

July 10, 1956

His Excellency  
Dr. Ali Amini  
Ambassador of Iran  
3005 Massachusetts Avenue, N. W.  
Washington, D. C.

Dear Mr. Ambassador:

It is taking more time to think out and set down the questions than I had hoped would be necessary. While we develop the further questions and refine those already drafted, I thought you might like to have a first rough draft of what has been typed so far.

Sincerely,

John G. Laylin

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Encl.

DRAFT

July 10, 1956

Questions

The Iranian Delegation is prepared to recommend to its Government execution of an interim agreement under which Afghanistan undertakes to make certain deliveries that are less than Iran considers it is entitled to receive. Its reason is to have assurance of at least minimum protection during a period while data is collected on the basis of which it is hoped a plan can be worked out under which both Afghanistan and Iran can meet requirements as they see them, including reasonable development. In this connection a draft of interim agreement was submitted on June \_\_\_\_\_ by the Iranian Delegation and a revised draft of the interim agreement was submitted on July \_\_\_\_\_ by the Afghan Delegation. As a result of this exchange, certain questions have arisen, particularly the following:

1. The Iranian position is that Iran is entitled under the Goldsmid award to receive at Band-i-Kohak for use in Iran the supplies which would reach Band-i-Kohak under the conditions prevailing between 1870 and 1905 less those supplies traditionally withdrawn below Band-i-Kohak for use in Chakhansur and less those supplies in excess of Iran's requirements which are put to beneficial use in Afghanistan.

Is the following statement correct? --

The revised draft of Interim Agreement submitted by the Afghan Delegation does not imply that Afghanistan accepts the Iranian position nor does it imply that Iran has receded from its position.

2. The Iranian draft proposed exchange of river flow and withdrawal data without limiting the information to the Delta. The Afghan draft suggests that the further study should be confined to the Delta. Would the Afghan Delegation be prepared to agree to furnish the Iranian Delegation or an Iranian designee the further information desired by Iran to work out the plan mentioned above under some arrangement that protected Afghanistan from any implication that it was doing this for any reason other than as an act of comity or good will?

3. The atmosphere of utmost good will and understanding of the negotiations has led the Iranian Delegation to believe that the Afghan Delegation would want the Interim Agreement to recite an Afghan intention to operate its installations on the Hirmand River system so as to meet so far as is practicable the full water requirements of both countries. This recital is omitted from the Afghan revision.

It is assumed that the omission proceeds from an attitude of caution. If the Afghan Delegation is fearful that the language proposed by the Iranian Delegation might be construed to imply that Afghanistan has accepted the Iranian position that Afghanistan is under a legal duty so

to operate its system would it suggest language that removes any possibility of such an implication but nevertheless retains a statement of intention based on comity and good neighborliness?

4. The Iranian Delegation appreciates that in oral discussion references have been made for the sake of convenience to average annual flows. In an agreement the language should be more precise. The use of averages suggests that shortages in one period when it is important that the rate of flow should not drop below the agreed figure would be alright so long as the average was brought back by higher deliveries in another period, though not needed then.

It is assumed that this was not intended. If this is correct, would the Afghan Delegation agree to deletion of any reference to averages?

5. The Afghan outline of terms for an interim agreement provides that Afghanistan would "undertake" to make the deliveries stated for normal years. The revised draft of agreement weakens this to "endeavour."

Will the Afghan Delegation agree to restore the word "undertakes" for the phrase "will endeavour"? If the Afghan Delegation are not prepared to recommend that their Government accept an unequivocal obligation to deliver in a normal year the minimum rates of flow to be stated in the table, what unequivocal obligation are they prepared to recommend?

6. The word "above" in the first part of paragraph 2 is understood to refer to the area described in paragraph numbered 1.

Will the Afghan Delegation agree to make this clear by substituting "in the immediately preceding paragraph" for "above"?

7. According to table 10 the minimum rate of flow for uses in Iran of siltwater areas is \_\_\_\_\_ cusecs for the month of \_\_\_\_\_.

a) If in \_\_\_\_\_ the flow reaching Band-i-Kohak is exactly \_\_\_\_\_ cusecs, does the Afghan revised draft contemplate that Iran may take all \_\_\_\_\_ cusecs? If not, what number of cusecs is it contemplated may be withdrawn for Iranian uses?

b) If in \_\_\_\_\_ the flow reaching Band-i-Kohak is over \_\_\_\_\_ cusecs, does the Afghan revised draft contemplate that only \_\_\_\_\_ cusecs may be withdrawn by Iran in that month?

c) If in \_\_\_\_\_ the flow reaching Bank-i-Kohak is \_\_\_\_\_ cusecs for the month of \_\_\_\_\_, and the \_\_\_\_\_ cusecs shortage is owing partly to the fact that the year is not up to normal and partly to withdrawals above Band-i-Kohak over and above withdrawals at the rate practiced in 1870, does the minimum rates of flow to be stated in the table, what unequivocal obligation are they prepared to recommend?

6. The word "above" in the first part of paragraph 2 is understood to refer to the paragraph numbered 1.

Will the Afghan Delegation agree to make this clear by substituting "in the immediately preceding paragraph" for "above"?

7. According to table 10 the average rate in c.f.s. for the cultivated areas in Iran in March is 2,190 c.f.s. The corresponding figure given in Table 11 for Sadh-i-Sar is 430 c.f.s. Using these figures by way of illustration, the following questions arise:

a) Suppose the flow reaching Band-i-Kohak is exactly the total of this or 2,620 c.f.s., does the Afghan revised draft contemplate that Iran may withdraw up to 2,190 c.f.s. and Sadh-i-Sar up to 430 c.f.s.? If not, what does it contemplate may be withdrawn by Iran and Sadh-i-Sar?

b) Suppose the flow reaching Band-i-Kohak is 5,240 c.f.s., does the agreement contemplate that Iran may withdraw 4,380 c.f.s. and Sadh-i-Sar 860 c.f.s.? If not, what does it contemplate?

c) If the flow reaching Band-i-Kohak is 1,320 c.f.s., and all of this is attributable to the fact that the basin is suffering from a drought, does the agreement contemplate that the Iranian withdrawals will be limited to 1,080 c.f.s. and those of Sadh-i-Sar to 2,015? If not, what proportional reduction does the draft contemplate?

d) If the flow reaching Band-i-Kohak is 1,310 c.f.s. attributable not to drought but to increased

withdrawals (including storage) above Band-i-Kohak, does the revised draft contemplate that Iran may withdraw only 1,080 c.f.s. or does it contemplate that Iran may withdraw the full 1,310 c.f.s. and call upon Afghanistan to restrict its upstream withdrawals (including storage) sufficiently to restore the flow at Band-i-Kohak so that Iran may withdraw 2,190 c.f.s.?

8. The second part of paragraph 2 of the revised draft provides that the undertaking in the first paragraph shall be reduced "in any period in which by reason of natural causes such as drought, the yield of the Helmand river basin is reduced." It is assumed that this means that the yield is reduced such that under the conditions prevailing between 1870 and 1905 the supplies reaching Band-i-Kohak would be less than the total of the figures in the last column of Tables 10 and 11. If this is the meaning it would seem that the language in the last part of paragraph 2 proposed by the Iranian Delegation should be incorporated. If this is not the meaning, what is the standard from which the reduction is measured?