Chapter III

THE ALGIERS ACCORD AND ITS IMPLEMENTATION
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Even before the Algiers Accord, the Iranian and the Iraqi representatives had met thrice, but no agreement could be reached. The first meeting took place in Baghdad in 1973 when Abbas Masudi, Vice-President of the Iranian Senate visited Baghdad. The second one took place in Geneva in 1974 when Abbas Ali Khalatbari, Foreign Minister of Iran, met Murtada al-Hadithi, Foreign Minister of Iraq. The third meeting, held in Istanbul in December 1974 between the Foreign Ministers of Iran and Iraq, also failed to produce an agreement on any of the points of dispute between them.

Though these three Iraqi-Iranian face-to-face meetings as well as the mediation attempts by Egypt and Jordan had failed, President Boumedienne of Algeria, as Chairman of the Organization of Petroleum Exporting Countries (OPEC), had the chance of bringing the two contracting parties together during the Algiers meeting of the OPEC in March 1975. This resulted in the signing


*Ibid.

of the Algiers Agreement. The persistent followthrough of the Algerian mediation, as seen by the stipulation that the Algerian Foreign Minister was to participate in all of the meetings of the mixed Commission of the two governments, would also be emphasized to argue the importance of mediation.'

At the closing session of the OPEC summit, on 6 March 1975, President Boumedienne announced that an agreement between Iran and Iraq had been signed which ended the conflict between the two brotherly countries. The OPEC summit, thus, could claim the credit for the reconciliation between Iran and Iraq. The final settlement of the thorny issues of disagreement between Iran and Iraq, in the words of OPEC summit records, was achieved during the night of 5/6 March in Algiers. It bore unsurpassably clear witness to maturity, solidarity and potential of the organization.' Finally, the signing of the agreement in Algiers during the OPEC meeting reflected the desire of Iran and Iraq to strengthen the Organization's bargaining power vis-a-vis the oil consuming nations. Hence, economic self-interest must have played a role in effecting the Iraqi-Iranian


'Quoted in Khadduri, n.1, p.59.
rapprochement. After signing the Algiers Agreement, the Shah said, "we agreed to bury our differences and succeeded in ending the misunderstandings which the colonialist had maintained between us". Further, he added, "the happiness of Iraq was important to the security of Iran".

**ALGIERS AGREEMENT**

The Algiers Agreement, based upon the principles of territorial integrity, inviolability of borders, and non-interference in internal affairs, provided that the two countries would undertake:

1. To make a definite demarcation of their land frontier in accordance with the Constantinople Protocol of 1913 and the minutes of the Delimitation of Frontier Commission of 1914.

2. To define the maritime frontier in accordance with the thalweg line principle.

3. To restore security and effective control that would put an end to all acts of infiltration of a subversive character from either side.

4. To consider the arrangements referred to above as integral elements of the comprehensive settlement. Any violation of the component parts would be contrary to the spirit of the agreement.

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'Tbid.
5. To re-establish traditional ties of good neighbourly relations and friendship, to continue exchange of views on all questions of mutual interest and to promote mutual co-operation.

The Algiers Agreement of 5 March was followed by a meeting between the Iranian and Iraqi Foreign Ministers, Khalatbari and Hamadi, in Teheran on 15 March, where they signed a protocol on 17 March 1975. It provided for the establishment of three committees to study:

(a) Boundary demarcation of Shatt al-Arab river

(b) Demarcation of land boundaries between Iran and Iraq

(c) Ways and means of preventing infiltrations across the borders.

The Committees were to report to another meeting of the two foreign ministers within two months. Iranian Prime Minister, Amir Abbas Hoveyda, during his official visit to Baghdad from 26-29 March, carried on further talks which confirmed the Algiers Agreement and laid down steps for its implementation. Hoveyda described the

"For the full text of the Algiers Agreement see Appendix-II.


"Khadduri, n.1, p.59.
agreement as heralding a 'new chapter' in Iraqi-Iranian relations."

The Foreign Ministers of Iran and Iraq met in Baghdad from 19-21 April for further talks on implementing the agreement. They signed documents relating to the findings of border delineation and the river committee and the measures taken to "impose strict observation on the Iraqi-Iranian border against subversive elements." Foreign Ministers of Iran, Iraq and Algeria met in Algiers on 18-20 May 1975 to review the work of the three committees set up in Teheran. In a joint statement, issued at the end of the meeting, these ministers said that the minutes of their working meetings and various technical documents had been ratified, and a committee had been formed to prepare final documents in the form of a treaty and protocols."

**TREATY ON INTERNATIONAL BORDERS AND GOOD NEIGHBOURLY RELATIONS**

Series of negotiations and discussions, lasting for about three months after the signing of the Algiers

"Abdulghani, n.6, p.153.


"Ibid., 16-31 May 1975, p.308."
Agreement, concluded on 13 June 1975 with the signing of the Treaty on International Borders and Good Neighbourly Relations during a meeting between the Iranian and Iraqi Foreign Ministers in Baghdad. The Algerian Foreign Minister Boutafliga, who had played a constructive role in the previous negotiations, also joined the Foreign Ministers of Iran and Iraq in signing the treaty.

The Treaty on International Borders and Good Neighbourly Relations consisted of eight articles and was supplemented by three protocols. Articles 1-3 embodied the general principles governing the settlement of disputes between the two countries which had been agreed upon in the Algiers Agreement. Article 4 stipulated that the provisions of this treaty and the protocols attached to it were final and permanent, provisions were irrevocable for whatever reason and...encroachment upon any element of it...was contradictory in principle to the essence of the Algiers Agreement. In Article 5, the principle of non-encroachment was reiterated with regard to "the safety of national territories to both states" and, more

"Sirriyyeh, n.10, p.490.

" Khadduri, n.1, p.59.

"For the complete Text of the Treaty and Protocols, see, Appendix-III."
specifically, with regard to the frontiers, which were considered "permanent and final". Article 6 states that any dispute between the two parties should be resolved in accordance with the following procedures:

(a) By direct bilateral negotiation within two months after the date on which one of the parties so requested.

(b) By the good offices of a third friendly state, if no agreement was reached between the two parties within three months.

(c) By arbitration, if either party declined to accept the good offices of another state within a month from the time of the rejection of good offices or failure to use it.

(d) By arbitration tribunal, if arbitration were unacceptable within 15 days from the time it was demanded by either party. The arbitration tribunal would be formed by the appointment of one arbitrator by each party and the two arbitrators would nominate an umpire. If the parties failed to agree on the appointment of the arbitrators or the umpire, the party which requested arbitration shall be entitled to request the President of the International Court of Justice (ICJ) to appoint the arbitrators or the umpire.

(e) The decision of the Court of arbitration shall be binding upon and enforceable by the parties.

Three protocols were also attached to the treaty. The first protocol committed both the parties to co-operate and co-ordinate their efforts towards
effectively suppressing subversive activities across their territories. The second protocol confirmed the agreement that the land borders between both the countries should be re-demarcated on the basis of the Constantinople Protocol of 1913, the minutes of the Turkish-Persian Border Demarcation Commission of 1914, the Teheran Protocol of 15 March 1975 and the minutes of the Iranian and Iraqi Foreign Ministers' talks held during the Spring of 1975. The third protocol confirmed the demarcation of the Shatt al-Arab river between the two countries on the basis of the thalweg line.

DEMARCATION OF SHATT AL-ARAB RIVER

The river boundary along the Shatt al-Arab was dealt with in Article 2 of the treaty. The protocol concerning the delimitations of the river frontier was finalized by the Iran-Iraq-Algerian Committee." The Committee's work was based upon the Teheran Protocol of 17 March 1975 and the records of the meeting of the Ministers of Foreign Affairs, signed at Baghdad on 20 April 1975, approving the records of the Committee formed to delimit the river frontier. These records had been signed on 16 April 1975 on board the Iraqi ship El

Thawra in the Shatt al-Arab." Common hydrographic charts were verified on the spot and corrected, and the geographical co-ordinates of the frontier parts were indicated on them. The signed charts formed an integral part of the protocol.

The protocol contained two important points. One was the thalweg principle. In Article 2 of the protocol, the thalweg line was defined as "the median line of the main navigable channel at the lowest navigable level". The definition of the thalweg line in this case has been discussed in detail in an article by a reputed lawyer of International Law.

The other aspect that was negotiated dealt with the problem concerning the effect of changes in the river. As far as changes in the thalweg line were concerned, paragraph 2 in Article 2 states that "the frontier line...shall vary with changes brought about by natural causes in the main navigable channel". The idea of 'changing line' was adopted from previous treaties.

"See, Protocol concerning the Delimitation of the River Frontier Between Iran and Iraq in Appendix-III.

containing the same statement." Changes in the riverbed were dealt with in paragraph 4 which stated that 'any change in the bed of the Shatt al-Arab brought about by natural cause which would involve change in the national character of the two states' respective territory...shall not change the course of the frontier line, which shall continue to follow the thalweg in accordance with the provisions of paragraph 1". The treaty even gave the two parties the choice between transfer of the frontier line to the new bed or the redirecting of the water to the old bed which existed in 1975, as marked on the common charts. Article 6 states that "a new survey of the Shatt al-Arab shall be carried out jointly, once every ten years, with effect from the date of signature of this protocol" and also gave, "the right to the parties involved to request new surveys before the expiration of the ten-year period". Thus, the two states acknowledged the changing nature of the river and provided appropriate measures to deal with such circumstances.

Article 7 stated the freedom of navigation of merchant vessels, state vessels, warships of both countries, and also about third parties. Article 9

stated that the two parties should recognize the *Shatt al-Arab* as an international waterway and to refrain from any operation that might hinder navigation. The protocol dealt with most of the problems which exist in the case of international river boundaries. According to Gideon Biger, the Iran-Iraq agreement seemed to be one of the best treaties ever drawn up, at least from the legal point of view."

Regarding the implementation of the Algiers Accord, it was much easier to accomplish the work of the mixed committee dealing with the river (thalweg line) to the great satisfaction of both, Iran and Iraq. According to the protocol concerning the Delimitation of River Frontier, the two states agreed in Article 2 that the 'frontier line in the *Shatt*...shall follow the thalweg, i.e.,...the median line of the main navigable channel at the lowest navigable level, starting from the point at which the land frontier between Iran and Iraq enters the *Shatt*...and continuing to the sea'. The latter point or the Outer Bar Reach at 48°43' east longitude and 29°50' north latitude, appears to have resolved the problem in the Marakats. As for the northern end of the *Shatt al-Arab* boundary, the Mixed Technical Committee terminated the thalweg line at 48°06' east longitude and 30°27'

*Biger, n.18, p.251.*
north latitude, that is to say at the point at which Khaiyin Canal enters the Shatt al-Arab, and drew the line westwards from the latter point along the 'median water line' of the old Khaiyin Canal in the Shatt al-Arab described in the Baghdad Treaty as the 'Nahr Al-Khayin'. Apparently, the median line terminates at Boundary Mark No.2 (48°01' 27" east longitude and 38°28'40" north latitude) and coincides very nearly with Boundary Pillar No.2 placed in 1914. From this point the boundary follows its land territory delimitation in the North."

The mixed committee undertook the delimitation of the land border line, the reconstruction of the old 1913 border posts numbering 126 and the construction of new ones, numbering 593, along the length of the Iranian-Iraqi frontier line." The political turmoil in Iran delayed the work of the Committee in returning a number of sectors that were due to Iraq. The principal sectors that remained under Iranian control were Zain al-Qaws (122 sq.km), Maimak (110 sq.km) and Saif Sa'd (105 sq.km)." All these areas were supposed to revert to


"Abdulghani, n.6, p.201.
Iraqi sovereignty in accordance with the Algiers Agreement. The situation remained so until the takeover by the new Iranian regime.

Motives Behind The Algiers Agreement

One of the major factors behind the Algiers Agreement was the conviction of both Iran and Iraq that full-scale war must be avoided at any cost. Both countries feared that a full-scale war would inevitably end up in the destruction of their oil installations. Referring to Iraq's desire to avoid war, Saddam Hussein said that the, "possibility of war was a fact, all too clear to us and to Iran"." Neither of the parties wanted war, both decided for peace. Similarly, the Shah of Iran said that he did not want to have a war at a time when the Near East was a powder keg."

Iraq's willingness to sign the Algiers Agreement can be attributed to its desire to force Iran to stop her support to the Kurdish rebellion. Iraq had mobilized 80,000 men, supported by 800 tanks and eight squadrons of MiG-21 and MiG-17 aircrafts against the Kurdish

"Abdulghani, n.6, p.155.
"Ibid.
rebellion. In addition to this, the Iraqi government spent around $4 bn in containing the Kurdish movement. More significant than the military and financial cost of the Kurdish war was the human casualties inflicted upon the Iraqi army as well as upon the Kurds. In September 1980, Saddam Hussein disclosed that the casualties, both dead and wounded, of the Iraqi army in the period from March 1974 to March 1975 were more than 16,000. In July 1980 he said that in March 1975, the Iraqi air force was left with three bombs as a result of the Kurdish war. He also stated that there was a great shortage of ammunition which had prevented the Iraqi army from continuing the war.

Other factors that coaxed Iraq to go for a rapprochement with Iran included the failure of the Arab states to support it during the Iranian-Iraqi confrontation at that time and the failure of the Soviet Union to honour its military commitments to Iraq. It needs to be noted that after the signing of the Iraq-USSR Friendship Treaty of 1972 the Shah also visited


"Abdulghani, n.6, p.155.

"Ibid., pp.155-56."
USSR and signed an economic agreement with USSR, including the important deal on the supply of Iranian natural gas to the USSR. The USSR had thus a stake in containing the conflict between Iraq and Iran with whom it was developing close relations.

Iran's motives behind the signing of the Algiers Agreement was not only the ratification of the frontier which the Shah had demanded for long in the Shatt al-Arab, but also to bring about the cessation of the Iraqi propaganda against the Shah's regime and a general reorientation of the Iraqi foreign policy. The Shah's desire to develop Iran into a great power could also be an important reason to explain the settlement. To attain that goal, the Shah wanted to improve relations with the Arab states in the region. This had not proved to be easy for a number of reasons. Firstly, the revolutionary governments like those of Iraq, Syria and South Yemen resented the Shah's efforts in supporting the monarchical Arab states. Also, the Arab states in the Persian Gulf have been suspicious of the Shah's goals there, as evidenced by their reaction to his seizure of three islands in the Gulf. Many of them felt that Iran's military purchases had been excessive in respect to Iran's adequate security needs.
Significantly, the agreement contained no reference to the three islands in the Gulf that Iran had occupied in November 1971. In addition, the final demarcation of the frontier meant that Khuzistan on which Iraq had often laid claim, was firmly in Iran. Both these issues were allowed to drop quietly out of sight until resurrected by the Iraqis in 1979, after the fall of the Shah's government.

The Algiers Accord and the Kurdish Rebellion:

Soon after the signing of the Algiers Agreement, Iranians began putting pressure upon the Kurds to negotiate peace with Iraq, and even threatened to join the Iraqis if the Kurds refused to accept the terms of the agreement." The cease-fire was announced on 18 March 1975 between Kurdish rebels and the Iraqi Government." Iraq granted a general amnesty to the Kurds, including the deserters from the Iraqi Army. The government made it clear that the only way to avoid further bloodshed was to accept the terms of the general amnesty which was to expire on 1 April 1975." Iran called on the Kurdish


"Sirriyeh, n.10, p.490.

"Khaddhuri, n.1, p.61."
refugees, who had been in Iran, to decide by 1 April, whether they wanted to remain in Iran or return to Iraq, as the frontier between the two countries would be closed on that day. The Shah told the Kurds that if they wished, they might continue fighting and commit national Harakiri but that was their own affairs. "Denied Iranian official patronage, the Kurdish revolt was over within two weeks of the cease-fire and amnesty period.

The Shah's decision to stop aid to the Kurds was perhaps conditioned by Iraq's unrelenting determination to suppress the rebellion at the end of 1974, in which it had advanced to Rewandiz, the furthest point reached since 1965. "Iraq had continued to maintain that pressure. A stalemate was reached. The Shah justified the ending of the military aid to the Kurds on the grounds that they were making no progress in the war." The other major reason which led the Shah to ease the pressure on Baghdad was his realization that the activities of the Iraqi Kurds might create secessionist aspiration among Iranian Kurds.


"Abdulghani, n.6, pp.221-22.

"Ibid., p.156.
After the defeat and eventual disintegration of the Ottoman Empire after World War I, the Kurds intensified their struggle for self-determination. A number of internal and external factors inhibited the demands for autonomy or independence for Kurdistan. During World War II, the Soviet, British and American allied armies entered Iran. In September 1942, seizing an exceptionally favourable opportunity, the Kurds of Mahabad launched the first Kurdish political movement, the Komala." Initially, its objective was to establish an autonomous region in Iranian Kurdistan. It relied on the Soviet support for Kurdish autonomy. However, the Soviet Union hoped to facilitate the merger of the Kurdish and Azeri secessionist movements. In September 1945, the Soviet Union invited a Kurdish delegation to meet the Prime Minister of Soviet Azerbaijan, Ja'far Baghirov." The basic idea behind it was to create a Kurdish-Azeri union. While, Baghirov promised the Kurds financial and military support in pursuit of their objectives, he also outlined that a separate Kurdish state was a desirable thing to be considered in the future when the entire "nation" would be united. "In the

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meantime Kurdish aspirations should be achieved within Azerbaijan autonomy". Qazi Mohammad, who led the Kurdish delegation, replied that the Kurds needed their own state now and that they did not want their destiny united with Azerbaijan.

A new party, the Kurdish Democratic Party (KDP) was founded in September 1945, in which all the members of Komala joined. The KDP's programme was outlined in eight key points like autonomy within Iran's frontiers, Kurdish as official language in the region, officials to be chosen from local people, KDP's solidarity with Azeris and minorities in Azerbaijan etc. The Iranian Government considered the manifesto a challenge to its authority in Kurdistan. It became clear that the fear of the Iranian authorities was justified as the KDP established an independent republic in Mahabad on 22 January 1946. Qazi Mohammad, the leader of the KDP, was elected as the President of the Republic.

By the time the Kurdish Republic of Mahabad had been formed, the Soviets had succeeded in helping the Azeris to establish their own republic in Azerbaijan.


"Ghassemlo, n.38, p.118.

"Pelletiere, n.39, p.106."
the Democratic Republic of Azerbaijan. Through Soviet prodding, Qazi Mohammad and his counterpart in the Azerbaijan Republic, Ja'far Pishervari, signed a Friendship and Co-operation Treaty on 23 April 1946. The treaty addressed the thorny problem of the conflicting ethnic demands of the Kurds and the Azeris. Neither the Kurdish Republic of Mahabad nor the Democratic Republic of Azerbaijan took meaningful steps to implement the provisions of their treaty. Furthermore, both republics solely depended upon Soviet support to deter the Iranian military. But the Soviet Union and Iran had embarked upon a diplomatic course of action to improve their relationship. In an agreement signed in April 1946 the Soviet Union promised to remove its troops from Iranian territory and to treat the Azerbaijan upheaval as an internal affair of Iran. The agreement also called for the establishment of a joint Iranian - Soviet oil company. By 9 May 1946, the Soviets had withdrawn from Iran, but neither the oil concession nor the establishment of a joint oil company was approved by the Iranian Majlis.


"Pelletire, n.39, pp.111-12.

"Entessar, n.43, p.22.

"Pelletire, n.39, p.112."
As the Soviet troops pulled out from Azerbaijan and Kurdistan, the Iranian army gradually moved in to disarm the Azeri and Kurdish forces and to re-establish the authority of the central government. With Soviet protection removed, the Azerbaijan republic's separate existence came to an abrupt end on 13 December 1946. "The Iranian army entered Mahabad on 17 December 1946, and less than a year after its formation, the Mahabad Republic had also crumbled." A military court found Qazi Mohammad, Sadr Qazi and Saif Qazi guilty of treason, and they were publicly hanged on 31 March 1947." That ended the moves of the Iranian Kurds for a separate state. Nevertheless, the Iranian authorities remained suspicious of their intentions.

Sporadic rebellions continued to occur throughout Kurdistan. The most significant was that which occurred in 1956 among the Javanioudi tribe near Kermanshah. However, they were not able to resist the vastly superior Iranian army. No other significant Kurdish revolt occurred in Iran until the onset of the Islamic Revolution. Before the Iranian Revolution, the Shah

"Ibid., p.113.

"Entessar, n.43, p.23.

"Ibid.
initiated a policy to weaken the Kurds. After the Baath Party came to power in Iraq, Shah perceived it as a threat to his ambition to become the uncontested regional power in the Gulf and a threat to regional stability. Consequently, he did use the Kurdish revolts in Iraq to destabilize the Baath regime in Iraq.

Until 1966, the only significant outside aid for Mulla Mustafa’s KDP came from the Kurdish Democratic Party of Iran. However, the Shah came to recognize the potential for using direct aid to Mulla Mustafa as a means to secure some direct influence within the Kurdish national movement. The idea was to make Barazani’s movement dependent upon the aid and to increase that aid as the movement grew so that eventually the Kurdish movement’s very survival would depend upon it." The Shah helped Barazani in order to compel him to cease aiding the Iranian Kurds and used him to restrain Kurdish activities inside Iran. Barazani issued a statement directing Kurdish nationalists to cease hostilities against the Shah’s regime. It resulted in a major schism between Iraqi Kurds and their Iranian counterparts in the KDP. Several Iranian rebels who had joined Barazani’s forces returned to Iran and began a new revolt against the Shah’s regime. However, the rebels

"Ghassemlou, n.38, p.124."
soon found themselves surrounded by the Iranian army and their escape route blocked by Barazani’s *Peshmergas*. At least, forty Iranian Kurdish rebels were killed by Barazani’s forces or arrested and handed over to Iranian authorities to face certain death."

Kurds had also been used by the US against Iraq. But USA also curtailed its aid to the Kurds in 1975 which, combined with the withdrawal of the Iranian support, led to the total collapse of the rebellion. Kissinger justified US abandonment of the Kurds on the ground that they could not have been saved "without the intervention of two Iranian divisions and $300 million in assistance from US". He added that neither the Shah nor USA was willing to provide that level of assistance."

**IRAN-IRAQ DETENTE**

The Algiers Agreement of 1975 marked the beginning of a steady improvement in the Iranian-Iraqi relationship. This was reflected in a series of visits and agreements signed between them in various fields. On

"Ibid., p.125.

"Abdulghani, n.6, p.145.

"Ibid."
26 December 1975, Iran and Iraq signed a series of agreements establishing their new relationship into effect. The agreement covered navigation on the Shatt al-Arab river at the southern end of the border, relations between border posts, exploitation of international rivers and border farm lands and the movement of citizens. During his visit to Iran on 22 June 1976, the Iraqi Foreign Minister, Sa’adoun Hammadi, exchanged final copies of the Iran-Iraq border demarcation and the security agreements with his counterpart, Abbas Khalatbari. This was followed by the visit of Izzat Ibrahim, Iraqi Minister for Interior, to Iran in July 1977, to attend the round of meetings of the Iranian-Iraqi Joint Committee. This resulted in the establishment of five sub-committees to promote bilateral relations between the two countries in the fields of agriculture, fisheries, commerce, transit, consular affairs, communication, education, tourism and energy.

During his visit to Iran in December 1977, the Iraqi Vice-President stated that growing Iraqi-Iranian

"Times of India (New Delhi), 28 December 1975.


"Baghdad Observer, 11 July 1977."
relations "have become a model of neighbourliness...based on mutual respect and non-interference in domestic affairs". This substantial improvement in the Iranian-Iraqi relations included visits by armed forces personnel; in October 1977 by the Iranian Commander of the Air Force and Navy; in February 1978, by the Iranian Chief of Staff, General Ghulam Reza Azhari; and in April 1978 by the Iraqi Air Force Chief, Major General Hamid Sha’abn.

The second session of the Iranian-Iraqi Joint Commission was held in Baghdad in February 1978. The joint commission met twice a year alternately in Baghdad and Teheran. The first session of the Commission had been held in July 1977. In the second session, the Iranian delegation was led by Abbas Ali Khalatbari and the Iraqi delegation by Izzat Ibrahim. The Heads of the two delegations exchanged the instruments of ratification of the following agreements:


"Ibid., p.526.


(a) An agreement providing for co-operation between the Ministries of Interior of Iraq and Iran.

(b) An agreement on tourism.

(c) An agreement on co-operation in the domain of agriculture and fish resources."

In a communique issued later, the Iraqi and the Iranian delegations stressed their "determination to continue to implement to the full", the Algiers Agreement and the Teheran Protocol." Khalatbari also met President Bakr and the Vice-Chairman of the RCC, Saddam Hussein. No details were given about these meetings other than that they were centred on strengthening bilateral relations. However, the main purpose of this meeting appeared to be to work out an arrangement to deport Ayatollah Khomeini, whose followers were responsible for the disturbances in Iran in early 1978. When the situation in Iran deteriorated and the stability of the region seemed to be in real danger, Iraq declared its support for the Shah. In September 1978, Iraqi authorities restricted Khomeini's freedom of action and in October he was expelled from Iraq." The main reason behind this was

"Baghdad Observer, 4 March 1978.


that the presence of Khomeini might cause unrest in their own Shii community living in Iraq.

In the wake of the Algiers Accord, there developed a convergence of interests between Iran and Iraq over certain issues. In the Horn of Africa, Iran and Iraq supported pro-Western Somalia against the Soviet-backed Marxist regime in Ethiopia. Some reports indicated that Iran was giving military support to Somalia. During his visit to Iraq on 26 February 1978, Khalatbari told that the discussions had dealt with the developments in the Horn of Africa and the Middle East.

The other issue over which Iran and Iraq cooperated was over the pricing of oil within OPEC. This was reflected quite vividly in statements made by their Foreign Ministers. In November 1976, Iran's Foreign Minister announced that the increase in oil prices was the logical result of the spiralling economic inflation in the industrial countries. The Iraqi Foreign Minister was of the opinion that the inflation and the increase in OPEC's imports from the industrial West had reduced

"Arab Report and Record, 15-28 February, p.139.

"Ibid., p.127.

"Foreign Broadcast Information Service-Middle East and Africa (FBIS-MEA), 29 November 1976, p-R1."
the purchasing power of their oil revenues and had created difficulties for the oil producing countries."

Iran and Iraq were also against Saudi Arabia's oil pricing and production policy. Differences with Saudi Arabia were accentuated following the OPEC meeting of December 1976. Saudi Arabia had opted for a 5 per cent increase in oil prices against the 10 per cent increase adopted by Iran, Iraq and other OPEC states. Iran reacted by criticizing the Saudi oil policy, and accused the oil Minister, Ahmad Zaki Yamani, of harming the interests of OPEC members. "Iran blamed Saudi Arabia of serving 'imperialism and zionism' when it decided to increase oil prices by only 5 per cent." This dispute over the pricing of oil led the two countries to create a special commission to discuss the possibility of coordinating their oil policies." This question was discussed during the Iraqi Interior Minister's visit to Teheran in July 1977.


"FBIS MEA, 7 January 1977, p.R1."
Another matter of common interest between Iran and Iraq was to keep the Gulf region free of Super Power rivalry and to eliminate foreign military bases in the Gulf. Despite the alleged US-Iran strategic link, Iran was opposed to the Super Power presence in the Gulf, and had advocated the view that the primary responsibility for the maintenance of regional security rested on the shoulders of the littoral states. Similarly, Iraq put forward the necessity of eliminating foreign military bases from the Gulf. It also opposed the creation of military alliances or pacts in the Gulf.

Notwithstanding the newly developed co-operation, which characterized Iranian-Iraqi relationship since 1975, there persisted some differences also. These were over the creation of the 'Arabian Gulf News Agency' and the concept of Gulf security. The idea of forming an Arabian Gulf News Agency was initiated by Abu Dhabi in a conference of Ministers of Information of seven Arab Gulf states on 4 January 1976. Iran protested


vehemently at the Gulf being called 'Arabian'. Iran recalled her ambassadors to Bahrain, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the UAE, as a gesture of displeasure. On 7 January, Iran's Foreign Minister, Abbas Khalatbari, warned that Iran would reassess her policy towards the Arab Gulf states. The Iranian displeasure seemed to have had its effect. By 19 January, Khalatbari told the Iranian Senate that the dispute was nearing a solution and that Arab ministers were expressing their personal opinion and not reflecting official policy.

Even though Iran and Iraq were keen on maintaining the Gulf security, they differed considerably over the modalities of the regional security system. Following the Algiers Agreement of 1975, both Iran and Iraq began making tentative moves towards joint responsibility for ensuring security in the Gulf. Saddam Hussein suggested that the initiative in this matter could be taken only after all countries in the area had settled their differences. During his visit to Teheran in 1975, Saddam Hussein presented the Shah with an Iraqi formula

"Ibid.


"Ibid., p.235."
for Gulf security. The Iraqis proposed a declaration by all Gulf littoral states committing themselves to preserve the freedom of navigation, without let or hindrance, against any state which sought to infringe the principle." Iraq viewed freedom of navigation in the Gulf and the Strait of Hormuz as vital for her security and that of other states in the region, and hence was opposed to any restriction on navigation in the Gulf. But, Iran favoured a 'regulated transit passage'. " Iran distinguished between the right of 'regulated transit passage' for commercial ships, and that of 'innocent passage' i.e., depending on the prior consent of the littoral states which is applied in the case of military vessels." Iraq rejected this distinction between commercial and military vessels and advocated unimpeded navigation in the strait for all states.

The Gulf consists of 90,000 sq. miles. The breadth of the Gulf varies from 29-51 miles at the entrance, the Strait of Hormuz, to 140 miles at the head and 200 miles at its widest part. The average depth is only 240 feet.

"Abdulghani, n.6, p.169.


"Quoted in Abdulghani, n.6, p.170.

"Ibid.
Sheltered from the open ocean, the Gulf qualifies as semi-enclosed sea linked with the Indian Ocean by the Strait of Hormuz. The term semi-enclosed sea is adopted to refer to partially enclosed seas, gulfs, straits and channels along the margin of oceans. The Gulf falls within the definition of the term "enclosed or semi-enclosed sea" as defined in Article 122 of the Informal Composite Negotiating Text (ICNT Rev/1)." Except for Iran and Oman, the Gulf states favour the traditional status of the Gulf which guarantees high seas status to waters beyond the territorial sea and the navigation rights of the international community within the Gulf.

The Strait of Hormuz, a narrow and curved shaped channel, connecting the Persian Gulf to the Indian Ocean, is approximately 100 nautical miles long. The Strait of Hormuz is a geological depression bounded by Iran to the North and the Musandam Peninsula to the South. The narrowest part of this Strait, 21 nautical miles wide, lies between the Iranian island of Barak and the Omani island of Greater Quoin. Both Iran and Oman


claim 12 miles of territorial waters there, which overlay in a stretch of 15 miles."

The matter of passage through international straits consisting of territorial waters is most controversial. Traditionally, when the limit of territorial waters was not permitted to be more than three miles, it was accepted that if the two shores of a strait were bordered by the territories of different states, each could exercise its sovereignty within the limits of territorial waters, subject to the right of innocent passage. This doctrine does not prevail any longer, since its application to twelve mile territorial limits will prove difficult. The customary International Law and the 1982 UN Conventions on the Law of the Sea (UNCLOS)* eventually accepted a twelve mile territorial sea. Its potential impact upon straits was considerable. A major consequence of this recognition of a twelve-mile territorial sea was that a much greater number of straits would now potentially be subject to overlapping territorial sea claims by strait states. The conference was therefore forced to deal with the right of passage


through territorial seas in straits in much greater
detail than in agreement to the Territorial Sea and
Contiguous Zone (TSCZ) of 1958. What resulted was the
codification of a more detailed regime of innocent
passage through the territorial sea than had existed in
the TSCZ of 1958, and the creation of a new regime of
transit passage through international straits.

The diverging perceptions on the concept of
regional security held by Iran and Iraq precipitated the
total collapse of the Gulf security conference that was
held at Muscat in November 1976. Iran offered the plan
for a unified army, navy, and air force under a joint
command, which could be responsible for the defence of
the member states and of the Gulf waters. That joint
army was also to be used if any regime was threatened
internally. Iraq, on the other hand, proposed a treaty
under which each Gulf State would retain its littoral
rights but would ensure free navigation to international

"Mahmoudi, "Customary International Law and Transit
Passage", Ocean Development and International Law,

"See Article 17 to 32. UNCLOS, n.86, pp.1261-1354.

"Arab Report and Record, 16-30 November 1976,
p.710.

"Singh, n.77, p.236."
shipping." The Conference was a failure because of the disagreement on this matter. Summing up the conference, the Omani Minister of State for Foreign Affairs, said that there was "a situation or better an atmosphere" which did not make joint defence co-operation possible at present."

Saddam Hussein justified Iraq's espousal of bilateral co-operation between the Gulf states on the ground that their divergent political systems made the concept of collective arrangements unrealistic and impractical." Iraq's rejection of a collective security system in the Gulf also stemmed from her fear that such a system would be inevitably dominated by Iran, which was the preponderant military power in the region. The Shah expressed his distress at the failure to reach an agreement. He accused the other Gulf states of not cooperating in reaching an agreement on Gulf security and added that Iran would be prepared to do the job alone, if necessary."

"Ibid., p.236.


The series of regional developments including events in the Horn of Africa in late 1977, the coup in Afghanistan in April 1978, and changes in the Yemen Arab Republic and People's Democratic Republic of Yemen in mid-1978, again necessitated the need for collective Gulf Defence Agreement. Oman again took the initiative and circulated a new plan for joint Gulf security, accompanied by a warning of widespread communist and leftist trends in the area. Iran, Iraq and Saudi Arabia entered into negotiations in May 1978 to create some type of a security belt in the Gulf. The Iranian Prime Minister announced in June 1978 that negotiations between the Gulf states and Iran for a common defence and security alliance had been suspended, and he accused Iraq and Saudi Arabia for opposing such an idea. In an interview, Saddam Hussein said, "We are not at all interested in mutual or multilateral defence or security arrangements, only in normal, bilateral, state-to-state relations." Chairman Hua of the People's Republic of China, who visited Teheran on 31 August 1978 also discussed the Gulf security pact with Iran and all other


"Saddam Hussein's interview with Newsweek, 17 July 1978, p.55."
Gulf States concerned. No regional agreement on Gulf security was reached by the Gulf states."

Iranian efforts to evolve a Gulf security pact did not succeed for several reasons. One of them was that the Gulf states had a lingering distrust of Iran because of its size, population and military potential. Another reason was that though the Gulf states wanted cooperation for security no one was interested in allowing others to interfere in its internal affairs.

The Iranian-Iraqi agreement of 1975 helped to integrate Iraq into Gulf politics by putting an end to Iraq's isolationist foreign policy. The agreement was also instrumental in effecting a spirit of detente and reconciliation in the Gulf. Although Iran-Iraq relations witnessed a steady improvement in the political, economic and commercial fields after the 1975 agreement, there was continuing divergence of interests also. The commonality of interests was manifested in their perception of developments in the Horn of Africa, the coordination of their policies within OPEC, and their agreement to eliminate extra-regional Powers and their influences in the Gulf. But the divergence was evident in their disagreement over the concept of the Gulf security system.

"Amin, n.84, p.27."
The Iran-Iraq detente collapsed with the fall of the Shah and the accession to power of Ayatollah Khomeini in Iran. The Islamic Revolution introduced a new ideological factor, pitting a radical, universalist, pan-Islamic, religious regime in Iran against a secular, socialist, nationalist regime in Iraq. Moreover, Iranian provocative threats against Gulf rulers in general and Iraq in particular heightened the tension between them. Their relations deteriorated further, especially when Iraq unilaterally abrogated the Algiers Agreement and renewed its claims over the Khuzistan province. All these factors brought back the regional "Cold War" and accelerated the confrontation in the Iranian-Iraqi relations after 1979.