

# British Legacy and the Western Borders of Iran

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## Abstract

The determining of the Western frontiers of Iran was a process that lasted almost 400 years. It indicates extensive maneuvers of the areas under conflict and interference of big powers, and Britain in particular. The intervention of Russia and the UK in determining the western boundaries of Iran since the mid-19th century resulted in the signing of several agreements regarding the demarcation of the Iran-Ottoman joint borders, which are presently the joint borders of Iran and Iraq, based on the same treaties, with little or no change. This article studies the process of determination of the Iran-Ottoman frontiers – and subsequently with Iraq as Iran's new western neighbor after World War I – since the conclusion of the Erzurum Treaty in 1847 till the signing of the Iran-Iraq Accord of 1975, with respect to the role of the two big powers and the UK in particular.

**Keywords:** Khorramshahr, Arvand Roud, Sulaymaniah, Zahab, Thalweg

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### **Introduction**

Over the centuries, the Iran-Iraq frontiers have undergone extensive changes. Perhaps, no other world countries have seen such a great evolution in their frontiers as Iran and Iraq over the past four centuries. The history of Iran's western frontiers goes back to the start of the 16<sup>th</sup> century with the founding of the powerful Safavid Dynasty in 1502, while further to the west, the Ottoman Turkish Empire after conquering the Byzantine Empire (capture of Constantinople in 1453) had emerged as a major Mediterranean power. The Ottoman Empire, after establishing control over the Balkans and parts of east and central Europe, was considered as a serious threat by Western Europe. European governments decided to divert this threat of the Ottoman war machine toward Safavid Iran in the east so as to ease the pressure on the heart of Europe. Thus, by dispatching ambassadors to the Ottomans and to Safavid Iran, they incited the two powers to engage in a war. As a result, from early 16<sup>th</sup> century to early 19<sup>th</sup> - i.e. for 400 years - over 24 wars were fought between Iran and its western neighbor. The Iran-Ottoman rivalry led to the halt of progress of the Ottoman Empire in Europe. In this regard, George Weston has said: "The Sufi (Safavid) Empire has tethered the Turks and stopped the damages to the Christian World" (Navaei, 1985: 152). In most of the wars, the Ottomans were the aggressors and Iran was the defender. These bloody wars finally weakened both sides, and later enabled the European powers to seize many of the Ottoman territories in North Africa and West Asia, preceded by loss of Ottoman territories in eastern and central



Europe, because of the interference of European powers. Iran also lost many of its territories, as a result of foreign interference, to the extent that its area in the late 19<sup>th</sup> century was reduced to half of its size compared to the Safavid period.

From the early 16<sup>th</sup> century, treaties were signed regarding the determination of borders between Iran and the Ottoman Empire. The number of treaties equals the number of wars between the two powers, indicating that the treaties could not put an end to the conflicts between the two sides that lasted 400 years. Now, one question arises: What were the reasons for continuation of border conflicts between the two sides? Different reasons are cited, including Ottoman expansionism, the bid to control Iraq, religious differences (Ottomans were Sunni and Iranians were Shia), the issue of Kurds and border tribes, geopolitical bottlenecks, and access to the Persian Gulf by the Ottomans and subsequently Iraq. However, the presumption of this article is that the big European powers, especially Britain, have been the most important factor in the shaping of the frontier as well as the land disputes between Iran and its western neighbor. But before probing this matter, some explanations are required regarding theoretical principles.

In his book "Political Geography", Friedrich Ratzel writes that countries are like living entities obeying specific rules. From his point of view, the government is the result of organic evolution and its dependent components could be likened to a tree with its spatial member rooted in soil for whose growth and evolution expansion of territories is necessary (Ezzati, 1992: 8). According to Ratzel, countries are living creatures occupying a space, growing, contrasting, and finally dying, just like a human being who is always struggling for growth and survival. The territorial area of countries determines their power status. Countries try to expand their frontiers so they are always subjected to transformation since the "dynamic frontiers" comprise battlefields of the countries. Frontiers or "dynamic frontiers" are recognized as the division between zones where



expansionism has been stopped for a while (Doetri & Faltzgraf, 2003: 119).

Ratzel's thoughts were followed by Carl Haus Hufer. He was the founder of the Geopolitics Studies Institution in Munich. Strength and weakness of an area and in particular geographical status and situation of its frontiers were studied in the institution. Haus Hufer believed that countries try to achieve frontiers encompassing a zone with dispersed population, namely, a zone out of critical space separating respective country from neighboring countries. He and his followers considered the world as embracing growing and dying countries. They believe that frontiers of the countries are man-made and can be changed.

Boggs divides the borders into 4 classes: physical, territorial-human, geographical-geometric, and complex borders. The physical border is determined based on physical features, such as rivers and mountains. Human-geography border is defined with respect to tribal, religious and ethnic divisions. Geometric border is set up on the basis of longitudes and latitudes, with a straight line drawn in most cases. Complex borders are a combination of all the above cited factors (Boggs, 1940).

According to Jones, determining the border between countries is carried out in three stages: First, "approximate place of border" is agreed upon indicating the basic agreement of governments regarding their territorial claims. Here, lines are virtually drawn on the map, but accurate survey is not done, yet. In the second stage, "determining limits" is done and the borderline is accurately fixed and its legitimacy is formally accepted by the parties involved. The third stage is "demarcation of the border on the ground". Borderline experts mark it on the ground (Jones, 1995: 5).

In general, stabilization of the border between the countries must pass through different stages to reach the level of maturity. A stable border is the one set on the paper by the beneficiary government as per an accord, followed by approval by authorized officials (judicature) of the



two governments and then marked on the ground, to be finally administered and maintained in an effective way. Drysdale and Blake believe that till these steps have not been taken, the border can be a source of friction. They believe that since borders of many countries are drawn by big outside powers, they are mainly considered to be imposed. As a result, as they put it, border conflicts between countries can continue for a long time (Drysdale & Blake, 1985: 85). The idea of Drysdale and Blake is true about Iran and Iraq, because it is an imposed border and big powers (Britain in particular) have interfered with it. Thus, these disputed borders led to several wars and serious confrontations between Iran and the Ottomans, and later Iran and Iraq. Accordingly, the reverse of the well-known example, "good fence makes good neighbor" is true about the Iran-Iraq joint borders.

Prescott divides border conflicts into 4 categories: First is the situation at the border in a particular place. The conflicts might also be because of various interpretations of treaties and accords. Second, the conflict is over territory. These types of conflicts are also called territorial and they happen when two governments have a conflict over a zone or land. The conflict usually emerges as a result of geographical needs such as access to sea and or providing national security. The third are functional conflicts caused by cross-border movement of nomadic tribes. Fourth are the conflicts over natural resources which might extend to both sides of the border. The conflict is caused more by claim over mineral resources especially oil (Prescott, 1965: 34-40). All the four types of conflicts have been true regarding the Iran-Iraq joint borders. Regarding the first one, the conflict between Iran and Iraq can be mentioned about determining the border at Arvand Roud. Regarding the second, conflicts of the two governments about Sulaymaniyah or Khorramshahr and the lands east of Arvand Roud (that is, Khuzestan) can be implied. And the third is the issue of Kurds and other nomadic tribes that led to serious disputes between Iran and Iraq. The fourth issue is also about oil fields (Naft Khaneh and Naft Shahr) on both sides of the border.



## I- Demarcation of Border Based on Erzurum Treaty

The main root of border and territorial disputes between Iran and Iraq goes back to the 2<sup>nd</sup> Erzurum Treaty 1847. On the other hand, the present Iran-Iraq joint border has been determined on the treaty with trivial changes. Yet, the treaty was the cause for the disputes that would later arise between Iran and Iraq, because it was taken as the basis for all future negotiations. For example, the Istanbul Protocol of 1913 and the border determination negotiations of 1914 were based on this treaty, and so was the 1975 accord signed between Iran and Iraq in Algiers. Thus, in view of the role this treaty played in evolution of the Iran-Ottoman joint border and later the Iran-Iraq joint border, it is necessary to review it.

In 1837, Muhammad Shah Qajar besieged Herat. Britain which had supported Iran's jurisdiction over this city, and generally Afghanistan, changed its policy. The shift was caused by the advance of the Russians in Central Asia. Later on, the policy of Britain was to create a buffer zone between its possessions in India and the Russian possessions in Central Asia, and hence supported the separation of Herat and Afghanistan from Iran. Since Muhammad Shah did not agree to withdrawing from Herat, the British incited Ali Reza Pasha – governor of Baghdad – to attack Iran. Henry Elis, ambassador of Britain in Tehran, wrote to Lord Palmerston, Britain's Foreign Secretary: "Tranquility of south and west frontiers of Iran is the cause of freedom and comfort of Shah and the means for reinforcing his majesty so they can go to every side and take action in calmness". Ali Reza Pasha went on to attack Khorramshahr and ruined it. Iran objected and claimed damage.

The ambassador of Britain responded: "First, you prove it that Khorramshahr is Iran's land, then talk about Tarzieh" (*Ayandeh Journal*, 1959: 194). Thus, Britain denied the rights of Iran over Khorramshahr. Iran's government prepared itself for war, but the two governments (Russia and Britain) interfered and proposed



negotiations. The negotiations involved representatives of the two big powers as mediators between the two governments of Iran and Ottoman in Erzurum, and lasted for 4 years. In the negotiations, the British government defended the Ottoman government.

In the Erzurum conference, three zones (Sulaymaniyah, Zahab and Khorramshahr) were negotiated. Regarding Sulaymaniyah, Iran had rights and authority there and enacted direct laws in some cases. Often, Iran used to dismiss the ruler of Sulaymaniyah and assign a new one. Hence, in the second conference, the Ottoman government tried to force Iran to withdraw its rights over Sulaymaniyah. During the conference, Iran's representative accepted to recognize the rights of the Ottomans only over the "Sulaymaniyah Qasabah" rather than over the whole area, but the two powers strongly objected to Iran's idea. It was in no way acceptable for Britain that Sulaymaniyah get separated from the Ottoman Empire.

The Zahab zone was divided between Iran and the Ottoman Empire as per the Qasr-e-Shirin Treaty of 1639. It was generally approved in the Kurdan Treaty of 1746 and also the First Erzurum Treaty of 1823 that the Karand Valley, which was important for Iran in military terms, was a part of Iran's land. The Ottoman government, however, tried to negate Iran's ownership of the valley, but Iran in no way agreed. Britain, knowing that Iran would not agree to withdraw from Karand tried to eliminate the Karand issue from the agenda of negotiations so that its political status would be kept vague and the Ottomans could gain it. Hence, it directed its ambassador in Tehran to ask the Shah and his chancellor that Iran's representative withdraw from the issue, but the Shah and his chancellor objected. The British ambassador has written that: "I could not make it. The Shah and his chancellor believe that there is no valid reason to hand over the Karand Valley to the Ottomans." (Adamiyat, 1969: 90-91).

Regarding Khorramshahr and the eastern bank of Arvand Roud, the British government again strongly supported the Ottoman government. The policy of Britain was to separate Khuzestan from



Iran. During the Erzurum negotiations, it was established on the basis of historical rights that Iran had ownership over Khorramshahr, Abadan and the eastern banks of the Arvand Roud in general, which belonged to Iran from the ancient times. But the Ottoman government claimed that Khorramshahr is a dependency of Basra and totally denied Iran's rights. The basis for the claim of the Ottoman government included political and economic considerations. The Ottoman government considered Arvand Roud as a domestic river and since the river flowed through what it considered part of the Ottoman Empire and was its trade route to the east, it tried to monopolize the river.

Britain supported the Ottoman government. Before the Erzurum conference, Britain had demanded that required plans were provided regarding the handing over of parts of Khuzestan to the Ottoman government. Accordingly, some plans were prepared, including Moon Tigh by British government of India and the Liard Plan by the British Foreign Ministry. Based on the former, parts of Khuzestan including Khorramshahr was to be handed over to the Ottoman government, while the Haffar Channel connecting Karoun River to Arvand Roud (also called Shatt al-Arab) was to be negotiated with the Turks. The latter had it in its plan that: "The Ottoman government's claim over the eastern part of Arvand Roud including Khorramshahr is true. The Iranian government just has a nominal ownership, while ownership by the Ottoman government is recognized and confirmed".

Thus the British policy was based on depriving Iran of its rights over Khorramshahr and in general the eastern shores of the Arvand Roud (in Khuzestan). Accordingly, the representative of the British government supported Ottoman government positions in the Erzurum Conference. Iran representative (Mirza Taqi Khan Amir Kabir) totally denied the claims of the British and Ottoman governments. He provided established, peremptory and strongly valid document issued by Ottoman government a few years ago and



surprised all representatives at the conference. The contents of the document cite the orders of the Ottoman Sultan, Mahmoud II, in Moharram 1254 AH for Ali Reza Pasha, the governor of Baghdad. It is cited in the document that: "We got informed that ...your army has attacked Mohammarah port in Shatt al-Arab, since Mohammarah is among the dependencies of Fars Province ...instantly, give Mohammarah back to the government and present its return document to our ministers...". Thus, by the prudence of Mirza Taqi Khan, the British and Ottoman plans failed.

Finally, subjected to Article 2 of the Erzurum Treaty of 1847, areas under dispute are resolved, as follows: "The Iranian government accepts that lands of west of Zahab belong to the Ottoman government and the Ottoman government accepts that lands east of Zahab and the Karand Valley belong to Iran. In addition, the Iranian government promises to withdraw any claims over Sulaymaniyah city and province, with a promise of non-interference. Thus Ottoman government in turn promises to recognize Mohammarah (Khorramshahr) city and port, al-Khezr Island (Abadan) and port, and generally the lands on the eastern banks of the Arvand Roud as belonging to Iran, with a pledge against interference. Moreover, Iranian ships are permitted to sail in full freedom through Arvand Roud, where the river pours into sea up to the area where borders of the two countries overlap".

However, Britain did not stop and prepared a text known as "summary note" in coordination with Russia claiming that Khorramshahr and its surrounding areas including the eastern bank of the Arvand Roud to be detached from Iran and given to the Ottoman government. The two governments of Russia and Britain imposed the note with great pressure on the Iranian representative who was in Istanbul, to exchange approved documents of the Erzurum Treaty; but – upon getting informed – the Iranian government considered any action by its representative as null and void.



Subject to Article 3 of the Erzurum Treaty of 1847, it was assigned that a joint commission be made up of representatives of Iran, the Ottoman Empire, Russia and Britain, in order to determine the borderline between two countries from Ararat to Khorramshahr. Legal responsibility of the British and Russian representatives was just "masaei jamilah", that is, fair endeavors. Nevertheless, interferences were to such an extent that it was effective factor in the success or failure of commission. Sir Denis Wright – ex-ambassador of Britain in Iran writes: "No report of British activities in Iran in the Qajarid period is complete, unless with a short implication to the role it plays in determining frontiers which today make up the borders with Iran with a little change" (Valdani, 1998: 67-166).

The first border commission meeting of the two countries was formed in January 1850. The Ottoman government's representative with a warship equipped with 6 cannons came to Khorramshahr from Baghdad. In the session, by citation of a brief note, he proposed the borderline so that only Khorramshahr City belonged to Iran while its surrounding lands belonged to the Ottoman government. Loftus who was a geologist and attended the session as the British representative wrote in this regard: "The representative of the Turks argued that only the delegation of Khorramshahr Port to Iran was determined and clarified in the Erzurum Treaty, and not the suburban lands. We agreed with the treaty to delegate the city but we do not give up a span of the area" (Loftus, 1857: 284). The Representative of Iran declared that only the Erzurum Treaty is a valid document and the summary note is legally invalid.

Loftus wrote: "Successive sessions of commission regarding the critical issue are being held. The Ottoman representative still insists and does not agree with any compromise.... On the other hand, Sheikh Jaber flies the Iranian flag on Khorramshahr's roofs. These events led to a halt by the commission in determining the border." (Loftus, 1857: 284). Afterwards, the Ottoman representative left Khorramshahr, but he left behind the warship in Khorramshahr to



show that there is dispute and battle over the city (Amin od-Dowlah, 1979: 79-378).

Nevertheless, following the stoppage of negotiations, ambassadors of Russia and Britain prepared a common note and delivered it to the Iranian and Ottoman governments. Based on the note, it was assigned that the borderline was to be determined by the two big powers. So, during the period of 1850 to 1869, and after necessary reviews, engineers and technicians of the British and Russian governments began to survey. Surveys of the long frontier (from Ararat in Armenia to Khorramshahr in Khuzestan) took 17 years. Finally, they prepared a completed map as in 1869. In the map drawn with a scale of 1:73050 and in 14 pieces, the limits of Iran and the Ottomans were marked from Aqri Dagh to Khorramshahr. Based on the map, an area of 1800 km length from Ararat to Khorramshahr and width of 30 to 60km between the two countries were disputed areas. The two countries agreed upon the status quo, saying that lands located in the east of Arvand Roud belonged to Iran while those on the western side belonged to the Ottoman government. However, no border was marked on the ground, because the British and Russian governments were inclined to keep the stalemate.

## II- Istanbul Protocol

In the early 20<sup>th</sup> century, two new factors affected the border disputes between Iran and the Ottomans. The first was the emergence of the "eastward" policy of Germany and the second was discovery and exploitation of oil. The Germans could penetrate into Iran and the Ottoman territories. They succeeded in gaining from the Ottoman government the contract for building of the Berlin-Istanbul-Baghdad railway line to the Persian Gulf. A greater part of the railway was completed till 1910. The Iranian government also tended to make the balance against the two big powers – Russia and Britain. Germany agreed to cooperate in construction of part of the railway line in the north and also helping Iran to establish a navy in the Persian Gulf,



but the plans faced disagreement of both the Russian and British governments. The discovery of oil in Iran in 1908 also added to the significance of Khuzestan for Britain. For this reason Britain supported Sheikh Khaz'al actions against central government of Iran. With British support, the Sheikh tried to separate Khuzestan from Iran. Britain also considered creation of a government under its own support in Khuzestan in the line with its oil interests.

With an increase in Iran's oil exports through Arvand Roud, navigation of ships also increased. It required actions being taken in Arvand Roud to facilitate the navigation of ships and in particular oil tankers. So, on 29 June 1913, Britain signed a contract with the Ottoman government on the dredging of Arvand Roud, without the knowledge of the Iranians. Based on the contract, it undertook to facilitate movement of ships by fitting flags, installing lights and services related to river police.

On the other hand, with the interference of the British and Russian governments in 1913, an accord was signed between Iran and the Ottomans, known as the Istanbul Protocol. Here, the two big powers also supported the Ottomans, and since the "summary note" faced Iran's objection, this time it was included in the Istanbul Protocol. As per the "summary note", representatives of Britain sometimes claimed that the text of Erzurum Treaty was not available and sometimes claimed that the treaty was a temporary accord.

Arnold Wilson, whom at the time was in charge of separating lands on the eastern banks of Arvand Roud from Iran, noted that the Iranian and the Ottoman governments cited "old and worn-out accords, which in some cases make the main text implausible" (Wilson, 1941: 272). In another note, he wrote: "Law experts inferred from the context of the Erzurum Accord that this treaty was a temporary agreement" (Wilson, 1984: 344). It is not known how it is possible to infer from the context of the treaty, the text of which is not accessible based on their claims, that it was a temporary accord.

Nevertheless, based on the Istanbul Protocol, control over the



whole of Arvand Roud except a small part was delegated to the Ottoman for Khoramshahr. However, according to Arnold Wilson, "The Iran-Ottoman border in the Shatt al-Arab was in accordance with international law based on the Thalweg, for a period of 50 years, and was practically implemented." (Wilson, 1941: 271-2). Also, 700 square miles of oil-rich lands belonging to Iran located north and south of Qasr-e-Shirin were handed over to the Ottoman government. Known as transitional lands, today they are an important part of Iraq's oil exports from the wells of Naft Khaneh and Khaneqin. In this regard, Arnold Wilson writes: "My main and basic task is to form a border commission to determine and approve lands awarded by the British government to the Ottoman (transitional lands) and now we do it" (Wilson, 1941: 281).

Upon signing the Istanbul Protocol and based on Article 2 of its contents, a joint commission was formed involving the representatives of Iran, the Ottoman Empire, Britain and Russia to determine the joint borders of the two countries. Activities of the commission known as "Ratislaw" after the name of the British Commissioner lasted for 9 months. The first session of the commission was held in December 1913 and the last on 27<sup>th</sup> of October 1914.

Ratislaw was Britain's consul in Tabriz. His assistant, Arnold Wilson, spoke Persian and Arabic fluently and was familiar with the area and the local tribes, and as a result his ideas were deemed worthy for commission members. Each group went to the zone alone and the British composed the biggest group. They were 150 members, including physicians, Indian surveyors, a group of 30 Indian lancers and a few Indian servants. From January to October 1914, the commission members traveled from the southern frontier (Faw) to the northern frontier (Ararat Mountains). They passed through river, marshes, arid deserts and high mountains. Determining the frontiers was based on the same geographical map provided in 1869. The map was accepted for determining the frontier at Arvand Roud and some



other areas.

In determining the borders of the of two countries, representatives of the Ottoman government cooperated well and with zeal regarding Arvand Roud and the southern parts since it suited their interests better; but not in northern parts of the long border, which they supposed was of less interest for them. Once, they even refused to attend the sessions of the commission and not only accepted to move out of the areas belonging to Iran, based on the line determined by the Istanbul Protocol (1913), but also occupied the areas belonging to Iran based on the protocol, whether at the time of commission or after the end of it, and as a result they practically considered the protocol to be void and invalid from the very beginning.

The place of fixing the border was determined with new inspections done of the whole area based on the map of 1869 and also another complementary map provided later that replaced the previous one. The maps were signed by members of the commission on 27<sup>th</sup> October 1914 as annexure to the Istanbul Protocol (1913), during the 87 sessions held by the two countries to determine the joint border. In the last session (i.e. 28 October 1914), it was agreed that the joint border of the two countries be determined in diameters, but the commission did not succeed in finalizing it.

The Russian and British support for the Ottomans was to persuade the Turks to join the triangle in order to enable the two colonial powers to act as a powerful leverage in the commission. So, the commission weighed the ideas of the Ottoman government rather than Iran's; the British had enhanced their support for the Ottomans since the Berlin Congress.

The commission fitted 227 frontier signposts from Khorarmshahr to the Ararat Mountain, where the territories of the Shah, the Sultan and the Czar converged – the last signpost was installed only 24 hours before the outbreak of World War I. But with the start of the First World War, the Ottoman government



dismantled the signposts, attacked Iran and occupied part of the border areas.

The Istanbul Protocol never became peremptory and legal for World War I in 1914 and was not approved by both Iran and the Ottoman governments. The government of Turkey that replaced the Ottoman Empire declared that the Istanbul Protocol cannot be considered as a valid political document because it has not been able to meet the required conditions for its validity.

### III- 1937 Treaty

A century before the advent of Iraq as an independent state, Sir John Malcolm had proposed to Lord Minto: "We can make an independent government of the Baghdad Pashaneshin (governorate) and undertake its territorial protection. Having such a permanent strategic base in Qurnah (a place where the Tigris and the Euphrates join) is very necessary; otherwise, if the Pasha or governor of Baghdad supports our enemies and we lose Iraq, we will have missed the opportunity of destroying the Ottoman Empire by our own negligence. Then, not France but it will be Russia that will end our dominance in India" (Mirza Saleh, 1986: 27). After the collapse of the Ottoman Empire in World War I, the British government made Iraq a new country by merging the provinces of Basra, Baghdad and Mosul, and thus made its old dream come true. Then, based on an accord, it made Iraq its own dependency.

Stephen Hemsley Longrigg, an expert on the Middle East and the history of Iraq, has written about the formation of Iraq and its background: "The land of Iraq or its southern half which is a part of the Persian Gulf, have been the field of exploitation and pivot of interests of Britain for two centuries and thus has evolved into unique status and outstanding security for Britain. Preventing the entrance of military forces and other big powers to the Persian Gulf and banning the activity of slave dealers and pirates, as well as providing sea maps, creating floating guides and light houses were among the valuable



services provided by the British government. Politicians and authorities in London believe that Britain deserves a fair and rightful reward including authority and privilege free from competition in waters of the Persian Gulf and Shatt al-Arab and lands behind its beach and commercial interests and shipping right of seas and strategic path of India, as well" (Longrigg, 1953: 3).

Nevertheless, the government of Iraq after its formation considered itself as the inheritor of the border disputes of the Ottoman era with Iran, and cited the accords signed by the Ottoman government. But the government of Iran believed that treaties signed at that time were no longer legally binding and as a result the border disputes between Iranian and the Iraqi governments continued. Britain intended to make Iraq an independent member of the international community, but before doing this, it had to gain the recognition of the Iraqi government by Iran. It thus promised Iran to favorably settle border disputes, but after recognition, it did not take any action to keep its promises. This led to the worsening of the relationship between Iran and Iraq and frontier encounters between the two countries so that Iraq filed a complaint with the League of Nations. The League recommended that the two countries negotiate over their frontier conflicts.

At the time of the negotiations, Iraq declared that the British government must attend the negotiations for safeguarding its interests in Iraq. The British embassy in Tehran also intervened in the matter and told the Iranian ministry of foreign affairs that the government of Britain regards the conflicts between Iran and Iraq resolvable in the following ways:

- 1) The Abadan port shall be delegated to Iran, as necessary; 2) The British government shall participate in the negotiations and the signing of the accords on joint administration of the Arvand Roud and shall have a representative in the joint commission; and 3) Jurisdiction of the commission shall be limited to ships, with the right to intervene in excavation, dredging, and maintenance of Arvand



Roud on condition that the Iranian government also accommodates a part of Karoun River and the whole Bahmanshir River to the commission.

The Minister of foreign affairs of Iran declared that: "...I wonder why and with what right the government of Britain expects to meddle in affairs only related to Iran and Iraq, and supervises the signing of accord on administering Shatt al-Arab? We have always expected and promised that it can help us in resolving the conflicts and even your ambassador in Baghdad said to representative of Turkey that to facilitate the work they can withdraw from the plea for attending execution of Shatt al-Arab. Now, we see that by insisting on this matter you prevent us from negotiating with Iraq."

Nonetheless, the Iran government agreed with the attendance of the British representative in Arvand Roud administration commission, on condition that he has no vote and signature right. Also, regarding the intervention of the commission in administration of Bahmanshir River and Karoun River, the Iranian government declared that the rivers are of Iran's domestic streams and no way would it permit the commission to interfere with their affairs. Concerning the use of Arvand Roud by Iraq, Iran declared that both parties have the same right in using the river. In addition, over 85% of the ships entering Arvand Roud came for Iranian ports. So, Iran had a definite right in Arvand Roud and was interested in using it.

On the other hand, the Minister of Foreign Affairs of Britain began to examine the borderline in the rivers in order to present convention. In a report dated 12<sup>th</sup> November 1928 by the ministry, it was noted that based on the reviews of all accords regarding navigable rivers that form the borderline between any two countries in Europe, Africa and America, it could be inferred that the Thalweg line has been accepted as the borderline in all accords signed by civilized countries of the world for shared control. So the Ministry of Foreign Affairs of Britain suggested that the borderline of Iran and Iraq be determined by the Thalweg. Accordingly, the Ministry of Foreign



Affairs of Britain accepted the legitimacy of Iran and clearly declared that: "The present border is unusual and odd for historical and juridical reasons, but the important point is that Iran has other exits for access to the sea in both strategic and defensive terms."

However, the idea faced the objection of the marine ministry of Britain. Respective officials preferred that Arvand Roud be under the governance of Iraq because of its connection significance. They argued that if the Iran-Iraq Thalweg frontier is determined at Arvand Roud, it will not be for the government of Britain when Iran is impartial. On the other hand, in case of the acceptance of Thalweg as the frontier, two major problems will arise for Britain at the time of war; first, Britain faces international law for using Arvand Roud, and second, if Iran is impartial at the time of war, this will be very dangerous for Britain.

The matter of objection between the Ministry of Foreign Affairs and Marine Ministry of Britain with respect to the Iran-Iraq border in the Arvand Roud was addressed on 29<sup>th</sup> December 1936. In the meeting, the British representative said the conflict between the two countries was long-running and that this could damage Britain's relationships with both countries. Then, he implied that Iran sabotaged shipping, and raised the probability of sudden agreement between Iran and Iraq while ignoring the ideas of Britain and concluded that revision in the policy of Britain is necessary and essential here. The representative of the British Ministry of Foreign Affairs then proposed five suggestions, two of which were recognized as practical and useful: First, determining the Thalweg in the Arvand Roud, which could be effective in the friendship between Iran and Britain; the second was that the Thalweg be determined only between the two countries. However, a representative of the Marine Ministry agreed upon extending the governance of Iran to 100 yards farther from Abadan port with regard to the idea of the Ministry of Foreign Affairs and the need for peace in this part of the Iran-Iraq frontier, but it objected to the determination of Thalweg at this part. Finally, the British Royal Commission approved the second suggestion



of the Ministry of Foreign Affairs – namely, the two countries' frontier should be determined at the Abadan Thalweg – and imposed on both Iran and Iraq.

Based on the documents of the Ministry of Foreign Affairs of Britain, the Iraqi government was prepared to accept Thalweg in the Arvand Roud. In a letter dated 10<sup>th</sup> of December 1936, the Ministry of Foreign Affairs of Britain wrote to the chief port officer that: "We may find ourselves lonely in conflicts, because Iraq is ready to accept the demand of Iranians regarding determination of Thalweg in the Shatt al-Arab. Then, we will be in the bottleneck which finally results in the Iran-Iraq agreement and resolution of crisis of the zone." (Sanghavi, 1969)

In view of these facts, the British Foreign Ministry tried to prevent any agreement between Iran and Iraq. In a letter dated 16<sup>th</sup> of December 1926, it wrote: "We must act as an obstacle in the way of agreement of the two countries so that Iran and Iraq cannot reach any agreement that is against the interests of the British government." Based on recommendation of the British Ministry of Foreign Affairs, Colonel "Ward" pleaded that Iraq not accept the Thalweg line. In one of the documents of the Ministry of Foreign Affairs of Britain in this regard, it is noted that: "No doubt, Colonel Ward and his persistence for Iraq's refusal of the Thalweg as frontier is crystal clear."

Nevertheless, the Iran-Iraq negotiations and the role Britain played at that time resulted in signing of the border accord of 1937. The treaty had an annexure which is an integrated part of it. Based on the treaty, the border of the two countries is basically the lines determined as per the Istanbul Protocol (1913) and negotiations of 1914. There is only one citation in this regard and that is the determination of a frontier based on the Thalweg just for Abadan. Thus, the term "Thalweg" was entered in the border accords between Iran and its western neighbor. Although the Thalweg is an international rule and used as a borderline in waterways, in the case of the Arvand Roud, it was only recognized as a frontier for Abadan.



Subject to Article 3 of the treaty and Article 1 of the attached protocol, it was assigned that a commission be formed for demarcation of land borders between the two countries. The Border Determination Commission of 1914 was the basis in this regard. But the commission did not succeed in demarcation of the borders because of Iraqi sabotage, and thus an Iran-Iraq joint border in this part was not properly fixed on the ground till the signing of the 1975 Accord.

Regarding the legal regime of Arvand Roud, the two countries also agreed that the waterway be equally open for commercial ships of all countries, but regarding warships, only warships of parties to the accord have the right to enter. Also, the fact that the borderline in Arvand Roud is subject to the ebb and tide of waters that often shift the Thalweg will not breach the right of any parties in using the whole waterway. All taxes taken will also be considered as fee and spent only on maintenance of the Arvand Roud and improvement of waterways.

Article 4 of the attached protocol said that none of the regulations of the treaty will damage the rights and duties that the Iraqi government has towards Britain regarding Arvand Roud (based on Article 4 of treaty 30<sup>th</sup> June, 1930 and seventh annexure of the protocol). The article clearly indicated the tampering of Britain in signing the treaty. On the other hand, the article indicated that the Iraqi government was not yet fully independent at that time. However, Iraq in October 1932 joined the League of Nations, and exited the group of countries determined by Colonel Ward, but it was still a British protectorate since the League of Nations guaranteed that Iraq – regarding the recognition and legitimization of the accords the government has signed with the colonial power – accepted the country as a member (Jalili, 1953: 114).

Nonetheless, by signing the 1937 border accord, a century of attempts by Iran for retrieving its civil rights in Arvand Roud failed and the treaty delegated the ownership of the whole waterway to Iraq. The treaty recognized the Istanbul Protocol of 1913 and the



negotiations of 1914 that delegated parts of the water and land areas of Iran to the Ottomans, even though Iran had refused to accept the validity of such accords. Baqer Kazemi, ex-foreign minister of Iran, wrote: "The British has been trying to deprive Iran of Shatt al-Arab since a century and half, whether through negotiations of the Erzurum Treaty or in the Istanbul negotiations before World War I, or after membership of the Iraqi government in the League of Nations." (Kazemi, 1950: 350-351).

Thus by signing the 1937 treaty, the British achieved their old objective. By their support, the Iraqi government gained significant success and tried to assert its control over the whole Arvand Roud except a small part of Abadan. Iraq, also by signing the treaty of 1937, could occupy part of Iranian lands located in the central part of the joint border, including oil-rich areas (like Naft Khaneh), because as said earlier, the Iranian government - which by not accepting the Istanbul Protocol (1913) - had relinquished oil-rich lands to Iraq, now approved its validity by accepting the Istanbul Protocol.

The Treaty of 1937 also did not end the border disputes between the two countries. The treaty was not executed by either government. Subject to Article 5, the two governments agreed to sign an accord for maintenance and improvement of the shipping route, dredging, and customs, but the Iraqi government, resorting to one-sided control of Arvand Roud, considered its interest in not signing any such accord. Control of Arvand Roud was delegated to that country by an agreement signed between the British government and Iraq after establishment of the modern state of Iraq, but the Iranian government did not accept such an agreement. Nevertheless, Iraq refused to sign the accord. As a result, the 1937 Treaty was aborted by the Iraqi government, and as a result the two countries' disputes continued till the time of the signing of the 1975 Algiers Accord – the year in which by signing the agreement on shipping in the Arvand Roud, it put an end to the border disputes, and Iran and Iraq gained equal rights regarding shipping.



## Conclusion

Borders of many countries were determined by the major European colonial powers in the 19<sup>th</sup> and 20<sup>th</sup> centuries. The governments of Russia and Britain played the leading role in determining the western borders of Iran, as per their own interests. Thus Prescott's classification of border disputes between countries into four categories was true regarding the western borders of Iran. The joint border was determined based on the Erzurum Treaty of 1847, the Istanbul Protocol of 1913, the Frontier Determination Negotiations of 1914 and the Treaty of 1937. These accords were signed as a result of the pressures and interference of the big powers, which imposed their ideas on Iran and the Ottomans in determining the joint border, although it was clear that both Britain and Russia (and later the Soviet Union) supported the Ottomans and subsequently Iraq. Based on the said treaties, Iran had to withdraw its rights over Sulaymaniah and a part of the oil-rich lands near Qasr-e Shirin and delegate them to Iraq. In Arvand Roud, again the frontiers were determined against Iran and in favor of Iraq.

Although the big powers apparently did not interfere in the 1975 Accord, yet again the land borders of the two countries were determined based on the previously signed treaties. For example, Article 1 of 1975 Accord states that demarcation of borders be based on the Istanbul Protocol 1913 and the border negotiations of 1914. Thus, the Iranian government in 1975, by recognizing the previous treaties, formally delegated to Iraq authority over its own land.

As a result, the 1975 Accord was, and is, in line with providing the interests of Iraq, despite Iraqi claims to its contrary. Some considered the determination of the Thalweg as the borderline in the Arvand Roud to be a concession given by the Iraqi government to the Iranian government, while the fact of the matter is that the border of the two countries in this waterway was formerly imposed by Britain and Russia and based on the Istanbul Protocol (1913), on the basis of



which, Iran was deprived of its rights of navigation in this waterway.

Although signing of the 1975 Accord was totally against Iran, the Iranian government always honored its commitment to it, in order to maintain its friendly relationship with the Iraqi government for the sake of regional stability and security. In general, the 1975 Accord was signed to put an end to all conflicts between the two countries. Article 4 of the Accord emphasizes that the borders are permanent with both parties obliged to respect them. Article 5 also considers the determined borderline to be unchangeable.

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