributes to environmental justice but also obliges the inclusion of ecological compensation for past damages.

Improving water management efficiency through modern irrigation technologies, drought warning systems, and integrated basin planning can prevent resource wastage. At the same time, institutional accountability to citizens and the international community—through oversight by organizations such as the United Nations—ensures that agreements are properly implemented. Although challenges such as political tensions and climate change persist, indirect diplomacy and investment in climate-adaptive projects can mitigate these obstacles. Ultimately, good governance, by transforming competition over water into cooperation, offers a model for the sustainable management of other shared transboundary resources.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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