

C O P Y

March 1, 1950

His Excellency,  
Ambassador Hussein Ala  
Embassy of Iran  
3005 Massachusetts Avenue, N.W.  
Washington, D.C.

Dear Mr. Ambassador:

This is to confirm our various conversations with respect to the information necessary in order that we may prepare an adequate brief stating and supporting the Iranian case before the Hirmand River Commission.

In general we should have all the information that is known that has the slightest bearing on the river, the uses to which it has been put and to which it has been intended that it be put, and of all negotiations and protests, as well as all agreements, arbitral awards, etc., affecting distribution of the water supplies. At the least, we should have all information that is furnished to the Engineer-Secretary of the Commission. To be entirely effective, we should be in a position to know more even than this officer. It is particularly important that we should have all information unfavorable to our claims, for otherwise we may take a line of argument that those who have that information can turn against us.

Enclosed is a suggestive list of the type of material that should be included in what we are supplied.

In a comparable case on which our office has been working, the Government that retained us had an engineer familiar with every detail of the problem compile the material and bring it to Washington. With that engineer we then prepared a complete statement of facts on the basis of which we prepared the condensed statement for the brief. This

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engineer was invaluable not only in supplying the necessary information, but in bringing to our attention the practical consequences of some of our legal arguments. It would be most helpful if the person in Iran who is most familiar with all aspects of this dispute could visit Washington to interpret and fill in for us the written material that is to be sent. It would be best if your Government would send the person it has had work with Mr. Jones, the Engineer-Secretary to the Hiramand River Commission.

It would seem to us to be most in the interests of a successful conclusion of this matter for this person to leave Teheran for Washington as soon as possible after Engineer-Secretary Jones has left Teheran. Our reason for urging against delay is that apart from the writing of the brief, there are up for decision right now a number of matters directly concerned with the Commission (such as the proposed terms of reference) and indirectly concerned with the whole case (such as the Export-Import credit to Afghanistan). Our effectiveness in advising you on these matters is badly crippled by the incompleteness of our information.

We have the impression that the Afghans have been alert to the advantages of furnishing promptly concrete information supporting their view of the matter. Though this were not the case, it would still be clear that the sooner we have reliable, concrete and complete data on all the legal and engineering aspects of the case, the better it will be for the contentions of Iran.

Sincerely yours,

(Signed) JOHN G. LAYLIN

JGL/elw  
Enclosure

TYPES OF DATA REQUIRED FOR ADEQUATE  
PRESENTATION OF IRAN'S CASE IN THE HIRMAND RIVER DISPUTE

1. All diplomatic exchanges, treaties, awards, minutes of conferences, notes, memoranda, telegrams and so forth, relating to the question of utilizing the waters of the Hirmand. This should be accompanied by an account of the history of the Hirmand question from its origin to date. Among those subjects on which evidence is needed is the basis of the Goldsmid and McMahon awards -- Was either of them binding? If so, under what authority? What is needed is not only the view of the Iranian Government, but also the evidence which supports or contradicts that view. There should be included any acts of ratification of treaties or any material indicating whether Iran and Afghanistan have recognized the validity of certain principles with regard to the Hirmand. There should be included material on any de facto arrangements or working rules with regard to division of the waters, particularly in recent times.

2. Complete information regarding the flow of the Hirmand -- over the years, and seasonally within each year -- as well as similar information with respect to all tributaries of the Hirmand and all other streams flowing eventually into the Hamun-e-Hirmand and the Gaud-i-Zirreh. Also a map showing the natural drainage basin of these bodies of water.

3. Complete information regarding the rainfall -- over the years and seasonally -- in the drainage basin

(including Seistan). Also regarding the ground-water levels in the basin.

4. Complete information regarding the extent of cultivation and animal husbandry in the drainage basin over the years, and especially at the present time. Also the distribution of population in the basin. This information should be organized to show the major uses of the land, occupation of the people, types of crops, etc. It should be related to the information given in (5).

5. Complete information on existing irrigation installations, including dams, storage works, canals and distributaries; giving capacities of canals, consumptive use of water for cultivation and other purposes, losses of water in transit, return flows from irrigation, and acreage actually irrigated in Iran and in Afghanistan.

6. Complete information on water requirements of land in the basin for cultivation of various crops, irrigable acreage in Iran and in Afghanistan, variation of water requirements in relation to rainfall, water table, type of soil, etc.

7. Complete information on projects for irrigation or reclamation of land, with an account of water supplies; consumptive use of water; transit losses; return flows; acreage to be irrigated; canals, dams and headworks to be constructed; etc. Included should be a statement of the amount of water in each month which would satisfy all the needs of Iran, and an itemization of this amount in terms

of uses of the water, areas served, which amounts are needed to continue or replace existing irrigation and which provide new irrigation.

8. Any information as to whether regulation of the flow of the river will require alteration of the irrigation installations in Iran.