

March 9, 1950

MEMORANDUM

Reference is made to the conversations which have taken place between officers of the Department of State and officials of the Iranian Embassy, referred to in the Memorandum of 5th January 1950 of the Department of State, and to subsequent clarifying discussions. It is believed that the following summarizes the principal points on which a solution should be sought.

1. It goes without saying that Iran has no desire to intervene in any matter that is exclusively the concern of Afghanistan. The waters of the Hirmand River are of common concern. Any project, no matter where carried out, that affects the flow of waters common to the two countries is the concern of each. Neither country is entitled to put such a project into operation without first reaching agreement with the other or agreeing to arbitrate the matter. In the absence of agreement on the division of water, it is not conducive to friendly relations or to negotiation of a fair agreement for a third country to finance the means by which one of the two riparians can construct and put into operation a project that will lessen the flow reaching the other.

2. Each riparian is entitled to an equitable proportion of the common supply. This includes not only amounts heretofore put to beneficial use, or previously allocated, but an equitable share of the total supply not theretofore used by either country. The location of storage or diversion sites on either side of the border does not alter the duty of both sides to share equitably any new uses made possible through engineering works.

3. The Afghan assurances that Iran will not be prejudiced by the projects under construction, part of which are to be financed with credits from the Government of the United States, are, thus far, vague and illusory. It is not said that Afghanistan respects the principles stated in paragraphs 1 and 2. It appears on the contrary that in the Afghan view Iran will not be prejudiced so long as it receives half of the supply that reaches Bandar-i-Kamal-Khan, the total amount of that supply to be left to the discretion of the Government of Afghanistan. This Afghan view ceases to be theoretical when the Afghans are put in a position, by means of projects financed in part by the United States, to lessen the supply reaching Bandar-i-Kamal-Khan.*

* It will be noted that in presenting the Afghan view we have spoken in terms of the Afghan contention that the proper point for measurement of the flow of the Hirsand River is Bandar-i-Kamal Khan. This should not be taken to mean that Iran concedes that Bandar-i-Kamal Khan is the correct point of measurement under the protocol of September 1936.

4. While this situation continues, the financing of projects in Afghanistan that can affect the supply of the common waters reaching Iran fails to promote a friendly solution.

5. In the first place, it was not and would not be appropriate to lend any financial assistance to Afghanistan for projects affecting the waters of the Hirmand River unless and until agreement had been reached between Iran and Afghanistan as to division of the water of the river, or the question had been determined by arbitration. The United States having already extended a credit to Afghanistan, it is appropriate that no future amounts should be permitted to be drawn down by Afghanistan under the credit set up by the United States for projects affecting the waters of the Hirmand River, at least until an interim arrangement between Iran and Afghanistan is signed with provision for arbitration of any issue on which permanent agreement cannot later be reached.

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