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REPORT BY THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF THE
CONSENSUS ADOPTED BY THE SECURITY COUNCIL ON 28 FEBRUARY 1974
REGARDING THE COMPLAINT BY IRAQ CONCERNING INCIDENTS ON ITS
FRONTIER WITH IRAN

1. At its 1764th meeting, held on 28 February 1974, the Security Council adopted a consensus regarding the complaint by Iraq concerning incidents on its frontier with Iran (S/11229), by paragraph 5 of which it requested me

" - to appoint as soon as possible a special representative to conduct an investigation of the events that have given rise to the complaint by Iraq and

" - to report within three months."

2. Accordingly, on 18 March 1974, I appointed Ambassador Luis Weckmann-Muñoz of Mexico as my Special Representative to conduct an investigation of the events that had given rise to the complaint by Iraq. Mr. Weckmann-Muñoz arrived at United Nations Headquarters on 25 March.

3. While at United Nations Headquarters, Mr. Weckmann-Muñoz had discussions with me concerning his mission. He also consulted with the President of the Security Council and with the Permanent Representatives of Iran and Iraq.

4. Mr. Weckmann-Muñoz, accompanied by Mr. F. J. Homann-Herimberg, of the Secretariat, arrived in Baghdad in the evening of 3 April for a first visit of one week. On 10 April, the mission proceeded to Teheran, where it stayed until 17 April. During these visits, thanks to the full co-operation of both Governments, the Special Representative was able to undertake extensive field trips and to acquaint himself with the situation along those areas of the frontier that had been the scene of recent incidents.

5. In order to clarify some aspects of the respective positions of both Governments, the mission held further discussions with government representatives in Baghdad from 18 to 20 April, in Teheran from 20 to 24 April and again in Baghdad on 24 and 25 April.

6. Mr. Weckmann-Muñoz cabled me on 25 April a summary of his main observations and reported to me further on his return to New York on 3 May.

7. On 16 May, Mr. Weckmann-Muñoz submitted to me his written report, which is annexed to the present report. He also informed me that the Governments of Iran and Iraq have agreed through the Special Representative, who was acting in the exercise of my good offices, to the following points:

1. A strict observance of the 7 March 1974 cease-fire agreement;
2. Prompt and simultaneous withdrawal of concentrations of armed forces along the entire border, in accordance with an arrangement to be agreed upon between the appropriate authorities of the two countries;
3. The creation of a favourable atmosphere conducive to achieving the purpose stated in the following paragraph, by refraining totally from any hostile actions against each other;
4. An early resumption, without any preconditions, at the appropriate level and place, of conversations with a view to a comprehensive settlement of all bilateral issues.

8. In submitting this report to the Security Council, I wish to express the hope that the information contained in it will prove useful to the Council in its consideration of this matter.

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Annex

REPORT BY THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL
UNDER SECURITY COUNCIL CONSENSUS OF 28 FEBRUARY 1974

Introduction

1. On 18 March 1974, the Secretary-General appointed me his Special Representative in accordance with the terms of the consensus adopted by the Security Council on 28 February 1974 regarding the complaint by Iraq concerning incidents on its frontier with Iran.
2. On 25 March 1974, I took up my duties in New York and discussed with the Secretary-General and his colleagues the mission to be undertaken. I was also provided with relevant documentation by the Department of Political and Security Council Affairs and was able to acquaint myself with historical and legal documents relevant to the question.
3. During my stay in New York, I had the opportunity to meet with the President of the Security Council and to consult with the Permanent Missions of Iran and Iraq, particularly as regards the timing and practical arrangements for my visits.
4. Accompanied by Mr. F. J. Homann-Herimberg, whom the Secretary-General had designated to assist me, I visited Iraq and Iran several times in the period from 3 to 25 April and returned to New York on 3 May.
5. An account of my mission and the contacts with the Governments of Iraq and Iran in pursuance of the task entrusted to me by the Secretary-General is given in the following sections of this report.
6. I would like to record my appreciation for the co-operation received from both Governments, who arranged for the contacts we required and provided all facilities, particularly transportation, without which we would not have been able to get a comprehensive view of the situation on the spot.

First consultations with the Government of Iraq

7. Having arrived in Baghdad in the evening of 3 April 1974, we started our consultations the following day. In the course of two meetings with the Under-Secretary of the Ministry of Foreign Affairs, Mr. S. Taqa, we discussed the terms of the consensus adopted by the Security Council, the need to gather as much additional information as possible and a time schedule for our visits to the frontier. The Under-Secretary, with the aid of a map, briefed us concerning past and recent border incidents. He also provided us with a map identical to the one annexed to the letter from the Permanent Representative of Iraq to the President of the Security Council (S/11224), showing what Iraq considered to be Iranian incursions on Iraq's territory. In addition, Mr. Taqa gave us an initial

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explanation of his Government's views on the current relations between the two countries, particularly in the light of the unilateral abrogation by Iran of the 1937 Boundary Treaty between Iran and Iraq, a/ stressing that Iraq considered the current situation to represent a threat to peace and security in the area. In that connexion, he pointed out that the sector of the border where the two armies faced each other was only some 130 kilometres in a straight line from Baghdad.

8. Accompanied by officials of the Foreign Ministry, the Director-General of the border police and the commanding military officers of the respective sectors, we visited the Badra sector on 5 April and the Khanaqin sector on 6 April by helicopter. In the course of several landings along the border, we were given Iraq's account of incursions and recent border incidents, which had been the subject of communications to the Security Council. On the basis of maps, we were shown on the ground and from the air Iraq's interpretation of the border line and were able to observe the proximity of the respective military positions, as well as the concentration of armed forces, frequently backed by heavy weaponry.

9. The Government then made arrangements for us to visit the Shatt-al-Arab estuary, and on 7 April we went by ship from Basrah to beyond Abadan. During the trip, we received a detailed briefing on Iraq's legal position regarding the delimitation of the border and navigation on the river. We were informed that in the absence of mutually respected rules navigation was hazardous, a fact that became evident to us from our own observation. From later conversations in Baghdad and Teheran, we learned that the two Governments were equally desirous of negotiating a navigation agreement designed to ensure safe and unhampered navigation in the Shatt-al-Arab.

10. In the course of a meeting on 8 April 1974, the Foreign Minister of Iraq, Mr. M. S. Abdul Baqi, explained the importance his Government attached to the respect of treaties and, at the same time, expressed Iraq's keen interest in having correct relations with its neighbours. In that connexion, the Foreign Minister also expressed regret about the need for massive troop concentrations along the border, which were really in nobody's interest. He stressed the importance of an early withdrawal of forces, alluding also to the possibility of a fresh approach to bilateral conversations.

11. On that and the two following days, further consultations took place with Mr. Taqa and his colleagues. For my part, I gave my impressions of the visit to date and sought additional information regarding the delimitation of the land border. Confirmation was received that the boundary delimitation commissions created as a result of the 1913 Turco-Persian Protocol and the 1937 Boundary Treaty between Iraq and Iran had never finished their work in those areas where the recent incidents had taken place. The Under-Secretary, for his part, gave a further account of past and current relations with Iran and briefed us on what he qualified as his Government's initiatives for bilateral contacts over the last three or four years. He also repeated Iraq's readiness to "find a common ground" and informed us about his Government's initiative for the cease-fire that had eventually been agreed upon for the morning of 7 March 1974.

a/ See documents S/9815, S/9205 and S/9323.

12. During those consultations, we agreed that a further exchange of views after our visit to Iran might be considered.

13. Prior to our departure on 10 April, we paid a courtesy call on the Iranian Ambassador in Baghdad.

First consultations with the Government of Iran

14. We arrived in Teheran late on the evening of 10 April.

15. Because the following two days were holidays, we did not start our consultations until 13 April, when we paid a courtesy call in the morning on Mr. A.-A. Khalatbari, the Foreign Minister, and Mr. G. Tajbakhsh, the Under-Secretary for Political Affairs. That was followed by a working session lasting for the rest of the day with Mr. S. Sadrieh, the Director for Political Affairs, and other high officials of the Ministry of Foreign Affairs. As in Baghdad, we discussed the terms of the consensus adopted by the Security Council, the need for additional information, as well as a time schedule for our visits to the frontier. We were given a chronicle of events and frontier clashes in the Mehran region during the period from 10 December 1973 to 10 February 1974 and were shown maps of the area. It was explained that in the opinion of Iran, the investigation should be limited to events prior to 10 February, i.e., those leading to Iraq's complaint to the Security Council. Mr. Sadrieh also acquainted us with his Government's position regarding the boundary question, b/ its views regarding the relations between the two countries and its continued attempts during recent years to hold bilateral negotiations. He also informed us that, prior to recent incidents, no army units had been stationed along the borders. My account of Iraq's desire to ease the military situation and to discuss matters bilaterally was received with interest.

16. In the company of officials from the Foreign Ministry, high-ranking military and gendarmerie officers and commanders of the respective sectors, we visited the area of Mehran (corresponding to Badra in Iraq) on 14 April and the area of Qasr-e-Shirin (corresponding to Khanaqin in Iraq) on 15 April. From Teheran to Dezful and from Kermanshah to Teheran we were transported by aircraft, but the visits along the border were made by helicopter. As was the case during our visit in Iraq, we made landings along the border and visited by car and on foot the scene of recent incidents. Again, we observed the proximity of the respective military positions, as well as the concentration of armed forces and the presence of heavy weaponry. On the basis of Iranian maps, we were shown on the ground and from the air Iran's interpretation of the border line.

b/ See documents S/9190, S/9200 and Add.1 and S/9425.

17. On our return to Teheran, we were received on the morning of 16 April by the Prime Minister, Mr. A. A. Hoveyda, with whom we shared some of the major impressions we had gathered to date. I emphasized the potential dangers of the situation currently prevailing in the areas visited and the urgency for measures to defuse it. The Prime Minister said that his Government had exercised restraint in the past and appreciated the importance of an early defusing of the situation, including the resumption of bilateral contacts, which he hoped would permit both countries to concentrate solely on questions of their own development.

18. On that and the following day, further working meetings took place with Mr. Sadrieh and senior Foreign Ministry officials. As in Baghdad, we compared our impressions from the visit and received confirmation that the boundary in the areas of recent incidents had never been formally defined and that there was a de facto boundary which might vary from that shown on maps drawn up by the boundary delimitation commissions. Having by then become familiar with the maps used by Iraq and Iran, I conveyed my observation that each side was using different sets of maps with different border tracings. As the situation seemed to require further discussion with both Governments, it was agreed that we would have a further round of consultations.

19. On 17 April, before proceeding to Baghdad, we paid a courtesy visit to the Ambassador of Iraq in Teheran.

Second round of consultations with the Government of Iraq

20. On 17 April, we returned to Baghdad.

21. The next morning we met with Under-Secretary S. Taqa and his colleagues, to whom I gave a detailed account of our visit to Iran and the impressions we had gathered. Foremost was our observation that because maps with different land border tracings were being used the recent incidents, with perhaps one exception, seemed to have taken place in areas shown as Iraqi territory on the maps used by Iraq and vice versa, a fact which did not appear to be commonly realized by those dealing with the problem at different levels. I explained that we had also found that the border in the areas visited had not been demarcated on the ground and had been told that if frontier pillars had existed they had either been destroyed by natural causes or had been removed. As regards the maps, Mr. Taqa asserted that those currently used by Iraq were based on those drawn up by the 1914 boundary delimitation commission, reiterating, however, that no final delimitation had taken place. I emphasized the urgent need for a relaxation of tensions, including strict observance of the cease-fire and withdrawal of concentrations of armed forces along the border. I also expressed my belief in the importance of an early resumption of bilateral contacts.

22. The same day we were received by the Vice-Chairman of the Revolutionary Command Council, Mr. Saddam Hussein, who, after referring to past grievances, indicated nevertheless his Government's keen desire for sound normal relations and an early dialogue based on respect for sovereignty and justice. The

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Vice-Chairman stated that inasmuch as Iraq's earlier attempts in that regard might not have been properly understood by Iran, his Government would continue to play its part, because the burden should not be left entirely to the Security Council or the United Nations.

23. Before departing for Teheran, we had a number of consultations with Mr. Taqa aimed primarily at clarifying Iraq's position regarding further proceedings in the light of our observations and received full assurances of his Government's concurrence with all measures aimed at a defusing of the situation.

Second round of consultations with the Government of Iran

24. In the morning of 20 April we returned to Teheran and were received the same day by the Foreign Minister of Iran, Mr. A.-A. Khalatbari, whom I informed of our latest consultations in Baghdad.

25. During the next two days, a number of working meetings took place in the Foreign Ministry aimed primarily at a clarification of Iran's position on the land border line in the areas of recent clashes and of Iraq's understanding concerning measures aimed at a relaxation of tensions.

26. On 23 April, we were received by His Imperial Majesty Mohammed Reza Shah Pahlavi, Shahanshah of Iran, in the presence of the Foreign Minister. I gave an account of our visits to both countries, particularly the border areas, and conveyed our preoccupations regarding the potential dangers of the situation as observed by us and the urgent necessity of measures for de-escalation of tensions. The Shah indicated his country's agreement with a continued strict observance of the cease-fire and a simultaneous withdrawal of armed forces along the entire border between the two countries. He also consented to the creation of a favourable atmosphere for an early resumption of bilateral conversations, which should be aimed at a comprehensive settlement of all bilateral issues and should take place without any preconditions.

27. Subsequently, the Foreign Minister asked me to convey the substance of the conversation with the Shahanshah to the Government of Iraq.

Third round of consultations with the Government of Iraq

28. We returned to Baghdad on the evening of 24 April and were immediately received by Under-Secretary Taqa and his colleagues.

29. Mr. Taqa repeated his Government's interest in a general defusing of the situation and generally expressed agreement with an early resumption, without any preconditions, of conversations with a view to a comprehensive settlement of all bilateral issues.

30. We left Baghdad for Beirut on the morning of 25 April.

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Findings and conclusions

31. The events which led to the consideration of this matter by the Security Council have been the subject of a number of communications addressed to the Council by the parties. The recent incidents may be traced to the conflicting views of the two Governments concerning the continuing validity of the 1937 Boundary Treaty between Iran and Iraq; on that question the positions of the parties were first expressed by them in communications addressed to the President of the Security Council on 29 April 1969 by Iraq (S/9185) and on 1 May 1969 by Iran (S/9190).

32. According to information supplied to the Security Council by both Governments, incidents have occurred since April 1972 in a geographical sector ranging in Iraq from the area of Khanagiri in the north to the area of Badra in the south; this corresponds in Iran to the area of Qasr-e-Shirin in the north to the area of Mehran in the south. The mission therefore felt that the investigation should extend to that sector. Although Iran was of the opinion that the investigation concerning the most recent of the clashes should be limited to events prior to 10 February 1974 (those occurring in the Mehran area), the date of Iraq's complaint to the Security Council, we were able to visit the entire sector on both sides.

33. In the course of those visits we were shown from the air or from the ground all of the places of incidents which are mentioned in appendix I and indicated in appendix II. The parties gave to us their accounts of the events which were the subject of their respective communications to the Security Council. Though it was obviously impossible to verify the accuracy of the respective versions of specific incidents, we were shown on both sides traces of what must have been rather intensive exchanges of fire, involving the use of a broad range of weapons. That was evidenced by impacts of projectiles on buildings and mortar and rocket craters in the ground, as well as unexploded and fragments of exploded shells. Both sides have indicated to us that they suffered casualties, including fatalities.

34. The situation along the frontiers visited appeared calm. Indeed, the mission was informed that both Governments had agreed to a cease-fire, which entered into effect in the morning of 7 March 1974 and seemed to be respected by and large, although some isolated shooting of a local nature and without casualties was reported to have taken place. Though both parties claimed to have given strict instructions for a complete observance of the cease-fire agreement, the situation in the areas visited nevertheless appeared tense. That seemed to be particularly the case in sectors where considerable concentrations of armed forces, frequently backed by impressive weaponry, were observed and where the distance between the respective forces was minimal (80 to 150 yards).

35. The mission also learned from both Governments that in most of the areas of recent clashes the frontier had never been clearly delimited. Not only did the boundary delimitation commissions created as a result of the 1913 Turco-Persian Constantinople Protocol and the 1937 Boundary Treaty between Iraq and Iran never complete their work but, even where they did, the frontier in the areas of clashes

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was never, or was no longer, clearly marked on the ground. We observed that the sector of incidents had few permanent settlers and that its main characteristic was a continuous succession of mountains and, chiefly, hills. Because of the lack of boundary marks it is difficult to say whether the frontier line follows the contour or the crest of a particular hill. There is therefore widespread disagreement on whether particular stretches of land belong to the territory of one or the other of the parties concerned. This is also demonstrated by the fact that maps showing different border lines have been and are being used by Iraq and Iran (see appendix II) apparently without either side being aware of the fact. Except for artillery fire and shelling, most, if not all, of the recent incidents have taken place in these areas of conflicting geographical claims. The only likely exception is the most serious of the incidents, which took place on Hill 343 in the Zaluab Heights on 10 February 1974, in the course of which many human lives were lost. This hill is shown as part of Iran's territory on Iranian maps; though the scale of the map provided by Iraq did not permit us to confirm this fact, the 1914 map does. Generally speaking, however, the 1914 border line tracing of the Khanaqin-Badra/Qasr-e-Shirin-Mehran sector seems to favour Iraq's interpretation, although again not in every respect.

36. In view of these observations, it would seem important to delimit and demarcate the border line. We were assured by both sides that neither, in principle, had territorial claims along the land frontier; both Governments, in fact, indicated that they would stand by the findings of a new joint delimitation commission, which could also settle at the same time the question of the sharing of waters of those rivers that flow from one country to the other. It would appear that this question should be given priority in the conversations on bilateral issues.

37. With regard to another highly important issue, namely, the Shatt-al-Arab question, it appears that, notwithstanding the fact that the respective legal positions of both countries are incompatible at present, there is nevertheless a willingness to negotiate on a practical basis an agreement designed to ensure safe and unhampered navigation on the river. Further points mentioned to us in both capitals that seem to require negotiation are the questions of the extent of territorial waters, fishery zones and the exploitation of the continental shelf.

38. Whatever the problems of the past may have been, there is a clear desire on the part of both Governments on the need to de-escalate the prevailing situation. In this context, the strict observance of the 7 March 1974 cease-fire agreement and a prompt and simultaneous withdrawal of concentrations of armed forces along the entire border, in accordance with an arrangement to be agreed upon between the appropriate authorities of the two countries, are most important elements. This should be accompanied by appropriate measures for the creation of a favourable atmosphere conducive to bilateral conversations, by refraining totally from any hostile actions against each other. Such conversations, which, according to indications, might be resumed at an early stage and without any preconditions, at the appropriate level and place, would clearly be the best way to settle in a comprehensive way all bilateral issues.

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Appendix I

CHRONOLOGICAL ORDER OF INCIDENTS AS REPORTED BY THE PARTIES

1. 10 April 1972. Three Iranian gendarmes attacked and abducted by Iraqi infiltrators while travelling from Naft-e-Shah to Qasr-e-Shirin (Iranian report, see S/10627)
2. 11 April 1972. Iranian forces infiltrating Iraqi territory opened fire on a police vehicle in the Khanaqin area (Iraqi report, see S/10615)
3. 11 April 1972. The Iranian border post of Amineh shelled (Iranian report, see S/10627)
4. 12 April 1972. Exchange of heavy fire in the same area (Iraqi report, see S/10615)
5. 12 April 1972. Iraqi troops shelled the border post of Amineh and attacked the nearby Iranian posts at Tazeh-Gol, Reza-Abad and Heydar-Abad (Iranian report, see S/10627)
6. 13 April 1972. Iraqi troops shelled the Iranian border posts at Amineh and Reza-Abad (Iranian report, see S/10627)
7. 10 December 1973. Troops accompanied Iranian technicians trying to build a road in the area of the Iraqi Al-Jabal police post (Iraqi report, see S/PV.1762)
8. 15 December 1973. Skirmish in Kanisakhat (Iranian report, see S/PV.1762)
9. 24 December 1973. Attempt to build a road in Badra area (Iraqi report, see S/PV.1762)
10. 24 December 1973. Kanisakhat attacked from the Zaluab Heights (Iranian report, see S/PV.1762)
11. 25 December 1973. Kanisakhat bombed from the three hills of the Zaluab (Zaloo-Abe) Heights that dominate Kanjan-Cham Dam and the frontier post of Reza Abad; and four-hour occupation of the three hills of the Zaluab Heights. One Iranian soldier fatally wounded (Iranian report, see S/PV.1762)
12. 26 December 1973. Frontier post attacked from Dorraji in Iraq (Iranian report, see S/PV.1762)
13. 24 January 1974. Iranian forces repulsed from Badra county area (Iraqi report, see S/11216)

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14. 30 January 1974. Attack on herdsmen in Kulak (Namme-Kalan) heights (Iranian report, see S/11218)
15. 31 January 1974. Patrol fired at from Heights of Al-Jabal (Iranian report, see S/11218)
16. 4 February 1974. Attack on Iraqi border positions (Iraqi report, see S/11216); same as No. 17
17. 4 February 1974. Iranian armoured units attacked Iraqi border force (in Zaluab Heights) (Iraqi report, see S/PV.1762); same as No. 16
18. 5 February 1974. Shelling in Mehran region and an encounter. One Iranian soldier killed (Iranian report, see S/11218)
19. 10 February 1974. Border clash (Iraqi report, see S/11216); same as No. 21
20. 10 February 1974. Shelling of frontier posts at Zaluab Heights - Kanisakhat, Reza Abad (between Mehran and Ilam), Jazman (2 kilometres south-west from Reza Abad post) and Kanjan-Cham Dam and an incursion repelled. Iraqis left 14 dead behind (the figure was corrected later to 24). Iranians suffered 81 casualties, among them 42 dead (Iranian report, see S/11218); same as No. 22
21. 10 February 1974. Attack against Iraqi border posts at Al-Daraji and Al Sudur (Iraqi report, see S/PV.1762); same as No. 19
22. 10 February 1974. Bloody encounter on Hill 343 in Zaluab and on the Heights of Reza Abad, on Iranian territory (Iranian report, see S/PV.1762); same as No. 20
23. 12 February 1974. Incursion in region of Mehran continues (Iranian report, see S/11218)
24. For some time before 15 February 1974. Iran established guard posts in the following points indicated on the map annexed to S/11224: (1) Al-Behailah (in the Qalat Salih administrative area) 1 kilometre within Iraqi territory;* (2) Al-Jabal, in Badra county 5 kilometres inside Iraqi territory; (3) Al-Ziadi, also in Badra, 5 kilometres within Iraqi territory; (4) Tek Tek, also in Badra, 7 kilometres within Iraqi territory; (5) Khalat-Lan (Kalahan) in the Mandali area, 1 kilometre within Iraqi territory; (6) Nee Khedher, in Mandali, within Iraqi territory (Iraqi report, see S/PV.1762)
25. Between 16 and 20 February 1974. Clashes in Khanaqin area (Iraqi report, see S/11224)

* Some 225 kilometres south of Badra.

26. 22 February 1974. Iraqi post of Hani Baz (Kanibez) opened fire on Iranian post of Amineh (Iranian report, see S/11231)
27. 28 February 1974. Iraqi post of Ghashghah opened fire on Iranian border guards (Iranian report, see S/11231)
28. 2 March 1974. Iraqi armed forces in Mohamad Khezr opened fire on Amineh and Tappeh-Kal (Iranian report, see S/11231)
29. 3 and 4 March 1974. Iraqi border forces under heavy artillery in the region of Zain Alqaws and in the areas surrounding the border post of Muhammed Khedher (Iraqi report, see S/11233)
30. 4 March 1974. Fire lasting several hours opened on Iranian border posts of Zeynal Kosh, Amineh, Reza Abad and Tangabkohnneh in the area of Khan Leili of Ghasre Shirin (Iranian report, see S/11230)
31. 4 March 1974. Iraqi guards at Ghaleh-Yahoudi shelled Zaynalkosh and Tangab Khohneh, as well as the Khan Leili route and the bridge on the river Tangab Khohneh (Iranian report, see S/11231)
32. 4 March 1974. Iraqi armed elements stationed at Manzarieh shelled Iranian positions and the Iranian border posts of Tangab Khoneh, Amineh and Tap-peh-kal were kept under fire (Iranian report, see S/11231)
33. 5 March 1974. Shelling resumed in area of Khan Leili (Iranian report, see S/11230)
34. 6 March 1974. Armed attack against same areas of Zain Alqaws and Muhammed Khedher (Iraqi report, see S/11233)

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Appendix II

MAP SHOWING IRANIAN AND IRAQI VERSIONS OF BOUNDARY LINE
IN THE QASR-E-SHIRIN-MEHRAN/KHANAQIN-BADRA SECTOR

