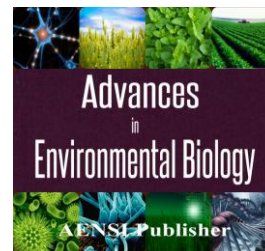




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### Border Disputes and Agreements between Iran and Ottoman (1908-1923)

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#### ABSTRACT

Due to the proximity between Iran and the Ottoman Empire, the border lines have been one of the most controversial issues between the two countries so that the disputes have not been resolved by various border treaties and commissions. In addition, always a variety of reasons, such as nomads, bandits and many others prevented the permanent resolution of the problem and if any of the governments was in the military readiness, it would claim new borders. Hence, this article attempts to study and analyze the causes and reasons of diplomatic relations and signed contracts and commissions.

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### INTRODUCTION

The disputes between Iran and the Ottoman Empire remained unresolved with the signing of more than eighteen peace agreements and several boundary protocols over the four past centuries (1514 -1914), and the disputes were transferred to the newly created state of Iraq after the First World War. Here we offer some of the disputes between Iran and the Ottoman and treaties signed between the two countries during Qajar period:

“At the end of Fath Ali Shah period, the nomadic commuting tribes in the border areas between the two countries caused conflicts. Abbas Mirza took troops to West to stabilize the situation and reached to Baghdad. The Ottoman government was forced to seek peace and the first Treaty of Erzurum (1238 AH / 1823 AD) was signed between the two governments after talks between Iran and the Ottoman representatives in "Erzurum". Despite the Ottoman defeat in the war, the Treaty did not cause any changes to the borders of the two countries” [14].

Iran and Ottoman disputes rose during Muhammad Shah and finally by Russia and Britain government mediation the second the Treaty of Erzurum was signed between the two countries. According to the Treaty both parties called off their cash claims and demands (excluding losses). Moreover, Iran government agreed to call off his claims on western areas of Zahab on the condition that the rule of the Ottoman Empire to accept s Iran claims on eastern areas of “Zahab” and “Kerend”. Iran also agreed that withdraw evidence of its sovereignty over “Sulaymaniyah” on the condition that the Ottoman accepts its rule on town and harbor “Khorramshahr” and the island of “Abadan” and lands to the east coast of “Arvand” (which was in possession of Iran). Ottoman has pledged to recognize Iranian ships traffic in Arvand Rood- which was in possession of Iran. The governments also agreed to introduce delegates for the border delimitation in the presence of intermediate states. Other treaty terms addressed issues related to the refugee, customs duties, well-behavior with the pilgrims, the console appointment and stop the evil acts by nomadic tribal on borders. But the signing of the Treaty did not end the dispute between Iran and Ottoman until by the mediation of Britain, the 1911 protocol was signed by the two countries [4].

According to the protocol, it was decided that a commission will be established consisting of representatives of the four states, Russia, Britain, Ottoman and Iran, according to the second Treaty of Erzurum to address the determination of boundary lines. But, the commission set up was in vain. Subsequently, four government representatives signed the Istanbul Protocol of 1913, according to it Russian and Britain governments were appointed responsible for determining the boundaries between Ottoman and Iran and Arvand

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River went under the rule of Ottoman and Britain. A commission was established to carry out the purposes of this Protocol that in 1914 temporarily marked the borderlines between the two countries [2].

By the end of the First World War and the disintegration of the Ottoman Empire, Iraq was among the countries established after that Ottoman disintegration and became under Britain Mandate and in 1921 AD was apparently gained independence. The first conflicts between Iran and Iraq was on Shia scholars exiled to Iran that was due to the role of Shiite leaders in Iraq's revolution. Exiled Shiite scholars to Iran were objected by to the government and people of Iran. Iran subjected recognition of Iraq as country to settled disputes over the Arvand Rood (Shatt al-Arab) and respect of Iranian citizen's rights after establishment of Iraq.

#### *Border treaties between Iran and Ottoman:*

The long history of the Ottoman and Iranian adjacency has witnessed ups and downs in relations between the two countries. Relations significantly influenced by the border issues between the two countries.

Large and small battles and peace treaties constitute the main relations. During Qajar period, especially since the beginning of the reign of the Naser Al-Din Shah and after the two countries gained the new international and regional situation, including increased power and influence of the European powers and Russia, they tried seriously to resolve problems among them .

Second Erzerum Treaty, Tehran Protocol, Delimitation Commission, Istanbul Protocol are the results of this period. The territorial dispute between Iran and Ottoman dates back to Safavid era; with no definitive border ratified by signed treaty between the two governments. In the peace Treaty of Zuhab or Treaty of Qasr-e Shirin in the year 1049 AH / 1639 AD, between representatives of Iran and Ottoman only by virtue of Sultan Murad IV letter to Shah Safi in Shawwal 1049 AH / 1640 AD, have gained the aspects of the settlements and succinctly and vaguely noted the borders between Iran and Ottoman that this document has no legal legitimacy by Iran [15]

In Nader Shah and The First Sultan Mohammad Khan time a treaty was signed by Hasan Ali Khan representative of Iran and Ahmed Shah the ruler of Bagdad known as the Treaty of Kurdan in Shaban 1159 AH / 1746 AD in which delimitation was mentioned in brief according to the past borders based on the fourth Sultan Murad Khan covenant between governments. In a treaty signed by Mirza Muhammad Ali Mostofi Ashtiani from Iran and Mohammad Amin Rauf Pasha, an Ottoman Empire commander dated back on Zial Qaeda, 1237 AH / 11 July 1819 between Fath Ali Shah and Sultan Mahmud Khan II known as the first Treaty of Erzurum concerning the delimitation noted that the compromise agreement dated back on 1159 AH in the ancient boundaries between the parties is fully honored with no caused prejudice to its foundations [8]. There was no serious dialogue between both governments since the recent treaty to the end the reign of Mohammad Shah.

#### *Tehran protocol in 1329 AH / 1911AD:*

Repeated attacks of the Ottoman to cities and border areas increased following the failure of the Border Commission. Ottoman estate conquered Urmia, Khoy, and Salmas until the Iranian Foreign Ministry entered into serious negotiations with Great Ottoman Embassy in Muharram 1329 AH and called for withdrawal of their invading forces from the occupied areas was. Thus, in December 1911 AD / 1329 AH, in accordance with a protocol signed in Tehran by Iran's Foreign Minister, Vosoq Al-dole and Habibl Pasha, Ottoman Ambassador, both parties pledged: 1) set up a commission in Istanbul; 2) The work be on the basis of documentation; 3) The commission conducts negotiations following the Treaty of Erzurum; 4) If the representatives of the parties do not reach to the conclusion, delimitation issue is referred to the Court of Justice; 5) Areas occupied by the parties is not considered under the rule of occupier [12].

The protocol has no reference to the explanatory memorandum (four elucidates) by Russia and Britain ambassadors. Tehran protocol is important because it is the basis for Istanbul Protocol in 1331 AH / 1913 AD. Istanbul protocol and delimitation meetings in 1914 AD, are in turn, the basis for boundary and good neighborliness treaty in 1356 AH / 1975 AD, known as the Algiers agreement, an agreement between Iran and Iraq to settle their border disputes without any reference to the participation of Russia and Britain representatives as intermediaries. It is for first time in Iran's relations with a foreign country referred to an international organization to resolve disputes concerning the interpretation or execution of the agreement (ibid, 70-69).

#### *Delimitation Commission of 1330 AH / 1912 AD:*

A Commission set up Iran and the Ottoman representatives by according to the first Article of Tehran protocol. The Commission held 18 meetings. In the commission meetings the four elucidates were introduced further that based on Ottoman state claims were integral part of the Second Treaty of Erzurum. Iran government insisted on invalidity of the four elucidates, but Iran representative agreed to the four elucidates at the seventieth meeting under Russia pressure. The negotiations continued for another 6 months after the four elucidates agreed upon. But no results were achieved [2].

*Istanbul Protocol in 1331 AH / 1913 AD:*

Despite the resolutions of the 18th session of the Commission on all matters related to border of Iran and Ottoman referred to The International Court of Justice, the provision was not implemented due to the interference caused by Britain and Russia government [14]. In critical condition before the First World War, Ottoman state took advantage of disorganized Iranian internal affairs and gradually occupied region to Lake Urmia and to ease the invasion of the Caucasus in impending war tried to occupy other strategic areas of Iran sought [4]. This together with the alliance of the German government and the Ottoman, which endangered Britain and Russia interests in the Middle East through the privilege of a Berlin - Baghdad railway made both Britain and Russia governments on the eve of the First World War exceed the duty of mediation on the border dispute between Iran and Ottoman and through direct negotiations specify the border line between Iran and Ottoman according to their specific interests [14]. And thus the Istanbul Protocol was established between Iran and Ottoman based on Britain and Russia common interests. Generally Istanbul Protocol was against Iran because parted parts of the land and annexed them to the Ottoman. However, it was at least one key factor for Britain to establish peace in borderlines and would allow the country to exploit its oil concessions.

Istanbul Protocol, which was a product of Russia, Britain and Ottoman diplomacy for the first time raised the issue of water rights of Arvand Rood and added another problem to the previous dilemma. Istanbul Protocol detached oil-rich lands of Khanaqin from Iran and instead of settling the disputes between Iran and Ottoman, sought for British oil company's interests that led to the higher governance of Britain over Iran's destiny. Istanbul Protocol was a legacy of ongoing conflicts in neighboring states, which then inherited by the governments of Iran and Iraq and ended in 1975 the Algiers agreement (ibid).

In an outlook, the border disputes between Iran and Ottoman in Qajar period can be reviewed as the following: First, caused extensive period of political and diplomatic efforts to resolve border disputes resulted in Erzerum treaties, Tehran protocols, Delimitation Commission and the Istanbul Protocol, Second, the intervention of foreign powers, especially Russia and Britain in the political acts and during treaties led to impose their view on the border demarcation dispute. Handing over thousands of kilometers of Iran land to Ottoman and critical centers remained on the border as the Arvand Rood border are among those interventions inheritance.

*Tehran and Istanbul Protocols and the political and legal implications of Iran and Ottoman:*

Amasya, Ghasreshirin and Kurdan treaties which were the outcomes of political- military relations between Iran and Ottoman in the Safavid and Afshariyeh eras were basis for the first and second Treaty of Erzurum in the Qajar period. First Treaty of Erzurum that constituted the disputes between two governments, the Ghasreshirin Treaty was referred to in determining the boundary between two countries. Ambiguity in the provisions of the first Treaty of Erzurum with incorrect interpretations of the Ottoman government and unresolved tension led to ignite the struggle, eventually signing the second Treaty of Erzurum. But the intervention of foreign powers of Russia and Britain and Ottoman excuses and imposed the four elucidates on the text of the Treaty of Erzurum and delayed commission of delimitation brought the scope of disputes to the beginning of the twentieth century [7]. Although there was not a full-scale war between Iran and Ottoman like that of the nineteenth century in the early twentieth century, the lack of a common will to implement the provisions of the treaties and the Russia and Britain colonial intervention made finding solutions more difficult.

Tehran Protocol and Istanbul Protocol were signed following the Border Commission concluded under the influence of the international requirements and emerging European government's categories and World War I. Sovereignty of certain lands in the west, such as Zahab and Khanaqin was lost and entered new issues such as Arvand River rights into the relations between Iran and the Ottoman. Istanbul Protocol became the basis for the sign of subsequent treaties between Iran and Iraq - the remnants of the Ottoman Empire -.

Beginning of a territorial dispute between Iran and Ottoman dates back to Safavid era where no definitive borderline were drawn between the governments of Iran and the Ottoman. In the Treaty of Zuhab in 1049 AH / 1640 AD signed between representatives of Iran and the Ottoman, only by virtue of Sultan Murad letter to Shah Safi in Shawwal 1049 AH / 1640 AD, have gained the aspects of the settlements and this document has no legal legitimacy by Iran (Aktep, 1970, 2).

After the last treaties until the end of the reign of Mohammad Shah there was no important negotiation on borders issue between the governments until the year 1253 AH / 1837 AD, when the government began the siege and occupy Herat, Ali Pasha, Baghdad governor, looted Mohammareh (Khoramshahr), on 23 Rajab 1254 AH / October 12, 1838 AD, and claimed it as a Ottoman state, then the border disputes began with utmost intensity between governments and due to the complexity of the negotiations two governments of Russia and Britain entered as mediators and decided to establish a commission composed of officers of Iran, Ottoman, Russia and Britain governments in Erzurum to settle the claims. Iranian government appointed minister Mirza Taqi Khan - who later became Amirkabir - as its representative and Ottoman appointed Anwar Effendi (Sepehr, 1998, 16). In 1259 AH / 1843 AD, four countries representatives, consisting of Iran and Ottoman representatives and the representatives of the Britain government, Colonel Williams, Major Front, Robert

Curzon, the representative of the Russia Colonel Dennis meeting in Erzurum. The negotiations were held in eighteen meetings and exceeded three years. Finally, based on the Treaty of Erzurum new Treaty known as the Second Treaty of Erzurum was signed on 16 Jumada II 1263 AH, on nine counts between Mohammad Shah Qajar and Sultan Abdul Majid, by Mirza Taqi Khan, secretary of state and Anwar Effendi [10].

After the signing of the treaty by the officers of governments, Mirza Taqi Khan returned to Iran and it was decided that Mirza Ali Khan, who was a minister in Paris goes to Istanbul and exchange the treaty documents (Moshir-Al Doleh, *ibid*, 40). Intervening governments (Russia and Britain) insisted in authentication and exchange of treaty. But Ottoman state hesitated about ratifying the Protocol and made its exchange subject to the signing of four counts which was prepared as four elucidates were annexed to the text of the treaty and the representatives of Russia and Britain also confirmed it. The four elucidates were against Iran and against the spirit of the treaty.

But, finally due to Russia Britain and Ottoman governments Mirza Ali Khan signed four elucidates without authority and credentials. However, the Iran government officially announced that the document is invalid and will not accept the four elucidates as part of the Treaty.

After verification and exchange of the second Erzurum documents, the Article III of the Treaty stipulates that the representatives of Iran and the Ottoman meet at borders for determining the boundary line between the two countries. Mirza Jafar Khan Moshir Al-dole and Dervish Pasha were sent to the mission from Iran and Ottoman, respectively. They held several meeting since 12 Rabi al-Awwal 1264 AH / March 21, 1848 and reached to no conclusions because of the extreme differences in the demarcation. Then alternately in the years from 1268 AH / 1852 AD to 1329 AH / 1911 AD four border commission were formed that mainly were dissolved without any conclusive results[12].

In addition to these repeated invasions by Ottoman to border cities and areas had been increasing and Ottoman was seized Urmia and Khoy and Salmas. The Ministry of Foreign Affairs of Iran in Muharram 1329 AH / January 1911 entered into serious negotiations with the Ottoman Embassy and urged the withdrawal of the invading forces from the occupied areas. Ottoman Ambassador also promised to be negotiating with the Sublime Porte. In Rabi Alawal 1329 AH / March 9, 1911, the telegram was sent from Sublime Porte on that Ottoman government is Ready to resolve disputes on the following conditions:

- 1- a Commission with the same number of Members to be established in Istanbul
- 2- The negotiations would be based on the Treaty of Erzurum
- 3- If the commission failed to settle the matter they refer to the International Court of Justice [12].

The above principles were generally accepted by the Foreign Ministry of Iran as such on 29 Zelhajjah 1329 AH / December 21, 1911, the protocol was signed between the Iranian Foreign Ministry and Ottoman embassy in five Articles by Wothoq Al-doleh, the Foreign Minister and Habib Pasha Ottoman Ambassador in Tehran, according to the provisions of the Protocol, it was decided that a commission composed of an equal number of representatives of the both parties in Istanbul to establish the borders in the company of technical commission. The basis for negotiation is the Treaty of Erzurum Commission in 1263 AH, and in case when the representatives of the parties did not gain a result after six months the issue will be referred to arbitration in The International Court of Justice, and that the military occupation of the land on which the property is legal and the military occupation of lands do not mean the ownership.

Several points are worthy of attention to analyze and evaluate Tehran protocol: According to the first Article of Tehran Protocol a committee composed of Iran and the Ottoman representatives was established in Istanbul. Iranian delegates were Mirza Mahmud Khan Ehteshamosaltaneh, Iran's ambassador to the Ottoman (Chairman), Jahangirkhan Nezam Al- Molk (Deputy Government of Azerbaijan) and Nasrullah Khan Eetala Al-Molk (Head of the Ottoman Foreign Ministry of Iran). Ottoman delegates were: Adil Bey (Counselor Minister of Justice), General Daniel Pasha, Ali Nadrpasha and El kobik (head of the political department of the Turkish Ministry of Foreign Affairs). This commission held eighteen meetings the first meeting at the beginning of the year 1330 AH / 12-25 March 1912 AD, and last session was in 9-12 August of 1912 [2].

In the meetings of the commission again the issue of four elucidates was raised that Ottoman accepted them as integral to Treaty of Erzurum in 1264 AD, on the other side Iran representing always discredited the four elucidates, the disputes continued until according to Tehran protocol, Article 4 the matter should be referred to the International Court of Justice. But in seventeen meeting session, Iran government announced agreement to four elucidates under the Russia pressure [1]. After passing elucidates, the negotiation went on for six months, but nothing achieved, so in the last session of the commission on the ninth of Ramadan 1330 AH / August 22, 1912, it was officially said: "Unfortunately the commission has failed to resolve any of the issues on the agenda" [2]. Thus matters remained unresolved.

*Istanbul Protocol, November 17, 1913 AD/ 1331 AH and its appendages:* Despite legislation of eighteenth session of border commission (1330 AH /1912 AD) on the referral of all border disputes between Iran and the Ottoman to the International Court of Justice, the intervention by governments in Russia and Britain did not allow the referral to the International Court of Justice [14]. In a crisis before World War I, Ottoman state took advantage of disorganized Iranian internal affairs and gradually occupied region to Lake Urmia and to ease the

invasion of the Caucasus in impending war tried to occupy other strategic areas of Iran sought (Khan Malek Sassani, *ibid*, 7). This together with the alliance of the German government and the Ottoman, which endangered Britain and Russia interests in the Middle East through the privilege of a Berlin - Baghdad railway made both Britain and Russia governments on the eve of the First World War exceed the duty of mediation on the border dispute between Iran and Ottoman and through direct negotiations specify the border line between Iran and Ottoman according to their specific interests [14].

This came into reality by the full division of Iran between Russia and the Britain in 1907 and Ottoman Empire disintegration. Pursuant to bilateral negotiations between the governments, Russia and Britain decided unanimously to give commitments to the Ottoman and then after Ottoman agreement Iran government was forced to take their own decisions. Accordingly, in the twentieth Rajab 1320 AH / 22 October 1902 in London, the Russian Embassy and the State Department of the United Kingdom gave a letter of comment to Ottoman Ambassador and request that the urgency of the army of the Ottoman provinces and urged Ottoman to evacuate occupied regions of Iran and determine the borderline as soon as possible and avoid stalling [4]. On the thirteenth of Shawwal 1330 AH/ September 25, 1912, Russia and Britain Embassies in pursuit of twentieth Rajab 1330 AH / January 5, 1912 letter wrote a letter to Sublime Porte to determine borders with Iran according to seventy years documents and settle the dispute.

In Zelghadeh 1330 AH / October 1912, Ottoman evacuated Iranian territory under the pressure by St. Petersburg, but stroll out to determine the boundary, finally, Saeed Halim Pasha, Secretary of the Ottoman foreign affair after nine months of the date of the notes by London on Rabi al-Awwal 1331 AH / February 15, 1913 AD wrote to monsieur Dogirs, Ambassador of Russia in Istanbul: “we agree to determining the border lines on condition that oil-rich territories on Zahab entrusted to us, excluding the Ghasreshirin under the contract between Germany and Russian government on the railroads, the Russians want to pass through Azerbaijan to Ghasreshirin and it will be the final station; the rest of the north and south land of Zahab should be given to the Ottoman” [4].

Russian Embassy in 13 Jomādā 1331 AH / February 15, 1913, writes to Sublime Porte : “... on the oil-rich Chiasorkh land Russian government will intervene in the Iran government to give up the land to Ottoman on condition that English companies retain the rights and privileges therein. According to the Pittsburgh delimitation, its principles will be notified as below:

- 1- The provisions of Article III of the Treaty of Erzurum 1263 BC, will be executed everywhere except in Zahab
- 2- On the borderline between Sirwan-Mandalij so that it will be negotiated by Mahmoud Shawkat Pasha, the Ottoman comments will be accepted. This means that Naft Medin which is located on the right side Ab Naft will be transferred to the Ottoman [4].

This way, Britain's were in agreement with Russians on Zahab and Chiyasar oil in Pittsburgh and quietly put forward them and themselves stayed in shade. Arnold Wilson was the Council of Great Britain in Mohammareh (Khoramshahr) and later become the representative of the state in commission on delimitation in 1914 AD, writes: “Britain had great interests in the determination of borders between Iran and Ottoman for the issue of oil, because the issue of the oil-rich border areas and the development of Britain oil companies was the matter”[21].

Accordingly, on the twenty-first of July 1913 an agreement was signed between the British Prime Minister Sir Edward Grey and Ibrahim Hakki Pasha Ottoman representative on the border of the southern part of the Iran –Arvand Rood - in London [17]. And the Britain government obtained Iranian government and Sublime Porte approval. Subsequently, on November 1913, the seventeen Zihajjah 1331 AH an 8-point protocol was signed by Iranian Prime Minister and Ottoman Prime Minister in Istanbul and Russia and Britain ambassadors also endorsed it.

*The names of the delegates signed the protocol is as follows:*

- 1- Ehteshamosaltaneh Mirza Mahmud Khan, Ambassador and King's special envoy
- 2- Sir Louis Malta, Ambassador and Special envoy of the King of England
- 3- monsieur Dogris Mitchell, special envoy of the Russia Emperor
- 4- Prince Saeed Halim Pasha, Minister of Foreign Affairs of the Government of the Ottoman (Kavoosi Iraqi, 23/6).

The long introduction of the protocol is on negotiations and correspondence exchanged among Britain, Russia and Ottoman government some have been mentioned earlier in this paper. In the first Article of protocol that three fifths of the volume is devoted to all Ottoman -Iranian border from north to south mentioned in names in detail [12]. All regions belonging to the Ottoman government and detached from Iran are determined including lots of land around Ghasreshirin and Khanaqin [1]

Two maps are explicitly mentioned in this Article that Russian Embassy had sent in a note in 5 August 1913. in the map, the border between Iran and the Ottoman from the confluence of the Alvand River to Gillan stream to the Naft –so around Abbakhshan was determined and elsewhere it explained “that part of boundary

defined between Mandalij and the northern line of the Declaration of London, dated July 29, 1913 AD by Sir Edvard Gary and Ibrahim Hakki Pasha will be submitted to the commission for the exact delimitation.”[16].

According to the first article and for the first time all Shatt al-Arab from the mouth of Shatt to the Persian Gulf to the Creek Khein, approximately 90 km of the border between the two countries became under the rule of Ottoman and Iran was deprived of its historical and inalienable right to sovereignty over the waters of the Shatt al-Arab [1]. The action of both Britain and Russia in the Arvand River water transfer to Ottoman added a new and dangerous conflict to former disputes between Ottoman and Iran. The downfall of the Ottoman Empire and the emergence of Iraq on that part of the Ottoman possessions left detrimental effects on the relations between Iran and Iraq for decades.

In accordance with paragraphs (a) and (b) of the first Article the (Mahaleh) island, Abadan, and some small islands near that and the new harbor, Mohammareh, top and bottom of the Karun river confluence with Arvand Rood were still under the rule of Iran according to the Second Treaty of Erzurum Iran and insisted that its Iran territory is not expanded along the Arvand out of the harbor. According to the paragraph (e) of the first Article, Mohammareh Sheikh may follow the rules of their property rights in the territory of the Ottoman according to Ottoman law and the last paragraph of the first article stipulates that part of the boundary line specified precisely in accordance with estatoko principles and agree to the principles set forth in Article III of the second treaty of Erzurum, which determines border by setting up a joint commission [16].

The second article stipulates that boundary delimitation will be set by a commission composed of representatives of four states in site. Every state in the commission will have an officer and an assistant. The Article III provides that a Delimitation Commission shall perform their duties according to two principles: First, the provisions of the present Protocol and other internal regulations of the Commission annexed to this Protocol. The Article IV specifies how to resolve the dispute in the Commission and in case of a dispute Iran and Ottoman representatives shall submit a written account of their views within forty-eight hours to Russia and Britain representatives and they comprise a private meeting and decide on the dispute and announced their decision to Iran and Ottoman. The meetings will be included as public meetings its implementation will be required for each state.

The Article V emphasizes that the boundaries delimitation occurs only once with no other revision. The Article VI states that the governments of Iran and Ottoman can establish border guard where delimitation comes to actions. The Article VII is on the validity of Darcy's rating in lands separated from Iran and delegated to Ottoman territories. This article explicitly asserted that William Knox D'Arcy privilege remains fully in force in all the lands transmitted to the Ottoman in accordance with the provisions of the convention and it's annexed. Article VIII stipulates that both governments distribute delimitation maps and Commission's rules of procedure among its border guards and in case of dispute, only the French text is authentic [12]

#### *Delimitation Commission in 1332 AH / 1914 AD:*

According to Article II of the Protocol in 1331 AH / 1913 AD, it was agreed that the delimitation of the boundary line set by the Commission with representatives of the four countries. Given the events before the outbreak of the First World War, the two countries of Russia and Britain were trying to establish Delimitation Commission as soon as possible and the first border line column was installed on the left bank of the Shatt al-Arab.

The Commission acted quickly to the extent that on March 1914AD /1332 AH about 250 miles from the border was defined and marked [4]. When on August 4, 1914, the First World War breakout, delegations camp of four countries was near Ošnaviya and on 31 August, the border between Iran and Ottoman was designated and marked to 60 miles from Ararat, and the latest maps of Iranian and Ottoman border near Bayazid and in Ararat mountains was signed in October 27, 1914. Two days later the Ottoman government, which until then had not participated in the war, in the 29 October 1914, declared war on Russian government, and a week later the Britain government entered into war with Ottoman [1].

November 4, 1913 Protocol and meetings of the Delimitation Commission in 1914, never went in action in both Ottoman law and Iran and was not endorsed by the authorities of the countries. With the arrival of the new government of Turkey, the successor of the Ottoman Empire, the protocol in 1913 AD was not accepted as a valid political document because it claimed that the contract was not signed by the House of Representatives of the Ottoman and the Sultan signature, chief executive at the time. The government also under Article 22 of the constitution in 1323 AH / 1906 AD, insisted that any change in the borders must be approved by the National Assembly. Moreover, according to Article 24 of the constitution any treaties and conventions must be approved by the National Assembly. According to 1913 protocol, a great deal of Iranian territories, amounting to several thousand square kilometers, and the waters of the Shatt al-Arab in 90 km was transferred to the Ottoman state, and thus the country's boundaries were changed. So 1913 protocol must be approved by the National Assembly and the king signature, and because no legal action was taken on the Protocol above, according to constitution of Iran, the 1913 protocol was not recognized a valid political document (ibid).

*Conclusion:*

According to the investigations it can be concluded that there have been many boundary disputes among Iran and Ottoman because of the vast territory and long border areas being the home to Turks and Kurd nomadic tribes and the treads among Iran nomadic tribes with Ottoman nomadic. Before the First World War, several treaties were signed between the two countries on border issues but the dispute did not resolved and both Iran and the Ottoman Empire entered World War I with this problem, and while powerful and victorious countries involved in the war played an influential role in this case the problem still remained unsolved. As clear there are always weak points in all these agreements and treaties always remained leading to unsolved disputes. This is due to the fact that these treaties were adjusted to favor one party causing controversy between the two countries so that after the First World War and Iraq's independence from the Ottoman Empire this problem was partially solved by Reza Shah gaining the throne and granting of Mount Ararat to today's Turkey, but the border problem remained unsolved in the border between Iran and Iraq which was separated from the Ottoman and played a critical role in creating tension in the later periods.

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