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U.S. DEPARTMENT OF STATE
DIRECTOR OF INTELLIGENCE AND RESEARCH

*Intelligence
Note* - 295

April 22, 1969

To : The Secretary
Through: S/S
From : INR - Thomas L. Hughes *TH*
Subject: IRAN-IRAQ: Dispute Over the Shatt al-Arab Disturbs Relations Periodically

Shatt al-Arab Crisis Flares Again. After a ten-year period of quiescence, the long-standing dispute between Iran and Iraq over the Shatt al-Arab once again precipitated a crisis. In its lower portion the river forms the boundary between Iran and Iraq. With a few exceptions, this boundary, as most recently stipulated in the treaty between Iran and Iraq of 1937, lies along the low water mark on the Iranian side. The river thus is for the most part Iraqi internal waters even where it forms the boundary between the two countries. This state of affairs has long been galling to the Iranians. In addition, the Basra Port Authority has continued to provide pilots for vessels travelling in the river and to collect all dues, although the 1937 treaty foresaw the conclusion within one year of a convention dealing with the maintenance of the navigable channel, pilotage, dues and similar matters. Iran has tried on various occasions to renegotiate this treaty, but has never been successful. Also, Tehran has during past crises used the argument that the treaty was no longer applicable, mainly because of non-implementation by Iraq and because it constituted a remnant of "British colonialism".

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that both Iran and Iraq should have equal rights regarding the river. Afshar's statement appears to cumulate various earlier arguments against the continued validity of the 1937 treaty.

Likely Iranian Motivation in the Latest Crisis. The latest crisis over the Shatt al-Arab has been characterized so far by relative Iraqi moderation and Iranian belligerence. It is unlikely that Iran actually wants to provoke a military showdown. More likely, the Iranians are taking this occasion to draw attention once more to the unsatisfactory situation in the Shatt and force a renegotiation of the 1937 treaty. This may also be the aim of Afshar's declaration that the treaty is null and void. In any renegotiation the main Iranian goal would be to have the boundary with Iraq shifted to the thalweg in the river. The problems of pilotage and of a division of dues, while important, are probably regarded by the Iranians as less vital. It is at least doubtful whether the present weak government of Iraq could undertake so important a negotiating venture even if it were willing to do so. A formal abrogation of the 1937 treaty without replacement by another instrument would raise serious questions about the boundary as well as navigation in the Shatt.

Situation May Return to Its Previous Status. If tempers cool, the situation may revert to the status before the latest crisis, that is the Basra Port Authority will control pilotage and collect dues as heretofore and the question of the validity of the 1937 treaty will once again become dormant. Unless the two countries achieve a solution of this long-standing and involved dispute at some time, however, crises will recur, and by miscalculation or design some such crisis might reach dangerous proportions.