

Declassified Archives Show Multi-Level Collusion over Bahrain's Sovereignty

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DOI: 10.30489/CIFJ.2022.323335.1048

ARTICLE INFO

Article history:

Received: 05 January 2022

Revised: 10 May 2022

Accepted: 18 May 2022

online: 18 May 2022

Keywords:

United Nations, International Court of Justice, Bahrain, United Kingdom, Iran, Sovereignty, Independence, Survey, Referendum, Territorial claims, Collusion, Shah of Iran, Al Khalifa, Sunnis, Shias, U.K. archives

ABSTRACT

When Britain announced in 1968 its withdrawal from the Persian Gulf, Iran reiterated its historical claim over the territory of Bahrain. Britain and Bahrain's Sunni governance opposed the claim and pushed for an independent Bahrain. This Article contains the first-ever legal analysis of declassified U.K. archives from the 1968-71 period on the topic. It reveals that the U.K., the Shah of Iran and the local Bahraini governance agreed on a staged procedure and predetermined outcome. This consisted of the U.K. and Iran mandating the U.N. Secretary-General to conduct a so-called "survey" in Bahrain, which would conclude that the people of Bahrain wished to gain independence, which could then be endorsed by the U.N. Security Council and the Iranian Parliament. This is what ultimately happened, unbeknownst to the Iranian Parliament, most U.N. Security Council States, and other States who had no idea of the pre-agreed scheme. This process allowed the Shah to internally save face, while the U.K. and the Sunni ruling family governing Bahrain, for fear of causing instability in the region and jeopardizing the exclusive Sunni governance and thus the interest of the U.K., were able to avoid genuine testing of the Bahraini population's aspirations. These findings have contemporary political and legal implications. Political as most of the U.N. Security Council States, the Iranian Parliament and a fraction of the population of Bahrain were manipulated. Legal as Iran has a cause of action before the U.N. to challenge the legality of the renunciation of its claim over Bahrain, supported by the recent legal U.N. and I.C.J. precedent over the Chagos Islands.

Introduction

Declassified secret archives of the British Foreign and Commonwealth Office ("FCO") reveal that the Imperial State of Iran's renunciation of its claims of Sovereignty over the territory of Bahrain and the latter's 1971 accession to independence was the result of collusion orchestrated by England, the Shah of Iran, and the local authorities of Bahrain under the auspices

of the United Nations. This was in violation of international law and achieved without the knowledge of certain U.N. Security Council Members, most other States, the Iranian Parliament, and part of the population of Bahrain. These findings give rise to a cause of action, and could lead to protestations by the Islamic Republic of Iran, negotiations with the States

concerned and eventually to proceedings before the competent bodies of the U.N. over the next few years for conflict resolution. This is not an isolated case.

On 22 June 2017, the U.N. General Assembly passed, by a margin of 94 to 15 States,¹ a resolution requesting the International Court of Justice (“I.C.J.”) to give an advisory opinion on the separation of the Chagos Archipelago, pursuant to the 1965 Lancaster House Agreement, from Mauritius prior to the country’s independence.² The islands include Diego Garcia, the population of which had been displaced between 1968 and 1973 by the U.K. to host a US/UK military base. Diego Garcia is, in fact, one of the two critical U.S. bomber bases in the Asia Pacific region, along with Anderson Air Force Base, Guam. The U.K.

* The author discloses for purposes of transparency that he is counsel to Iran and a number of public entities of Iran against the Kingdom of Bahrain in international arbitrations, including in the landmark Bank Mellī Iran and Bank Saderat Iran v. The Kingdom of Bahrain, PCA Case No. 2017-25, which led to the Award dated November 9, 2021 https://www.washingtonpost.com/national-security/bahrain-iran-future-bank/2021/11/26/0a1d1b3a-4cad-11ec-b0b0-766bbbe79347_story.html; <https://www.lefigaro.fr/flash-eco/iran-satisfaction-des-banques-apres-la-condamnation-de-bahrein-manama-conteste-20211128>; and <https://www.lefigaro.fr/international/1-iran-veut-recuperer-ses-avoirs-geles-a-l-etranger-20211130>. The subject of this paper is unrelated to these cases and mandates. It is drafted upon extensive self-funded research by the author in his personal capacity and as an expert in international law and dispute resolution in full independence and impartiality towards Bahrain and past and current governance of Iran.

¹ Record of the 88th plenary meeting of the Seventy-first session of the UN General Assembly, A/71/PV.88, 17-18.

² Resolution adopted by the General Assembly on June 22, 2017, “Request for an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965”, A/RES/71/292.

apologized for the “shameful” manner by which the islanders had been forcibly removed but nothing more. It called for bilateral negotiations rather than resort to the I.C.J.

On 25 February 2019, an advisory opinion of the I.C.J. affirmed, by a majority of 13 judges to one, the illegality of Britain’s detachment of the Chagos Archipelago before Mauritius was granted independence.³ The U.K. was found to have pressured Mauritius and presented the detachment as a fait accompli with “oblique references [to the U.K. Government’s] legal right to detach Chagos [...] without Mauritius[’] consent”.⁴ Despite the separation agreed under the 1965 Lancaster House Agreement, the I.C.J. declared the U.K. to be in breach of legal decolonization standards, reminding that the Mauritian people’s right to self-determination as a non-self-governing territory “must be the expression of the free and genuine will of the people concerned”.⁵ The I.C.J. held that the U.K.’s occupation of all of the Chagos Islands is unlawful and that it must return them back to Mauritius “as

³ See *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, 25 February 2019, Advisory Opinion, I.C.J. Reports 2019, 95.

⁴ *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, 25 February 2019, Advisory Opinion, I.C.J. Reports 2019, *para.* 106.

⁵ *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, 25 February 2019, Advisory Opinion, I.C.J. Reports 2019, *para.* 157.

rapidly as possible”.⁶ On 22 May 2019, the United Nations General Assembly approved a resolution giving effect to the advisory opinion,⁷ with 116 States voting in favor, 55 abstaining and only a handful voting against.⁸

A much murkier stratagem was employed with respect to Bahrain. This Article sets out the background to Iran’s claims over the territory of Bahrain (1). It then recalls how the events leading up to Iran’s renunciation of its claims and Bahrain’s independence were recorded in history, including in corresponding official documents (2), before flagging the manifest flaws of the same (3). This is followed by an analysis of these declassified archives and by resulting findings, which reveal the truth, namely the collusion and how it was intentionally organized (4); and eventually how the process was, as a result, legally tainted (5). The Article ends with an epilogue (6), including the evolution over time, the current status of the Iran-Bahrain relations, and a conclusion with options going forward in view of these findings.

1. Background to Iran’s Claims over Bahrain

By way of background, the history of Bahrain has long been intertwined with that of Persia. Bahrain was used by the Persian navy during the Achaemenid period and for the bulk of its subsequent history, was principally attached to Fars, a province of Persia. The Persian administration over the territory of Bahrain was at times direct and at others indirect.⁹ This encompassed the period of the Portuguese occupation of Bahrain from 1521 to 1602, during which Bahrain remained a dependency of Hormuz, which was a tributary to Fars.¹⁰ Persia, under Shah Abbas, regained physical control of the Island in 1602 by submitting to the Portuguese and putting Bahrain under its direct administration. Bahrain remained under Persia’s Sovereignty, Iran claims,¹¹ when in 1820 Britain occupied the territory.¹² Iran consistently maintained claims of Sovereignty over the territory and notified Britain and the League of Nations of the same.¹³ A 1957

⁶ *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, 25 February 2019, Advisory Opinion, I.C.J. Reports 2019, para. 178.

⁷ Resolution adopted by the General Assembly on June 22, 2017, “Request for an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965”, A/RES/71/292.

⁸ Record of the 83rd plenary meeting of the Seventy-third session of the UN General Assembly, A/73/PV.83, 25.

⁹ Fereydoun Adamiyat, Ph.D, *Bahrein Islands: A Legal and Diplomatic Study of the British-Iranian Controversy*, 1955, 4 et seq.

¹⁰ Adamiyat, *Bahrein Islands*, 19 et seq.

¹¹ Adamiyat, *Bahrein Islands*, 35; Malek Ismaili, *Le Golfe Persique et les Iles de Bahrein*, [Persian Gulf and Islands of Bahrain], 1936, 193 et seq.; Gholamreza Yadjbakhche, *La Question de Bahrein*, [Question of Bahrain], 1960 53 et seq.

¹² See General Treaty of Peace between the British Government and the Rulers of Bahrain, 1820.

¹³ Ismaili, *Le Golfe Persique*, p. 231 et seq.; Yadjbakhche, *La Question de Bahrein*, 233 et seq.

Iranian parliamentary resolution even declared Bahrain as its 14th province.¹⁴

It became British practice to claim, as Bahrain has actively sought to record, that Iran was dispossessed of the island, and never regained Sovereignty thereover when in 1783 Sheikh Ahmed, the Attoobee Chief, was given governorship over it.¹⁵ Iran in turn reiterated that the Attoobees began their governorship under Persian Sovereignty and continued to rule on its behalf and as its subject after 1783. Iran relied on a letter from Sheikh Salman I Al Khalifa, who had succeeded Sheikh Ahmed as Governor of Bahrain, to the Governor of the Persian province of Fars, as administrator of Bahrain, in which he expressed his “loyalty and entire submission’ to Persia, as well as another letter in which he referred to ‘the inhabitants of the Isle [...] as the natives of Persia, [who] have looked up to the Persian Monarch as their protector and head’.¹⁶ Iranians further argued that taxes collected in Bahrain after 1783 went to Persia and that the coin of Bahrain in 1817 was minted in the name of Iran King Fath Ali Shah.¹⁷ They added that the British represented when

moving to the Persian Gulf in the 19th century that they would not intervene in Bahrain save if its inhabitants were to be treated as pirates, in which case they would seek Persia’s consent.¹⁸ Yet Britain ultimately occupied Bahrain in 1820 without the permission of Persia, went on to conclude successive treaties with the Al-Khalifas,¹⁹ and gave Protectorate status thereto until 1971 Bahrain independence.²⁰

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ E.g. General Treaty between the British Government and the Sheikhs of Bahrain, 1820; Preliminary Piracy Agreement between the British Government and the Sheikhs of Bahrain, 1820; Agreement for the abolition of the African Slave Trade between the British Government and the chief of Bahrain, 1847; Undertaking for more effectual suppression of the slave traffic between the British Government and the chief of Bahrain 1856; Agreement between the British Government and the Ruler of Bahrain subscribing to a perpetual Treaty of peace and friendship of 1861; Agreement between the British Government and Shaikh Ali Bin Khalifah forfeiting his claim to the title of the principal Shaikh and Chief of Bahrain, 1868; Exclusive Agreement between the British Government and the Chief of Bahrain Isa Bin Ali Bin Khalifah prohibiting any relations between Bahrain and other states without British Consent, 1868; Exclusive Agreement between the British Government and the Shaikh of Bahrain prohibiting any relations between Bahrain and other states without British Consent, 1892; Agreement for the suppression of trade in arms between the British Government and the Shaikh of Bahrain, 1898; Shaikh Isa's undertaking to abide by Treaties, 1905; Shaikh Isa's request that the British Government assumes jurisdiction over foreigners, 1909; Chief of Bahrain undertaking to not grant concessions for pearl fisheries to the foreigners, 1911; Chief of Bahrain undertaking to prohibit

¹⁴ Xavier de Planhol, Bahrain, *Encyclopædia Iranica*, Vol. III, Fasc. 5, 506–510

¹⁵ Adamiyat, *Bahrein Islands*, 35.

¹⁶ Adamiyat, *Bahrein Islands*, 35.

¹⁷ Adamiyat, *Bahrein Islands*, 35; Ismaili, *Le Golfe Persique*, 193 et seq.

2. The Events as Recorded in History

History has so far recorded as follows the events leading to Bahrain's independence. In January 1968, the U.K. declared its intention to withdraw from the Persian Gulf.²¹

In January 1969, the Shah declared that Iran would not occupy Bahrain by force if its people did not wish to join Iran and suggested that the question be settled by ascertaining 'the expression of the will of the people of Bahrain.'²²

On 9 March 1970, Iran requested the U.N. Secretary General, U Thant, to assess the will of the Bahraini people via the method he deemed most appropriate to "ensure an expression of the true wishes of the people of Bahrain" and accepted to be bound by the outcome.²³ The U.K. joined Iran's request on

opening of any post office other than British, 1911; Chief of Bahrain undertaking to assist with establishment of the telegraph service in Bahrain, 1912; Chief of Bahrain undertaking not to mine oil without British Government approval, 1914.

²¹ Record of Conversation between the Shah and Mr. Goronowy Roberts (the UK Foreign Secretary) at the Niavarand Palace on Sunday, 7 January 1968, para. 1 (the National Archives, Richmond).

²² Telegram from Her Majesty Ambassador (HMA) Tehran, Denis Wright, to the Foreign and Commonwealth Office (the FCO), 6 January 1969, 2, (the National Archives, Richmond).

²³ Letter from Permanent Representative of Iran to the United Nations, Mehdi Vakil, to the Secretary General of the United

20 March 1970.²⁴ On the same day, Thant formally accepted the request and designated his Under-Secretary Vittorio Guicciardi as his Special Representative for the mission.²⁵

On 29 March 1970, the Iranian executive led by Foreign Minister Zahedi, visibly ill at ease as it transpires from the archived videos of the session and the U.K. secret notes,²⁶ appeared at an extraordinary session of the Iranian Parliament and Senate to have its Bahrain policy endorsed. Mohsen Pezeshkpour, the lead deputy for the Pan-Iranist movement,

Nations, U Thant, 9 March 1970, 2, (the National Archives, Richmond).

²⁴ Letter from the Permanent Representative of the United Kingdom to the United Nations, Lord Caradon, to the Secretary General of the United Nations, U Thant, 20 March 1970, (the National Archives, Richmond).

²⁵ Letter from the Secretary General of the United Nations, U Thant, to the Permanent Representative of the United Kingdom to the United Nations, Lord Caradon, 20 March 1970, (the National Archives, Richmond).

²⁶ "Documentary 'The Fourteenth Province' studies separation of Bahrain from Iran", *Tehran Times*, 11 January 2021; Mohsen Karimian, *The Fourteenth Province*, <https://www.telewebion.com/episode/2478560>; Letter from HMA Tehran to the FCO, 8 April, 1970, (the National Archives): "The Minister of Court [Alam] also remarked that he thought the tone of Zahedi's statement to the Majles and the Senate had been somewhat wrong, especially in that Zahedi had put the emphasis on the exercise being conducted as a result of the Shah's wishes (Alam implied thereby that Zahedi's motive had been to save his own skin if things went wrong)".

strongly criticized him.²⁷ The latter, who declined an offer to have his party rewarded with more than 30 seats in the next *Majlis* if he were to close his eyes,²⁸ went as far as to submit a parliamentary censure motion against the government, which predictably failed. Yet, it was Pezeshkpour and his party that was subsequently censured.²⁹ The party's offices were closed, its newspaper shut down, and its publishers jailed.³⁰

From 30 March to 18 April 1970, Guicciardi visited Bahrain to interview religious leaders, municipal councils, administrative committees, welfare organizations, professional groups, clubs and sports and recreational

organizations.³¹ What followed was an 11-page report dated 24 April 1970 in which Guicciardi stated that he was convinced, under the consultations, that the “overwhelming majority of the Bahraini people” wished “to gain recognition of their identity in a fully independent and sovereign State free to decide for itself its relations with other States”.³² The report was subsequently endorsed by the U.N. Security Council on 11 May 1970³³ and by the Iranian Parliament and the Senate on 14 May 1970.³⁴

France, which chaired the Security Council at the time, expressed reservations as to the procedure and substance of the report. It declared that whereas there was procedural “no rule against going off the beaten track and demonstrating some imagination”, the Security “Council would have wished the Council to be associated earlier with this action”.³⁵ With regard to the substance, France made clear that “the sounding out of public opinion cannot have the legal value of a

²⁷ Letter from HMA Tehran to the FCO, 3 April 1970, (the National Archives, Richmond).

²⁸ Interview of Mohsen Pezechgour by Zia Sadeghi, 31 March 1984, Paris, Tape 8 and 9, Iranian History Collection.

²⁹ Letter from HMA Tehran to the FCO, 8 April 1970, (the National Archives, Richmond): “As you will have seen from our telegram No. 238 of 4 April, the authorities have now sat somewhat heavily on Mr. Pezeshkpour and he is unlikely to exceed the limits of propriety again in the near future. Echo of Iran has printed rumor to the effect that the Pan-Iranist censure motion will not be debated within a month, by which time the party is likely either to withdraw the motion or shelve it. We understand from secret sources that the trouble arose from the Prime Minister trying to get the Pan-Iranists to go along with the Government policy, instead of giving them firm instructions to shut up”.

³⁰ Asadollah Alam, Alinaghi Alikhani, Nicholas Vincent *The Shah and I: The Confidential Diary of Iran's Royal Court, 1969-1977*, 1993, 140.

³¹ Report of UN Secretary General Special Envoy, April 24, 1970.

³² Report of UN Secretary General Special Envoy, April 24, 1970, para. 57.

³³ UN Security Council Resolution 278(1970) dated 11 May 1970.

³⁴ Telegram from HMA Tehran to the FCO, 14 May 1970, 1, (the National Archives, Richmond).

³⁵ Protocol of the 1536th meeting of the UN Security Council, 11 May 1970, para. 156.

democratic consultation and it is justified in this particular case only by the objective to be attained”.³⁶

The Soviet Union also expressed reservations³⁷ by referring to its earlier objections of 3 April 1970, regarding the “illegal practice” and the “ex post facto” disclosure of a matter which it reminded was relevant to the “maintenance of peace and security” and fell thus within the scope of the U.N. Security Council members States.³⁸

Lord Caradon, the U.K. representative concluded with a poem, which now, with the collusion uncovered, can only be construed as an act of disdain of the most errant kind:³⁹

Rejoice, again I say, rejoice.
We spoke with a united voice.
The play is over. Witness now
The actors come to make their bow.
Praise first the Shah; what joy to see
Imperial magnanimity.

³⁶ Protocol of the 1536th meeting of the UN Security Council, 11 May 1970, para. 157.

³⁷ Protocol of the 1536th meeting of the UN Security Council, 11 May 1970, para. 73.

³⁸ Letter dated from the Permanent Representative of the USSR to the United Nations addressed to the President of the Security Council dated 3 April 1970.

³⁹ Protocol of the 1536th meeting of the UN Security Council, 11 May 1970, para. 166.

Cheer next U Thant who never tires

In harmonizing our desires.

Thank God that Bunche is with us still

And his, indomitable will

[...]

The people made their wishes plain,

Their independence they retain.

So let us all repeat again

Good luck, God speed to Bahrain.

Bahrain declared independence on 15 August 1971 and was admitted to the U.N. on 21 September 1971 represented by Isa bin Salman Al Khalifa, the first Emir of Bahrain.

3. The Apparent Flaws

The chronology, process, and contents of the instruments and exchanges raise eyebrows.

First, the Shah’s shift on Iran’s historically intransigent position on Bahrain was surprising. He did not push for an agreement to resort to arbitration or the I.C.J. to settle the issue under international law but called for the ascertainment of the wishes of the people. This was even more surprising given that Iran had for some time lost effective control over Bahrain.

Second, one wonders how so complex a process could have been agreed and implemented within such a short timeline, inconsistent with due process and substantive safeguards.

Third, the same applies to the U.N. mission. The Iranians were not party thereto. The interviews were carried out with a smattering of associations, councils and clubs. Those interviewed were not identified. There were no transcripts. There is not even an indication of the percentage of the population consulted.

The above-referenced reservations voiced by the Soviet Union and France reinforce these concerns. Moreover, in 2020, it was none other than Former Foreign Minister Zahedi himself who published a tweet labelling the Shah, himself and other advisers as “traitors” for having assisted Bahrain in gaining independence.⁴⁰ The tweet triggered the author’s inquiries into thousands of pages of declassified U.K. secret archives.

4. The Truth Revealed by U.K. Declassified Archives

Their contents are jaw-dropping. They reveal that the entire process and its outcome had been staged by the U.K. with the complicity of the Shah and local Bahrain governance and implemented by the U.N. Secretary-General and his envoy. There seems to be only one paper that has analyzed these materials.⁴¹ And that was at a time when not all the archives had

⁴⁰ 2020 Tweet of Ardeshir Zahedi:

“هر بار که مواضع ضد ایرانی بحرين را می بینم خود را لعنت می کنم ! هم اعلیحضرت و مشاورانش و هم منی که به خاطر روابطم با شاه به استقلال بحرين کمک کردیم خیانتکاریم”

⁴¹ Roham Alvandi, *Muhammad Reza Pahlavi and the Bahrain Question, 1968-1970*, British Journal of Middle Eastern Studies, 2010, 37:2, 159-177.

yet been declassified. Moreover, the focus of that paper was placed principally on the role of the Shah of Iran in the negotiations. It contained no analysis of the legal or practical implications. Also, many related developments have transpired in the meantime, ranging from the 2011 revolt in Bahrain to the deterioration of Iranian-Bahraini relations, that are to be considered for purposes of a comprehensive assessment of the events in hindsight.

The process started when, upon the announcement of the U.K.’s withdrawal from the Persian Gulf, the U.K. exerted pressure on the Shah to renounce Iran’s claim over Bahrain. The move was backed by a few Arab States, as well as by the U.S., which leaned on Iran to renounce to its claim to Bahrain in order to avoid Soviet interference. The archives demonstrate that early attempts by the Shah to recoup Bahrain, through lobbying or intimidation, led to strong opposition. The Shah understood that he could not succeed without jeopardizing relations with the U.K. and the U.S., aggravating the communist threat, and exposing Iranian troops. He, therefore, decided to “get off the Bahrain hook”.⁴² As it was put in a U.K. telegram of 11 December 1968, about a possible U.N. role in the process, it was stated that “[e]very precaution would be needed to keep control of the exercise, and it would be necessary to have an understanding with the Shah ab initio that the purpose would be to affirm the ‘arabism’ of Bahrain but in such a way as to get the

⁴² The FCO Memorandum, “Bahrain and Iran”, dated 16 April 1969, para. 3, (the National Archives, Richmond).

Iranian government off the hook. It would thus amount to a prearranged public relations exercise”.⁴³

From then on, it was merely a question of form and staging. The Shah did not accept the U.K. and Bahrain’s suggestion that Iran renounces its claim to Bahrain as an “act of statesmanship”. The approval of the Iranian Parliament was a legal prerequisite to renouncing Iran’s claims.⁴⁴ As reported in the telegram from New York to the FCO dated 18 February 1969, the permanent Iranian representative in the U.N. had stated that “the question was how could the Iranian Parliament be satisfied that Iran had honourably given up her age-old claim. [...] Vakil [Iranian Ambassador to U.N.] said he doubted whether our suggestions would suffice to satisfy the Iranian Parliament”.⁴⁵ What is more, the Shah needed a “face-saving device”.⁴⁶ As recorded by Britain on 2 August 1968, the “Shah has said often enough that the Bahrain problem is simply a question of finding a formula acceptable to him therewith to abandon the claim without damaging his

standing before Iranian public opinion”.⁴⁷ Another note dated 25 February 1969 reads: “[t]he Shah said privately last year that he was anxious to dispose of Iran’s claim to Bahrain as soon as possible provided some way could be found of satisfying the Iranian public opinion”.⁴⁸ Furthermore, a British telegram dated 23 July 1969 records that the “Shah is, as you know, haunted by our thirty-year rule and does not want future historians, particularly while he is still alive, to be able to say that he has sold out on Bahrain through collusion with the British”.⁴⁹ Another letter from the British Embassy in Tehran to the FCO dated 29 June 1970 notes that the Iranians could not “show to posterity” that they had agreed in advance to the method of operations and excluded a plebiscite.⁵⁰ The same letter recorded the Iranian Minister of Court saying that accepting the method of operation would constitute “not only suicide but perhaps even treason”.⁵¹

The United Kingdom, the Shah and the Al-Khalifa family of Bahrain thus decided to stage a process which would appear legitimate and independent,

⁴³ Telegram from the FCO to HMA Tehran, 11 December 1968, para. 2, (the National Archives, Richmond).

⁴⁴ Telegram from UK Permanent Mission to the United Nations to the FCO, 18 February 1969, (the National Archives, Richmond).

⁴⁵ Telegram from the UK Permanent Mission to the United Nations to the FCO dated 18 February 1969, para. 7, (the National Archives, Richmond).

⁴⁶ Telegram from the FCO to HMA Tehran, 11 December 1968, para. 1, (the National Archives, Richmond).

⁴⁷ The FCO Note Bahrain and Iranian Public Opinion, 2 August 1968, para. 4, (the National Archives, Richmond).

⁴⁹ The FCO Summary of the position on Iran-Bahrain dispute, 17 January 1969, para. 1, (the National Archives, Richmond).

⁵⁰ The FCO Letter ‘The Settlement of Iranian Claim to Bahrain’ dated 29 June 1970, para. 9, (the National Archives, Richmond).

⁵¹ The FCO Letter ‘The Settlement of Iranian Claim to Bahrain’ dated 29 June 1970, para. 9, (the National Archives, Richmond).

which would lead to a “public act of endorsement”.⁵² Resort to the I.C.J. or arbitration was ruled out by Britain on the ground notably that the outcome would be uncertain and “cannot be ‘fixed’”, as recorded in a note dated 27 February 1969.⁵³ Thus emerged the option suggested by the Shah, namely that the will of the Bahraini people be ascertained and that the United Nations conduct the process.

On 17 January 1969, Britain entertained the idea. Still, it made clear that “[b]efore this could be done, there would have to be a close agreement between the Parties concerned on the terms of reference, the method of consultation, the outcome, an agreement to accept the finding and the matter of how the matter should be handled at the U.N.”.⁵⁴ This is precisely what was implemented.

Britain, the Shah and the Al-Khalifa family worked out the details. The Al-Khalifas categorically opposed the idea of a referendum and plebiscite. They are of Sunni Muslim confession, which represented at the time about half of the population of Bahrain.⁵⁵ A British telegram of 21 April 1969 records that a “genuine plebiscite” was “out of the question from

the Bahrain point of view,”⁵⁶ and another dated 25 June 1968 said that “[t]he Ruler and his family would see clearly the dangers in holding a plebiscite and would never agree to one”.⁵⁷ There were a plethora of reasons for this.

First, the risk was flagged, albeit considered minor, that a referendum could turn in favour of Iran. This transpires from a 14 January 1969 note of the British Political Agent in Bahrain referring to a conversation with a Sunni local translator warning that “the Sunnis [...] distrusted the Shias and thought that they might opt in favour of Iran for sectarian reasons combined with dislike of the Sunnis”⁵⁸ and that “their regard for the Shah as the leading Shia head of State and guardian of many Shia holy places might prove stronger than their feeling of nationality”, and that “if Shias and the Persian community voted for Iran this would produce a majority for Iran”.⁵⁹

Second, the Al-Khalifas, backed by the U.K., opposed any genuine testing of the public opinion to avoid internal instability, institutionalization and the risk of jeopardizing their leadership. An FCO notes dated 5 July 1968 records that “Al-Khalifa probably regard all

⁵² Telegram from the FCO to Bahrain Political Agency, 20 May 1969, para. 3, (the National Archives, Richmond).

⁵³ The FCO Note “Iran and the ICJ”, 27 February 1969, para. 8, (the National Archives, Richmond).

⁵⁴ The FCO Summary of the position on Iran-Bahrain dispute, 17 January 1969, para. 2, (the National Archives, Richmond).

⁵⁵ Note from the UK Political Agency in Bahrain to the FCO, 14 January 1969, para. 2, (the National Archives, Richmond).

⁵⁶ Telegram from the UK Permanent Mission to the United Nations to the FCO dated 21 April 1969, para. 1, (the National Archives, Richmond).

⁵⁷ Summary of Dispatch by Political Resident, Persian Gulf, 25 June 1968, para. 3, (the National Archives, Richmond).

⁵⁸ Note from the UK Political Agency in Bahrain to the FCO, 14 January 1969, para. 2, (the National Archives, Richmond).

⁵⁹ Note from the UK Political Agency in Bahrain to the FCO, 14 January 1969, para. 2, (the National Archives, Richmond).

electoral processes as the invention of the devil”.⁶⁰ Another note dated 5 August 1968 refers to the ruling family’s “uncompromising rejection of the idea of plebiscite” and observes that a “plebiscite or even the public knowledge of the possibility would be gravely disruptive of the present stability in the island and destructive of the ruler’s position (as well as damaging to our interests)”.⁶¹

A further letter from the Political Agent in Bahrain dated 14 January 1969 records that “the main reason for the Al-Khalifa’s unwillingness to agree on a visit by a U.N. representative to test opinion in Bahrain is their fear that such a visit would touch off an intercommunal explosion with all that this could lead to” and U.K.’s assessment that “there is no doubt that this fear is well grounded” and a “reflection of the fact that the population here is 50% Sunni and 50% Shia and that the two sides dislike and distrust one another”.⁶² The same note reported the Al-Khalifa family’s representation that they would instead “proceed gradually over this tricky issue”⁶³ of reform and institutionalization of the system rather than to be “rushed too far too fast”.⁶⁴

⁶⁰ The FCO Note on Bahrain Plebiscite, 5 July 1969, para. 4, (the National Archives, Richmond).

⁶¹ Telegram from Bahrain Political Agency to the FCO, 5 August 1968, (the National Archives, Richmond).

⁶² Note from the UK Political Agency in Bahrain to the FCO, 14 January 1969, para. 2, (the National Archives, Richmond).

⁶³ Note from the UK Political Agency in Bahrain to the FCO, 14 January 1969, para. 3, (the National Archives, Richmond).

⁶⁴ Note from the UK Political Agency in Bahrain to the FCO, 14 January 1969, para. 3, (the National Archives, Richmond).

In an avant-garde comment on the Al-Khalifa fears over a referendum, the Shah said on 12 July 1968 that “if the Ruler was in for trouble, it would come in anyway whether or not there was a referendum”.⁶⁵ Less commendable is the Shah’s suggestion, as recorded in a Record of Conversation between the Shah and Mr. Goronowy Roberts of 7 January 1968, that “it ought to be perfectly possible to stage the referendum in a manner which would not let things get out of hand”.⁶⁶ Equally reprehensible was the British suggestion on 5 July 1968 that “if properly staged, a plebiscite in which the Ruler was overwhelmingly victorious should surely strengthen his position rather than weaken it”.⁶⁷

The U.K., the Shah and Al-Khalifa ultimately agreed on a staged process short of a plebiscite, namely a “survey” and roadmap “under control,” leading to Iran’s renunciation and Bahrain’s independence. Terms of Reference were exchanged as early as 1969 and agreed upon before involving the U.N. secretary General.⁶⁸ He was brought on board, and an envoy was selected to carry out the staged mission.

⁶⁵ Telegram from HMA Washington to the FCO, 12 July 1968, (the National Archives, Richmond).

⁶⁶ Record of Conversation between the Shah and Mr. Goronowy Roberts (the UK Foreign Secretary) at the Niavarand Palace on Sunday, 7 January 1968, para. 18, (the National Archives, Richmond).

⁶⁷ The FCO Note on Bahrain Plebiscite, 5 July 1968, para. 4, (the National Archives, Richmond).

⁶⁸ Letter from the Secretary General of the United Nations, U Thant, to Permanent Representative of the United Kingdom to

On 21 April 1969 the U.K. Mission in New York recorded that the envoy was to be “sophisticated and hard-headed enough to realise that a genuine plebiscite is out of the question from the Bahrain point of view” and that there would likely be difficulty in persuading candidates “with an international reputation for ‘even handedness’ to go along with what we consider in the rather special circumstances to be the only practical procedure”.⁶⁹

The envoy selected was Vittorio Winspeare Guicciardi, an Italian diplomat then Director-General of the U.N. office at Geneva. The Iranians proposed to him.⁷⁰ The British concluded upon speaking with him that “we can be reasonably confident that he will act in accordance with whatever is agreed” between Britain, Bahrain and the U.N.⁷¹

The detailed method of procedure consisting of the envoy’s meeting with preselected groups was also agreed upon in advance. An FCO note dated 3 September 1969 emphasizes that “the Iranians themselves should tell the Secretary General that they would be content for us (and by implication the Bahrainis) to agree privately with the U.N.

the United Nations, Lord Caradon, 29 December 1969, (the National Archives, Richmond).

⁶⁹ Telegram from the UK Permanent Mission to the United Nations to the FCO dated 21 April 1969, para. 1, (the National Archives, Richmond).

⁷⁰ Telegram from HMA Tehran to the FCO, 11 August 1969, (the National Archives, Richmond).

⁷¹ Telegram from the UK Permanent Mission to the United Nations to the FCO, 26 November 1969, (the National Archives Richmond).

Representative on how he should operate, provided for public purposes he appeared to have been given a free hand”.⁷² A note from the British Embassy in Tehran dated 29 June 1970 reports that the Iranians could not “show to posterity” that they had agreed in advance to exclude a genuine plebiscite.⁷³ The same letter recorded the Minister of Court of Iran as flagging that this would constitute “not only suicide but perhaps even treason”.⁷⁴ Similarly, a telegram of 13 August 1969 reports that the “Shah was not insisting on a referendum but he could not exclude the possibility in any document as this would leave him and his dynasty open to accusations both now and in the future of having betrayed the country he had to think not only of himself but also of his son’s heritage”.⁷⁵ Ultimately, notes dated 27 November 1969 record that the Shah agreed that the U.K. should “arrange the method of operation unilaterally with Secretary General provided that they are not required to know anything about it officially” and that “their public position will be that they will accept anything

⁷² Telegram from the FCO to UK Permanent Mission to the United Nations, 3 September 1969, para 2, (the National Archives, Richmond).

⁷³ Letter from HMA Tehran to the FCO, 29 June 1970, para. 9, (the National Archives, Richmond).

⁷⁴ Letter from HMA Tehran to the FCO, 29 June 1970, para. 9, (the National Archives, Richmond).

⁷⁵ Telegram from HMA Tehran to the FCO, 13 August 1969, para. 1, (the National Archives, Richmond).

which the Secretary-General considers appropriate”.⁷⁶ This is what ultimately occurred.

The unprincipled methods, however, did not end there. A letter dated 16 January 1969 shows that the U.K. had undue access to the contents of Iran’s legal opinion on Bahrain.⁷⁷ Further, British officers and the Shah identified Zahedi, at that time the Shah’s Foreign Minister and son-in-law, as a nationalist and a threat to both on the Bahraini question.⁷⁸ Efforts were employed to minimize his involvement. This is reflected in a letter from the British Embassy in Tehran dated 8 August 1968, observing that “Zahedi’s line with the Shah is that we are weak and will eventually give way to Iranian demands” and that he has become “almost pathologically anti-British and I am sure will encourage the Shah to take further retaliatory action against us”.⁷⁹ A telegram from Tehran to the Foreign and Commonwealth Office dated 27 May 1969 records that “Zahedi was present throughout and now seems to be on the act but the Shah would not let him have his head, and it is satisfactory that the detailed work remains in the

hands of Afshar.”⁸⁰ Another telegram between the U.K. Embassy in Tehran and the FCO dated 23 July 1969 notes that a message to the Shah on the issue ought to be conveyed “without the support of a written message from you since such a message ought to reach the Shah through his Minister for Foreign Affairs whom we are all anxious to keep out of the act”.⁸¹ Worse, an FCO note of 29 June 1970 records that the Shah drafted the unpopular Bahrain policy speech and derived “some sardonic pleasure from making Zahedi deliver it” to the Iranian Parliament on 29 March 1970 ultimately, to taint him.⁸² Zahedi’s deputy, Amir Khowsro Afshar, led the day-to-day negotiations. Yet the Shah was hands-on and remained the decision-maker. He was assisted by a trusted circle of advisors on the Bahraini question, including members such as Assadollah Alam, Minister of Court, and Senator Abbas Masoudi, Vice President of the Senate and the publisher of a national daily *Ettela’at*, who had a direct line of communication with the British.

The British objectives were just as unprincipled. The Shah constantly warned that the British “should not sneak in through the back door”.⁸³ An FCO note of 16 May 1968 flags the issue that “once Bahrain

⁷⁶ Speaking Notes for Ministerial Meeting of the North Atlantic Council, 3-5 December 1969, 2, (the National Archives, Richmond).

⁷⁷ Letter from HMA Tehran to the FCO, 16 January 1969, (the National Archives, Richmond).

⁷⁸ Letter from HMA Tehran to the FCO, 29 June 1970, para. 13, (the National Archives, Richmond).

⁷⁹ Letter from HMA Tehran to the Foreign and Commonwealth Office, 8 August 1968, para. 4, (the National Archives, Richmond).

⁸⁰ Telegram from HMA Tehran to the FCO, 27 May 1969, para. 1, (the National Archives, Richmond).

⁸¹ Telegram from HMA Tehran to the FCO, 23 July 1969, para. 1, (the National Archives, Richmond).

⁸² Letter from HMA Tehran to the FCO, 29 June 1970, para. 19, (the National Archives, Richmond).

⁸³ Telegram from HMA Tehran to the FCO, 6 January 1969, 1, (the National Archives, Richmond).

became fully independent, we will have to obviously modify our working relationship with the Al Khalifah to suit to new circumstances and ‘conduct our more intimate contacts with him and his advisors with the maximum of discretion’.⁸⁴ Another note of 7 March 1969 states that “[i]t was for Bahrain to judge with whom they developed their relations but it would be clearly understood that the removal of military forces after 1971 would not affect our intention to increase, rather than decrease, our industrial, commercial, cultural and technical links with the area”.⁸⁵

Also of interest is the informal deal made over the Greater and Lesser Tunbs as well as the Abu Musa Island that Iran moved to occupy in November 1971, and which are now contested by the U.A.E.⁸⁶ While a “package deal” that would englobe these islands was ultimately excluded, Iran made clear, and the understanding was reached, that its renunciation of Bahrain would pave the way. As declared in a Foreign and Commonwealth Office note dated 27 March 1969, “[a] Bahrein settlement would not cause Iran to drop her claims to the Tunbs and Abu Musa. On the contrary, she would seek their satisfaction to offset her concession over Bahrein. The Bahrainis,

⁸⁴ Letter from the UK Political Agency in Bahrain to the FCO, 16 May 1968, para. 6, (the National Archives, Richmond).

⁸⁵ The FCO Note, 7 March 1969, para. 5, (the National Archives, Richmond).

⁸⁶ See, e.g., Security Council official records, 26th year, 1610th meeting, 9 December 1971, New York, paras. 44-283. See also: Noura S. Al-Mazrouei, “Disputed Islands between UAE and Iran: Abu Musa, Greater Tunb, and Lesser Tunb in the Strait of Hormuz”, Gulf Research Centre Cambridge 2015.

Saudis and Kuwaitis would be so relieved by a settlement over Bahrein that they might see justice in this – privately”.⁸⁷ Another U.K. document of 22 April 1969 proposes that “there would be something in this for everybody [...] Iran would get the Tunbs and Abu Musa”.⁸⁸ Subsequent documents show that Britain militated for a negotiated settlement of these islands in favour of Iran and ultimately agreed to close its eyes on their seizure.⁸⁹

5. A Process Legally Tainted

The method and outcome were undoubtedly pragmatic. They may have even helped to preserve peace and stability in the region.

Yet, like in all cases of collusion, none of the protagonists come out in a good light. And there may be even more damaging materials not yet declassified. A request for declassification of further secret U.K. archives made to the National Archives pursuant to the Freedom of Information Act on this issue for the

⁸⁷ Letter from the UK Political Agency in Bahrain to the FCO, 14 January 1969, para. 7, (the National Archives, Richmond).

⁸⁸ Note of the FCO “Bahrain and Iran”, 22 April 1969, para. 5, (the National Archives, Richmond).

⁸⁹ See, e.g. Record of conversation between Sir William Luce and Shaikh Rashid bin Said al Maktum, 17 May 1971 (the National Archives, Richmond); Record of meeting with the Rulers of Ras Al Khaimah and Sharjah, 17 May 1971 (the National Archives, Richmond); Record of conversation between Sir William Luce and Mr. Northcutt Ely, 17 May 1971 (the National Archives, Richmond); FCO Note on Gulf Policy, 14 June 1971, (the National Archives, Richmond); FCO Note re Secretary of State’s visit to New York 25 September to 2 October 1971 (the National Archives, Richmond).

years 1969-1970 was recently submitted. It was denied on 7 December 2021 by the National Archives Freedom of Information Office in consultation with the Foreign, Commonwealth & Development Office because “the potential harm to U.K. relations with the country concerned, and U.K. interests there” and because “the record contains the personal and the sensitive personal information of a number of identified individuals assumed still to be living”.

In any event, no further materials are needed to conclude that the process was tainted, irrespective of the historical, political or emotional side one takes.

Both the U.N. procedure and outcome were staged, with only a few States, the U.N. Secretary-General and his envoy being aware of the masquerade.

The Iranian Parliament and Senate did not express informed and genuine consent on the Bahrain question. They did not know that the procedure and outcome were staged when (i) accepting that Iran, which had long-standing sovereignty claims over Bahrain, would allow the people of Bahrain to express their will and (ii) endorsing the report. Both the very Agreement to resort to this mechanism for conflict resolution and its outcome are thus legally questionable.

As for Bahrain, the 1970 survey was neither a referendum nor a plebiscite and thus not the “expression of the free and genuine will of the people concerned”. Whether probable or slim, there was a chance that a genuine referendum or plebiscite would

have turned in favour of Iran and/or led to different local governance.

6. Epilogue

The epilogue is equally tragic. The Imperial State of Iran became the Islamic Republic of Iran as the Shah lost his throne in 1979. He died a year later in exile, rejected by his western allies. Ironically, the U.K. dispatched none other than Denis Wright, the U.K.’s Ambassador to Iran during the Bahraini saga, to tell the Shah that the U.K. would deny him asylum.⁹⁰

Bahrain became a Monarchy in 2002. It has done well in many fields. Yet the exclusion from power of part of the population in 1971 seems to have backfired with the 2011 revolt.⁹¹ This prompted the intervention of Saudi forces,⁹² still present in Bahrain on its 50th anniversary of independence. Bahrain also hosts U.K. and U.S. military bases.

As for Iran-Bahrain relations, they worsened following the Iranian revolution and during the Iran-Iraq war but ultimately evolved, particularly from 2002 to 2015, with the exception of the one-year period following the 2011 revolt in Bahrain. It was in fact, the Kingdom of Bahrain that sought out in 2002 greater assistance and commercial cooperation with Iran. The King of Bahrain travelled to Iran during the same year. This had been preceded and encouraged

⁹⁰ “Sir Denis Wright obituary”, the *Telegraph*, 21 May 2005.

⁹¹ “Bahrain protesters join anti-government march in Manama”, *BBC News*, 9 March 2012.

⁹² “Saudi Arabian troops enter Bahrain as regime asks for help to quell uprising”, the *Guardian*, 14 March 2011.

by the visit to Iran of high-ranking Saudi officials. It is reported that Saudi Arabia and Bahrain reached out to Iran for cooperation due to increasing concerns regarding the U.S.' growing military presence in the region, particularly in Iraq under the George W. Bush Presidency.⁹³

This paved the way for the execution by Iran and Bahrain notably of the Agreement on Reciprocal Promotion and Protection of Investments dated 19 October 2002, as well as a Memorandum of Understanding between the two States' Central Banks of the same date. The foregoing led to Iranian investments worth billions of U.S. Dollars in Bahrain.

Yet, the relations between the two countries deteriorated in 2015 and were broken off by Bahrain in early 2016 to fall in line with the interests of Saudi Arabia, adverse to the 2015 Joint Comprehensive Plan of Action.⁹⁴ Bahrain's Parliament, on 20 April 2016, even went as far as to call on the government to declare war on Iran.⁹⁵ Bahrain went on to, and at the time when western countries were resuming and expanding ties with Iran⁹⁶ and the U.S. lifted its

sanctions,⁹⁷ ultimately expropriating Iranian State-owned assets within its territory, leading to several arbitrations. This includes one arbitration involving two large Iranian banks that recently concluded with an award in favour of the Iranian banks, with the unanimous ruling that their taking by Bahrain was not only in violation of international law but political.⁹⁸

and warm words flow as Iran president visits Europe", *Reuters*, 25 January 2016; "Rouhani hails 'new chapter' in Iranian-French ties", *BBC News*, 28 January 2016; "Iran selling oil to France and buying 118 Airbus planes", *CNN*, 28 January 2016; "French Energy Giant to Invest \$1 Billion on Iran Gas Field", the *New York Times*, 2 July 2017; "U.S. Allows Boeing and Airbus to Sell Planes to Iran", the *New York Times*, 21 September 2016; "British regulators help Iranian banks come in from the cold", *Financial Times*, 31 January 2016.

⁹³ US Congressional Research Service, "*Bahrain: Reform, Security and U.S. Policy*", 28 October 2016, 26: "Bahrain did not take immediate action to close Iran-lined Future Bank or the Iran Insurance Company until 2016, long after Future Bank was sanctioned by the United States in 2008 under Executive Order 13382 (anti-proliferation). By the time Bahrain closed that Bank in February 2016, the United States had already dropped sanctions on it in accordance with the Iran nuclear agreement (Joint Comprehensive Plan of Action, JCPOA)".

⁹⁴ "Iran: satisfaction des banques après la condamnation de Bahreïn, Manama conteste" [Iran: Banks are awarded after Bahrain recognized guilty. Manama contests], *Le Figaro*, 28 November 2021; "L'Iran veut récupérer ses avoirs gelés à l'étranger" [Iran wants to restore its assets frozen abroad], *Le Figaro*, 30 November 2021; "Iranian banks notch win in dispute over sanctions enforcement", *Washington Post*, 26 November 2021.

⁹³ "Iran and Bahrain oppose Iraq attack", *BBC News*, 18 August 2002.

⁹⁴ "Iran nuclear deal: Saudi Arabia and Gulf react with caution", the *Guardian*, 24 November 2013.

⁹⁵ "Bahrain's parliament calls on state to declare war on Iran and Hezbollah", the *Jerusalem Post*, 20 April 2016.

⁹⁶ United States Institute of Peace, "The Iran Primer, Europe Reaches Out to Iran", 18 April 2016; "Laurent Fabius, French Foreign Minister, Visits Iran", the *New York Times*, 29 July 2015; Joint Statement by EU High Representative Federica Mogherini and Iranian Foreign Minister Javad Zarif, 2 April, 2015; "Deals

Conclusion

Iran has since long claimed injustice and pointed fingers loosely at different directions regarding the renunciation of its claims of Sovereignty over Bahrain. Yet, it is one thing to suspect and allege wrongdoing based on circumstantial evidence and another thing entirely to hold, just as it does now, the particulars and hard evidence of the collusion and thus know that the agreed process and outcome leading to the renunciation were legally tainted.

The question is where we go from here. The decision-makers within the Islamic Republic of Iran will now have the immense responsibility of deciding on their own standing in the history books in determining what measures they must take in order to safeguard Iran's interests. Such measures require a consideration not only of the question of Bahrain but also of its other interests, including the much-needed stability and non-aggravation of tensions in the region. And these interests may not be compatible, as the Shah himself progressively realized, when it ultimately decided, on balance, to sacrifice Iran's claims to Bahrain.

One option would be for Iran to put the issue on the table for resolution along with the many other regional issues currently being addressed between powers in the Persian Gulf. This could eventually lead to securing, at a minimum *inter alia* - in exchange for Iran's waiver to challenge the renunciation of its claims over Bahrain - the departure of foreign forces from Bahrain, the restitution of Iranian investments

expropriated in Bahrain, the restoration of Iran-Bahrain relations, the execution of an *ad hoc* privileged treaty of amity and of economic relations between the two countries, the waiver by the U.A.E. of its claims over the Tunbs and Abu Musa, and a more appropriate recognition within Bahrain, of the Persian influences on the history, language and culture of Bahrain.

This could also be an opportunity for the U.N. Secretary General, the Security Council and any other State to assist in the prompt, fair and peaceful resolution of this dispute and, by the same token, remedy the reputational damage that the foregoing events have caused to the U.N.

As for the U.K., it may no longer be a party directly concerned by the dispute now that Bahrain is officially independent. Yet, it may wish to, or be invited to, present apologies to the Iranian Parliament, and thus to the Iranian people, to the fraction of the Bahraini population that got the short end of the independence stick, to the U.N., to the most U.N. Security Council Members and other States, as they were all, to differing and varying degrees, victims of the *montage*. More concretely, the U.K. may be invited, considering that such was a condition precedent of the Shah even under the tainted deal, to consider truly exiting Bahrain one day, both through the front and, as the Shah warned, "the back door".

Otherwise or in parallel to negotiations, Iran could prepare itself for and seek at the appropriate time (i) the resolution of the dispute directly via the Security

Council pursuant to Article 35 of the UN Charter or (ii) on a preliminary basis, to request an advisory opinion from the I.C.J. via the General Assembly or the U.N. Security Council, both under Article 96 (1) of the UN Charter, on legal questions such as the legality of the U.N. mandate and of the U.N. issuing report, as well as its subsequent endorsement by the U.N. Security Council, and obtain an I.C.J. recommendation that Iran's claim to Bahrain is settled via the I.C.J. or through *ad hoc* arbitration.

The author believes that the first option, namely a negotiated settlement within the above parameters, would be the most practical solution and likely to allow peace and stability in the region.

Irrespective of how this situation plays out, what matters for now is that the plot has been uncovered and options put on the table. To quote Lord Caradon's above-referenced mischievous statement in closing the endorsement process before the U.N. Security Council: "Rejoice, again I say, rejoice" as "the play is over".

References:

Books

1. Fereydoun Adamiyat, Ph.D, *Bahrein Islands: A Legal and Diplomatic Study of the British-Iranian Controversy*, (Frederick A. Praeger, Inc. Publishers, New York, 1955).
2. Malek Ismaili, *Le Golfe Persique et les Iles de Bahrein*, (Paris, Les Editions DOMAT-MONTCHRSTIEN, 1936).

3. Noura S. Al-Mazrouei, *Disputed Islands between U.A.E. and Iran: Abu Musa, Greater Tunb, and Lesser Tunb in the Strait of Hormuz*, Gulf Research Centre Cambridge 2015.
4. Gholamreza Yadjbakhche, *La Question de Bahrain*, [Question of Bahrain] (Paris, Editions A. Pedone, 1960).

Journals

5. Asadollah Alam, Alinaghi Alikhani, Nicholas Vincent "The Shah and I: The Confidential Diary of Iran's Royal Court, 1969-1977", 1993.
6. Roham Alvandi *Muhammad Reza Pahlavi and the Bahrain Question, 1968-1970*, British Journal of Middle Eastern Studies, 2010.
7. U.S. Congressional Research Service, *Bahrain: Reform, Security and U.S. Policy*, 28 October 2016.
8. Xavier de Planhol, Bahrain, *Encyclopædia Iranica*, Vol. III, Fasc. 5.
9. "Sir Denis Wright obituary", the *Telegraph*, 21 May 2005.
10. "Bahrain protesters join anti-government march in Manama", *B.B.C. News*, 9 March 2012.
11. "Saudi Arabian troops enter Bahrain as regime asks for help to quell uprising", the *Guardian*, 14 March 2011.
12. "Iran and Bahrain oppose Iraq attack", *B.B.C. News*, 18 August 2002.

13. "Iran nuclear deal: Saudi Arabia and Gulf react with caution", the *Guardian*, 24 November 2013.
14. "Bahrain's parliament calls on state to declare war on Iran and Hezbollah", the *Jerusalem Post*, 20 April 2016.
15. United States Institute of Peace, "The Iran Primer, Europe Reaches Out to Iran", 18 April 2016.
16. "Laurent Fabius, French Foreign Minister, Visits Iran", the *New York Times*, 29 July 2015.
17. "Deals and warm words flow as Iran president visits Europe", *Reuters*, 25 January 2016.
18. "Rouhani hails 'new chapter' in Iranian-French ties", *B.B.C. News*, 28 January 2016.
19. "Iran selling oil to France and buying 118 Airbus planes", *CNN*, 28 January 2016.
20. "French Energy Giant to Invest \$1 Billion on Iran Gas Field", the *New York Times*, 2 July 2017.
21. "U.S. Allows Boeing and Airbus to Sell Planes to Iran", the *New York Times*, 21 September 2016.
22. "British regulators help Iranian banks come in from the cold", *Financial Times*, 31 January 2016.
23. "Iran: satisfaction des banques après la condamnation de Bahreïn, Manama conteste" [Iran: Banks are awarded after Bahrain recognized guilty. Manama contests], *Le Figaro*, 28 November 2021.
24. "L'Iran veut récupérer ses avoirs gelés à l'étranger" [Iran wants to restore its assets frozen abroad], *Le Figaro*, 30 November 2021.
25. "Iranian banks notch win in dispute over sanctions enforcement", *Washington Post*, 26 November 2021.

International Instruments, Records and Cases

26. General Treaty of Peace between the British Government and the Rulers of Bahrain, 1820.
27. Preliminary Piracy Agreement between the British Government and the Sheikhs of Bahrain, 1820.
28. Agreement for the abolition of the African Slave Trade between the British Government and the chief of Bahrain, 1847.
29. Undertaking for more effectual suppression of the slave traffic between the British Government and the chief of Bahrain 1856.
30. Agreement between the British Government and the Ruler of Bahrain subscribing to a perpetual Treaty of peace and friendship of 1861.
31. Agreement between the British Government and Shaikh Ali Bin Khalifah forfeiting his claim to the title of the principal Shaikh and Chief of Bahrain, 1868.
32. Exclusive Agreement between the British Government and the Chief of Bahrain Isa Bin Ali Bin Khalifah prohibiting any relations between Bahrain and other states without British Consent, 1868.

33. Exclusive Agreement between the British Government and the Shaikh of Bahrain prohibiting any relations between Bahrain and other states without British Consent, 1892.
34. Agreement for the suppression of trade in arms between the British Government and the Shaikh of Bahrain, 1898.
35. Shaikh Isa's undertaking to abide by Treaties, 1905.
36. Shaikh Isa's request that the British Government assumes jurisdiction over foreigners, 1909.
37. Chief of Bahrain undertaking to not grant concessions for pearl fisheries to the foreigners, 1911.
38. Chief of Bahrain undertaking to prohibit opening of any post office other than British, 1911.
39. Chief of Bahrain undertaking to assist with establishment of the telegraph service in Bahrain, 1912.
40. Chief of Bahrain undertaking not to mine oil without British Government approval, 1914.
41. Report of U.N. Secretary General Special Envoy, 24 April, 1970.
42. U.N. Security Council Resolution 278(1970) dated 11 May 1970.
43. Protocol of the 1536th meeting of the U.N. Security Council, 11 May 1970.
44. Letter dated from the Permanent Representative of the USSR to the United Nations addressed to the President of the Security Council dated 3 April 1970.
45. Security Council official records, 26th year, 1610th meeting, 9 December 1971, New York.
46. Joint Statement by E.U. High Representative Federica Mogherini and Iranian Foreign Minister Javad Zarif, 2 April, 2015.
47. Resolution adopted by the General Assembly on 22 June, 2017, "Request for an advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965", A/RES/71/292.
48. Record of the 88th plenary meeting dated 22 June, 2017 of the Seventy-first session of the U.N. General Assembly, A/71/PV.88.
49. Record of the 83rd plenary meeting dated 22 May, 2018 of the Seventy-third session of the U.N. General Assembly, A/73/PV.83.
50. *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, 25 February 2019, Advisory Opinion, I.C.J. Reports 2019.

Archival Documents

51. Record of Conversation between the Shah and Mr. Goronowy Roberts (the U.K. Foreign Secretary) at the Niavarand Palace on Sunday, 7 January 1968.
52. Telegram from Her Majesty Ambassador (H.M.A.) Tehran, Denis Wright, to the

- Foreign and Commonwealth Office (the FCO), 6 January 1969.
53. Letter from Permanent Representative of Iran to the United Nations, Mehdi Vakil, to the Secretary General of the United Nations, U Thant, 9 March 1970.
54. Letter from the Permanent Representative of the United Kingdom to the United Nations, Lord Caradon, to the Secretary General of the United Nations, U Thant, 20 March 1970.
55. Letter from the Secretary General of the United Nations, U Thant, to the Permanent Representative of the United Kingdom to the United Nations, Lord Caradon, 20 March 1970.
56. Letter from H.M.A. Tehran to the FCO, 8 April 1970.
57. Letter from H.M.A. Tehran to the FCO, 3 April 1970.
58. Telegram from H.M.A. Tehran to the FCO, 14 May 1970.
59. The FCO Memorandum, "Bahrain and Iran", dated 16 April 1969.
60. Telegram from the FCO to H.M.A. Tehran, 11 December 1968.
61. Telegram from U.K. Permanent Mission to the United Nations to the FCO, 18 February 1969.
62. The FCO Note Bahrain and Iranian Public Opinion, 2 August 1968.
63. The FCO Summary of the position on Iran-Bahrain dispute, 17 January 1969.
64. The FCO Letter 'The Settlement of Iranian Claim to Bahrain' dated 29 June 1970.
65. Telegram from the FCO to Bahrain Political Agency, 20 May 1969.
66. The FCO Note "Iran and the I.C.J.", 27 February 1969.
67. Note from the U.K. Political Agency in Bahrain to the FCO, 14 January 1969.
68. Note of the FCO "Bahrain and Iran", 22 April 1969.
69. Record of conversation between Sir William Luce and Shaikh Rashid bin Said al Maktoum, 17 May 1971.
70. Record of meeting with the Rulers of Ras Al Khaimah and Sharjah, 17 May 1971.
71. Record of conversation between Sir William Luce and Mr. Northcutt Ely, 17 May 1971.
72. FCO Note on Gulf Policy, 14 June 1971.
73. FCO Note re Secretary of State's visit to New York 25 September to 2 October 1971.
74. Telegram from the U.K. Permanent Mission to the United Nations to the FCO dated 21 April 1969.
75. Summary of Dispatch by Political Resident, Persian Gulf, 25 June 1968.
76. The FCO Note on Bahrain Plebiscite, 5 July 1969.
77. Telegram from Bahrain Political Agency to the FCO, 5 August 1968.
78. Telegram from H.M.A. Washington to the FCO.

79. Letter from the Secretary General of the United Nations, U Thant, to Permanent Representative of the United Kingdom to the United Nations, Lord Caradon, 29 December 1969.
80. Telegram from the U.K. Permanent Mission to the United Nations to the FCO dated 21 April 1969.
81. Telegram from H.M.A. Tehran to the FCO, 11 August 1969.
82. Telegram from the U.K. Permanent Mission to the United Nations to the FCO, 26 November 1969.
83. Telegram from the FCO to U.K. Permanent Mission to the United Nations dated 3 September 1969.
84. Letter from H.M.A. Tehran to the FCO, 29 June 1970.
85. Telegram from H.M.A. Tehran to the FCO, 13 August 1969.
86. Speaking Notes for Ministerial Meeting of the North Atlantic Council, 3 - 5 December 1969.
87. Letter from H.M.A. Tehran to the FCO, 16 January 1969.
88. Letter from H.M.A. Tehran to the Foreign and Commonwealth Office, 8 August 1968.
89. Telegram from H.M.A. Tehran to the FCO, 27 May 1969.
90. Telegram from H.M.A. Tehran to the FCO, 23 July 1969.
91. Letter from H.M.A. Tehran to the FCO, 29 June 1970.
92. Telegram from H.M.A. Tehran to the FCO, 6 January 1969.
93. Letter from the U.K. Political Agency in Bahrain to the FCO, 16 May 1968.
94. The FCO Note, 7 March, 1969.
95. Letter from the U.K. Political Agency in Bahrain to the FCO, 14 January 1969.

Video Audio and Social Network sources

96. Interview of Mohsen Pezechgour by Zia Sadeghi, 31 March 1984, Paris, Tape 8 and 9, Iranian History Collection.
97. 2020 Tweet of Ardashir Zahedi
"هر بار که مواضع ضد ایرانی بحرین را می بینم خود را لعنت می کنم! هم اعلیحضرت و مشاورانش و هم منی که به خاطر روابطم با شاه به استقلال بحرین کمک کردیم خیانتکاریم"
98. Documentary 'The Fourteenth Province' studies separation of Bahrain from Iran", *Tehran Times*, 11 January 2021; Mohsen Karimian, *The Fourteenth Province*.