

Secret and Confidential Memorandum

(Seal of the British Legation, Tehran)

No irrigation works to be carried out on either side calculated to interfere with supply of water for irrigation on both banks of Helmand, but both countries may within their own territory maintain present canals, open old or new ones, provided the supply for irrigation on both sides is not diminished.

The amount of water required for the lands on the Persian side irrigable from and below the Bande Kuhak is 1/3 of whole volume of the Helmand from Banderi Kemal Khan (in Afghanistan) downwards. Persia is therefore entitled to 1/3 of the river from the point at which water is first taken off to irrigate lands on either bank at or below Banderi Kemal Khan. Any irrigation works constructed by Afghanistan must allow for one third of whole Helmand river being available for use of Persia at Bande Kuhak.

To avoid fresh disputes and the necessity and expense of fresh arbitration mission from India, an official acquainted with irrigation questions will be appointed to the British Consulate in Seistan, who will be able to give an opinion when consulted by the Persians or Afghans on any doubtful point which may arise. Both countries should allow him to visit the river for this purpose.

Owing to the deepening of the river bed, Persia may find it advisable to move the Bande Kuhak a short distance further upstream - Afghanistan should allow Persia to move this band, and give Persia the right of making through Afghan territory a canal from the new band to the Rud-i Seistan. If Afghanistan on its side should wish to move the SHAHGUL band along the Rud-i PARIAN somewhat lower down the stream, Persia should similarly allow this, and should, as has been done before, give Afghanistan the right of making a canal from that band to NADALI channel.

Afghanistan's rights as owner of the upper Helmand have been restricted in this manner in favour of Persia, but Persia cannot surrender the rights thus acquired by her to another power, without agreement with Afghanistan.

Great care should be taken by both countries in opening out new canals or enlarging old ones in view of sudden changes to which river is liable -