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## EDUCATING THE METHODS HELP TO STRENGTHEN THE ECONOMY WITH THE CASE OF INVESTIGATING THE MARITIME BOUNDARIES OF IRAN AND ITS NEIGHBORS

### LA EDUCACIÓN DE LOS MÉTODOS AYUDA A FORTALECER LA ECONOMÍA CON EL CASO DE LA INVESTIGACIÓN DE LOS LÍMITES MARÍTIMOS DE IRÁN Y SUS VECINOS

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#### Suggested citation (APA, seventh edition)

Mojab, S. H., Mirabbasi, S. B., Rad, A. M., & Toupchi, H. N. (2020). Educating the methods help to strengthen the economy with the case of investigating the maritime boundaries of Iran and its neighbors. *Revista Conrado*, 16(73), 72-80.

#### ABSTRACT

This article attempts to illustrate this educational method with the case of Iran's borders in the south (disregarding its northern coasts) by Persian Gulf as a semi-closed sea and Oman Sea that pours into an ocean. The length of Iran's coastlines is 1259 kilometers from Fav's estuary to Bandar Abbas and 784 kilometers thence to Gwadar Bay. In between, Persian Gulf is about 250 thousand square kilometers in area. There are seen numerous islands on these two breadths, especially Persian Gulf. In some of the cases, the waters between these islands and the coasts are envisioned as the internal waters and the source line of the territorial sea is delineated from the farthest point of the coasts on these islands as a result of which the amount of the internal waters would be naturally increased and, in some other cases, these islands would have internal and territorial waters in terms of the distance set beyond Iran's coast. The present article discusses the effects and outcomes of the 1982's convention for the international sea rights on the states' governance with an emphasis on and comparison to Iran. The foresaid convention is the product of several years of efforts by the various countries that have recently succeeded to get free of the colonialism chain and naturally demand their positions in the international conventions. This convention can be called the essential maritime law in terms of comprehensiveness and pervasiveness.

#### Keywords:

Iran's maritime boundary, neighbors, educating the economical methods.

#### RESUMEN

Este artículo intenta ilustrar este método educativo con el caso de las fronteras de Irán en el sur (sin tener en cuenta sus costas del norte) por el Golfo Pérsico como un mar semicerrado y un Mar de Omán que se vierte en un océano. La longitud de las costas de Irán es de 1259 kilómetros desde el estuario de Fav hasta Bandar Abbas y 784 kilómetros desde allí hasta la bahía de Gwadar. En el medio, el Golfo Pérsico tiene aproximadamente 250 mil kilómetros cuadrados de área. Se han visto numerosas islas en estos dos anchos, especialmente el Golfo Pérsico. En algunos casos, las aguas entre estas islas y las costas se vislumbran como las aguas internas y la línea de origen del mar territorial se delimita desde el punto más alejado de las costas en estas islas como resultado de lo cual la cantidad de las aguas aumentarían naturalmente y, en algunos otros casos, estas islas tendrían por sí mismas aguas internas y territoriales en términos de la distancia establecida mucho más allá de la costa de Irán. El presente artículo analiza los efectos y resultados de la convención de 1982 sobre los derechos internacionales del mar sobre la gobernanza de los estados con énfasis y comparación con Irán. La convención mencionada es el producto de varios años de esfuerzos de varios países que recientemente han logrado liberarse de la cadena del colonialismo y, naturalmente, exigen sus posiciones en las convenciones internacionales. Esta convención puede llamarse la ley marítima esencial en términos de amplitud y omnipresencia.

#### Palabras clave:

Frontera marítima de Irán, vecinos, educación de los métodos económicos.

## INTRODUCTION

Since long ago, the mankind has been concerned about the idea that apart from the thin strip of land stretched alongside the coastal countries' shores, the rest is the space shared by the entire humanity and nobody has the right for any monopoly over the open seas and that everybody is allowed to have shipping and navigation rights and nobody also has the right to prevent and bar it. This is while many of the countries reserved themselves the ownership and monopoly right over the sea or part of it in the distant past. Amongst these, the claim by Roman emperor over the Mediterranean Sea and/or England's claim over the North Sea as well as Spain and Portugal's claim for exclusive navigation in Atlantic and Pacific Oceans can be pointed out. It was in line with this issue that individuals like (Garucius, 2011), lawyer of the Netherlands, started writing things about the East Indian Company (currently Indonesian) and posited the idea of open sea in a book under the same title.

From this perspective, the maritime territory in the seas and oceans is based on "authority" and, resultantly (unlike what is witnessed in the terrestrial territory), the presence of maritime military forces on the seas and oceans has not been so much attended by the world nations the way it deserves and it is typically overlooked (and, this is due to the existence of such a phenomenon as the open seas which is a property missing from the land breadths) (Labrousse, 1977).

As it is stated, the emergence of what is presently known as "international laws" coincided with the collapse of Europe and appearance of autonomous states and possibly at the same time with the termination of Medieval Era and since the 16<sup>th</sup> century. As it is also stated (Garucius, 2011) is realized as the "father of international laws" (although this claim is opposed by some for the fact that function has been realized as a combination of the works by others).

Under such conditions, the discussion and challenge between the idea of seas' openness and domination over the seas lasted for centuries. However, the decline in the colonial powers and increase and emergence of some of the other powers directed this arena towards the idea that the global right of non-domination over the open seas and somehow the openness of the seas gradually dominated over the Medieval and 16<sup>th</sup> and 7<sup>th</sup> centuries' domineering mindsets and this common right that signifies the navigation and free fishing right in the open seas took the place of any hegemony and proprietary claims over the seas and it was this navigation and fishing right that was commonly accentuated and found an international aspect

indicating that the open seas equal free access unless in certain and limited exceptions.

## DEVELOPMENT

The first law related to Iran's maritime regions was enacted on 15<sup>th</sup> of July, 1934, and it was in this law that the method of the warships' presence in Iran's maritime regions was seminally clarified and it was by the force of this law that the width of the territorial sea was set for a length of six miles from the base line. It can be stated that this is the first time that Iran's government took measures in line with its governance in Persian Gulf by legislating and law-making. It can be also possibly stated that the thing inspiring the codification of the law is indeed the Hague conference in 1930 which is realized as the first international law conference on seas. The limits of Iran's governance in this "territorial sea" is six nautical miles and also another six miles that is considered as "supervision region" for the enforcement of the country's security and defense regulations and contracts as well as the supply of marine traffic.

This law mentions stipulations about the status of the estuaries (or small bays), islands and conditions of the foreign warships' entry and stop in Iran's waters and their orders as well as the qualifications of Iranian authorities for investigating and pursuing delinquencies and crimes occurring in this region. By the force of article 4 of this law, it has been stipulated that a procedure has to be codified regarding the traffic and stop of the foreign warships in Iran's ports and waters. The procedure was approved on 29<sup>th</sup> of August, 1934 by the board of ministers.

The thing that was going on in the second conference on the seas' law in 1958 and the trends of the principles and formats observed therein made the states get involved in widening their maritime governance in the territorial seas. Thus, the countries around the globe, Iran included, were made to bring about revisions in their prior laws; 1934's law in case of Iran following which an amendatory law was passed in 1939. This law came to existence on 12<sup>th</sup> of April, 1959 under the title of the law for amending the marine regions enacted in 1934; in the course of this law, the widening of the territorial sea and supervision region resulted in the elongation of this limit to 24 nautical miles with 12 miles being allocated to territorial sea and another 12 miles being the supervision region. In this amendment, other cases related to Iran's governance laws were also amended and revised.

Another law was also passed by the two congresses on 19<sup>th</sup> of June, 1955 concerning the exploration and exploitation of the natural resources on Iran's continental shelf. In this law, stipulations have been made regarding Iran's

governance for exploitation of the seabed and sea subsoil in Persian Gulf and Oman Sea. This law is comprised of five articles; as ruled in article 2 thereof, the regions as well as the natural resources in the seabed and sea subsoil to the extents of continental shelf in Iran's coasts and Iranian islands' shorelines in Persian Gulf and Oman Sea belong to Iran's government and have been and are being governed by it. Furthermore, if the continental shelf inserted in the previous article is found stretched to the coasts of another country or shared by another adjacent country, the related discrepancies would be solved based on the principle of fairness, and the government would take the required measures for solving the contingent disputes through political ways (article 3). Of course, according to article 5 of this law, no change would be brought about regarding the status of the waters under the sea on the continental shelf in terms of free and perfect navigation and shipping right, and government can establish the required installations on the continental shelf for exploring and exploiting the natural resources and make any interventions required for securing the aforementioned installations.

The declaration on 30<sup>th</sup> of October 1973 announced the exterior limits of exclusive fishing region in Persian Gulf as being the same exterior limit of the continental shelf which was up to a 50-mile distance from the baseline of the territorial sea on Oman Sea. In the sections that no delimitations has been agreed between Iran and other countries, the exterior limit of Iran's exclusive fishing region would be based on the generally accepted principles in the international laws, i.e. a bisecting line that all of the points on it are in the same distance to the other parties' baselines and this would be exercised until an agreement is reached by the parties.

The reason for considering a 50-mile distance for Oman Sea is that the coasts of this sea are in a steep slope within a little distance to the middle of the sea. Thus, the other governments overlooking the coasts of the Oman Sea, like Pakistan and Oman, as well, have announced their exclusive fishing region's limits to be within 50 miles from the baseline of their territorial seas. Under such conditions, if Iran's exclusive-economic region overlaps and interferes with those of Pakistan and Oman, the limit between the exclusive economic regions will be a bisecting line with all its points in an identical distance to the parties' baselines based on the abovementioned declaration and until another agreement is reached.

However, the last law that has been so far enacted regarding the demarcation of Iran's marine regions is the one passed in 20<sup>th</sup> of April, 1993, with its verdicts and regulations being indispensable about the determination of Iran's marine regions. Article 3 of this law stipulates that

the baseline of territorial sea on Persian Gulf and Oman Sea is the one set in enactment number 2/250-67, passed on 22<sup>th</sup> of July, 1973, which will be discussed beneath. The legislator has devoted article 2 to the width of the territorial sea and stated that the width of the territorial sea from the baseline is 12 nautical miles. It seems that the legislator should have firstly made clarifications regarding the baselines and then dealt with the exterior limits of them and determination of the territorial sea. Thus, it appears that the legislator has made inadvertent mistakes regarding the order and sequence of the concepts.

According to article 3 of the law on the marine regions passed in 1993, waters between the baseline of the territorial sea and the terrestrial territory as well as the waters between the islands belonging to Iran the distances of which to one another does not exceed two times the width of the territorial sea are to be considered as internal waters and subject to the governance of Islamic Republic of Iran. Therefore, the waters between Iran's land and Khark, Lavan, Kish, Qeshm, Hengam, Lark, Faror, Bani Faror, Siri and Hormuz Islands are envisioned as the internal waters and Tonb-e-Bozork, Tonb-e-Kuchak and Abu Musa constitute the territorial sea. It can be seen in the codification of the marine regions that the limits stipulated in the domestic regulations are knowingly and unknowingly matching with the convention in 1982 on the maritime laws because, as stated in the convention, the width of the territorial sea is accepted to be 12 miles from the baseline.

Islamic Republic of Iran's representative delegation in 1982's convention on the maritime laws in Jamaica announces in the article 5 of the final declaration that "the small islands situated in the closed and semi-closed sea that can be potentially considered as residential or having economic life but are yet underdeveloped due to the atmospheric conditions or shortage of the resources as well as other restrictions are to be included by the regulations in Paragraph 2 of Article 121 about the islands' regime so having a perfect effect in the delimitation of the various marine regions of the interested coastal countries (Allen Lu-Robin, 2005).

Considering this theory, it can be concluded that although article 121 of the convention on the laws of the seas divides the islands into two residential and nonresidential parts, an explanatory note strikes the mind with the idea that all of the islands of Islamic Republic of Iran in Persian Gulf are parts of its territorial sea.

Considering the conditions stated about the islands and delineating the baselines, this complicated issue shows up that a large part of the sea has to be envisioned as the internal water and/or territorial sea and this has caused

the emergence of problems and challenges in the marine traffic, especially because the delineated baselines should not be largely deviated from the normal stretch of the coastline and also because the advance limits of the waters surrounded inside these lines should be connected to the terrestrial territory to the maximum possible extent so that they can be included by the internal water system as ruled in paragraph 3 of article 7 of 1982's convention. However, it has to be known that the thing realized as internal waters and territorial waters of the islands matches and is in coordination with 1982's convention so naturally included by the harmless pass. Furthermore, in dubious cases, as well, the method of the other countries in international performance and behaviors can play a significant role in the dividing of the baselines and, more importantly, enactment in 1973 by board of ministers for delineating the baselines has not been objected by any country.

Therefore, on a limited eastern and western line, the islands within a 24-nautical mile (less than twice the width of the territorial sea) are considered as Iran's internal waters hence the foreign military ships need to acquire prior permission from Iran's government according to the criteria mentioned in the convention as well as based on the existent norms and the entry of the business ships is also suspended on the acceptance of Iran's statutory provisions.

Corresponding to article 16 of 1993's law on the determination of the marine limits, performing the military exercises and activities by foreigners, gathering information and doing any action contradictory to the interests and rights of Islamic Republic of Iran is forbidden in the exclusive and economic region and continental shelf. And, based on article 18 of that law, Islamic Republic of Iran's government can take any measures for protecting and supporting the marine environment and optimal use of the living resources and other reservoirs in the exclusive and economic regions as well as on the continental shelf. Islamic Republic of Iran is qualified for taking penal and civil measures regarding the violators in the economic and exclusive region as well as on the continental shelf and it can perform inspections on and apprehend the violators in a case-specific manner.

According to article 1 of the law related to the delimitation of the coastal and regional waters and supervision region's limits on the seas, passed in 1934, it is stipulated that the measurement source is the limits of the lowest ebb while the article 3 of the law on the amendment of the delimitation of the coastal and regional waters and supervision region in the sea, passed in 1958, the width of the coastal waters is 12 nautical miles. Of course, no baseline has been defined in this law and it is instead stipulated that the baseline is determined by the government in adherence

to the sure regulations of the general international laws. This is while the baseline along the coasts of Persian Gulf and Oman Sea is substantially the direct baseline according to the enactment in 1973 by the board of ministers and the law passed in 1993.

The law on the exploration and exploitation of the natural resources in Iran's continental shelf, passed in 1955, is the first law that speaks of a concept called continental shelf. Of course, nothing has been mentioned in this law about continental shelf and it is stated in article 1 thereof that the phrase "continental shelf" has the same meaning it means in English and/or French. Article 3 of the aforesaid law stipulates that "when the continental shelf is shared by two neighboring or opposite countries, the delimitation has to be done in an agreement between the parties and the disputes have to be solved through political means".

In Caspian Sea, it is not included by the international regulations related to the open seas since it is not connected to the open seas and, essentially, it is not true to give the title of continental shell to any of its parts. Of course, the interested states can bring the subterranean natural resources therein under the influence of the international sea regimes if it is deemed expedient. However, Iran's regulations related to continental shelf and about the resources on the bed and subsoil of the Caspian Sea are devoid of any effect if no agreement is reached (Elizabeth, 1990).

As it was mentioned, the baseline in Iran was considered as a direct one in 1973 by the force of enactment no.2/250-67, passed on 22<sup>nd</sup> of July, 1973. Under such conditions, Iran's base line in Persian Gulf and Oman Sea is a direct baseline that connects the largest number of the points on the coastal islands. The discussed baseline begins from the formation locus of Arvandrud (Shatt Al-Arab) in Persian Gulf's mouth and ends to Hormuz Strait. The islands taken into account in the delineation of the foresaid baseline are Khark, Nakhilou, Lavan, Kish, Gheshm, Hengam, Lark and Hormuz.

Use has been made of 25 points in total for delineating the foresaid baseline with its farthest part being the intersection between the meridian 61 st meridian east and a direct baseline connecting the two sides of Gwadar Bay's estuary. This is while the baseline in Hormuz Strait is considered as the lowest ebb's line for its geographical conditions as well as because its lowest width point is 34 miles. The delineated baseline has been exactly confirmed by the force of the abovementioned enactment as stated in the law on Islamic Republic of Iran's marine regions, passed in 1993.

According to article 1 of the aforementioned marine regions' law, Iran's governance is expanded from its

terrestrial territory and internal waters and its islands in Persian Gulf and Hormuz Strait and Oman Sea over a region of the waters connected to the baseline designating the territorial sea with the width of the territorial sea being 12 nautical miles from the baseline (Moghtader, 2005).

This method of delineating the baselines and the emphasis made in the 1993's law thereon instigated objections in 1994 by the US that, meanwhile delivering a remonstrant note to the UN, declared that this country has made use of direct baseline in spite of the indefiniteness of its coasts whereas this country can make use of the lowest ebb line of the sea for delineating its baselines which would be the very natural baselines. The US believes that Iran's baseline is very long and it is in a range from 30 nautical miles to 120 nautical lines and also that the direct baseline cannot exceed 24 nautical miles. This is while the 1982's convention on the international sea laws has not set any restrictions on the length of the direct baseline.

It can be expressed regarding this claim that this method of delineating lines has been concluded and enacted 20 years before the enactment of the 1993's law, i.e. in the enactment number of 2/250/67, passed on 22<sup>nd</sup> of July, 1973, and emphasis has been made in the foresaid law on this method of delineation and no objection was made at that time by the US. Thus, it seems that this issue is to be included by the behavioral history norms and that the least material element has been formed for it; as for the intellectual element of the customs, the Estoppel Maxim (prohibition of denial after confession) can be used as a basis. Thus, it can be claimed that the US's objection cannot be posited in terms of the formation of norm-based behavior.

In addition, corresponding to article 4 of Geneva Convention about the territorial sea (one of the 1958's conventions) and article 7 of the 1982's convention, delineation of the baselines is only possible under the condition that the aforesaid baselines are not digressed from the general coastal route and the marine regions inside these lines should have a close relationship with the terrestrial territory in order to follow the internal waters' regime. Additionally, the international court of justice has ruled in the case of fishing between England and Norway in 1951 that the mathematical accuracy and precision in delineating the baselines is not essentially observed (Zia'ei Bigdeli, 2014).

As it is known, Persian Gulf and Oman Sea are situated between several coastal countries with Iran being one of them. In the past and up to 1965, the bisecting baseline delimiting Iran's maritime boundary was in Persian Gulf. Since 1968 and according to the existent discrepancies

regarding various issues, including the delineation of the baselines and status of the islands, negotiations were commenced for endorsing treaties with the countries in the southern shoreline of Persian Gulf while the baseline was envisioned in them as the basis of delimitation.

Persian Gulf features a special natural status for the fact that the existence of a large number of small islands and rocks in the entire area of the Gulf and, particularly, in the southernmost parts has rendered demarcation of the limits extraordinarily difficult. A vast part of these small islands and rocks was not important in the past and they have never been used for residential purposes but the situation has been changed now with the discovery of oil and every small geographical phenomenon in the region has found a very high economic importance for which reason the disputes about the possession of these rocks that actually do not belong to anyone is enumerated amongst the substantial problems of demarcating the continental shell in Persian Gulf. Based on the regulations of the agreement letter (to wit 1958 Geneva convention), island like main coast can have its own specific coastal waters and continental shell (Mowahhed, 1978).

Our country, Iran, has entered pacts in delimitation of its maritime boundaries with some countries and it has used bisecting line in some others. Amongst the countries with which contracts have been signed, Saudi Arabia, Oman, Pakistan, Bahrain and Qatar can be pointed out. But, negotiations are in progress with the other neighboring countries, including Iraq, Kuwait and UAE with no notable result having been found till the completion of this article.

In demarcation of the boundaries of continental shell between Iran and the other countries in Persian Gulf area, the existence of islands in Persian Gulf has resulted in some problems. For example, in regard of Khark Island, Iran's government was willing to use the bisecting line in an agreement with Saudi Arabia for the delimitation whereas Saudi Arabia tended to consider Iran's shoreline as the delimitation factor and, finally, in an agreement that happened between the two parties, a middle idea was agreed with Farsi Island being transferred to Iran and Al-Arabi Island being handed over to Saudi Arabia (Moghtader, 2005).

The delimitation of the continental shell's limits between Iran and Qatar as well as between Iran and Bahrain has been carried out based on a coast-to-coast bisecting line and no effect has been taken into account in delineating boundary line for the islands and rocks situated outside the coastal baselines (Mowahhed, 1978).

Conversely, in an agreement between Iran and Oman, several islands on the Iranian side, such as Gheshm,

Hengam, Hormuz and Lark, and several islands on the Oman's side, like Al-Qanam, Musandam and Limeh, have been considered as the base points and the delineation line has been stretched based on the principle of equidistance. The boundary line between Iran and Saudi Arabia is the longest continental shelf border in Persian Gulf that surpasses over 138 nautical miles.

The maritime boundary between Iran and Oman begins from the eastern section of Persian Gulf in Hormuz Strait and is continued to Oman Gulf for a length of 124 nautical miles. The length of continental shelf boundary between Iran and Bahrain (as the shortest one) is over 28 nautical miles (Moghtader, 2005).

Overlap in Persian Gulf's continental shelf in the northern and southern limits as well as in the western and eastern limits has caused the ground to be set for the first negotiations for delimitation of the continental shelf's boundaries between the Persian Gulf's coastal countries. This issue was followed by Saudi Arabia's objection regarding Iran's bidding of part of its continental shelf for discovering and exploiting oil in 1963. This was while the first oil areas in Persian Gulf had been discovered at that time and the western oil companies had opened their way into Persian Gulf for the endorsement of contracts. The complex conditions faced in delimitation of the continental shelf's territory by some of the coastal countries, including Iran, and it's being left unspecified by some other countries paved the way for quadrilateral meetings with the presence of Iran, Iraq, Kuwait and Saudi Arabia in November, 1963.

Iran used to determine and identify its continental shelf in its performance by the force of the maritime regulations and subsequently enforced them based on the international regulations of the time in Persian Gulf. On the contrary, the countries in the southern section of Persian Gulf that refrained from using the term continental term in their declarations of territorial demarcation and mutually were committed to the dividing of the seabed according to fair principles and based on the agreement reached by the parties.

The thing that is evident in this case from both sides is that none of them has spoken in separate about the exclusive economic region. The thing that can be understood in this case is that the exploitation of such resources as fish is less accentuated from the perspective of the coastal countries. Moreover, Persian Gulf is realized as a semi-closed sea and determination of a region as an economic exclusive zone is an excused and difficult issue considering the width of Persian Gulf (between 200 and 300 kilometers). It can be stated in this regard that since the delimitation of the continental shelf in Persian Gulf dates back to 1950s,

Persian Gulf's coastal countries have been leading the way in this regard in comparison to the other countries.

From the side of our country, Iran, the first law in this regard was the "law on the exploration and exploitation of the natural resources in continental shelf in Iran" passed in 1955. This law was comprised of five articles indicating Iran's governance over the continental shelf in Persian Gulf. Furthermore, the law on Islamic Republic of Iran's regions in Persian Gulf and Oman Sea, passed in 1993, can be pointed out that has dealt with the issue of continental shelf in its third chapter and in articles 14-21. According to article 19 of this law, the limits of our country's continental shelf would be matching with the line all of the points of which are in equal distances to the parties' closes baselines unless it is determined in bilateral agreements.

#### Iran and Saudi Arabia

The corresponding agreement was signed on 24<sup>th</sup> of October 1968 in regard of governance over Farsi and Al-Arabi Islands and delimitation of Iran's continental shelf between Iran and Saudi Arabia. In this agreement, Iran and Saudi Arabia determined the duties regarding the demarcation of the continental shelf between these two countries and authenticated one another's governance in respect to the floor and subfloor on the side related to the boundary line for performing exploratory operations and exploitation of the natural resources. The agreement is amongst the first set about the dividing of the continental shelf between two countries and its conclusion between the two countries was carried out without any hesitation and in a speedy manner. Amongst the reasons for the acceleration of the course of this agreement, the fastest way of the parties' achievement based on appetizing oil premises, on the one hand, and prevention of the actualization of the expansionist goals of Soviet Union by means of Iraq, on the other hand, can be pointed out. In this agreement, it was stipulated about Khark Island, as the subject of intensive discussion and dispute, that the territorial sea width should be determined based on the bisecting line and the territorial sea limits of Farsi Islands on the Iranian side and Al-Arabi Island on the Saudi Arabian Side have to be specified by the use of the midline.

#### Iran And Bahrain

The agreement between Iran and Bahrain was endorsed on 17<sup>th</sup> of June, 1971. According to article 2 of this contract, "when a single geological-oil formation or a single oil field or any single geological formation or unit field of other minerals is found stretched from one boundary line, specified in article 1, to the other side and if a part of this foundation or field is found located on one side of the boundary

line and it can be totally or partly exploited by means of a digressive excavation line from inside the boundary line, then: a) no well can be dug in any of the two parts of the boundary line set in article 1 with the productive section of it being less than 125m from the boundary line unless it is agreed by the governments of Iran and Bahrain; b) in case of the occurrence of accidents as specified in this article, both of the parties to this agreement do their best to reach agreement for coordinating the operations and joining efforts on the sides of the boundary line”.

This maritime boundary was set as stated in the aforementioned article in a time not so much after Bahraini nation's achievement of independence.

This boundary line has been delineated on the bisecting line which is in equidistance from both sides. According to Dr. Jamshid Momtaz in a lesson pamphlet, agreement reached on 17<sup>th</sup> of June, 1971, between Iran and Bahrain has used a bisecting line all the points of which are in an equal distance to the lowest ebb lines in Iran and Nakhilou Jabrin and Bahraini Islands. In other words, both of the states connected the most forward points of the islands through delineating a direct baseline and considered them as the basis of the delineation of the bisecting line.

#### Iran and Qatar

The agreement related to the boundary line within the distance from Iran's continental shell to Qatar's was endorsed between the two countries on 20<sup>th</sup> of September, 1970. In 1968, British government issued a declaration indicating that it will end its military presence in Persian Gulf until 1971 and this issue made the Sheikh-dwelling states in the south of Persian Gulf to specify their own duties and rights in respect to such a regional power as Iran as fast as possible. Under such circumstances, the two parties agreed by the force of article 2 in the abovementioned agreement that “whenever a single geological-oil formation or a single oil field and/or any single geological formation or a single field of other minerals is found stretched beyond the maritime boundary specified in article 1 and it cannot be partially or wholly exploited by means of a digressive excavation from the other side of the boundary line, then: a) no well can be dug in any of the two sides of the boundary line, set in article 1, even if the productive section of it being less than 125m from the boundary line unless it is agreed by the governments of Iran and Bahrain; b) in case of the occurrence of accidents as specified in this article, both of the parties to this agreement do their best to reach agreement for coordinating the operations and joining efforts on the sides of the boundary line”.

The three islands of Kish, Lavan and Hendurabi were amongst Iran's disputed points for they are situated behind Iran's baseline and, in order to solve their disputes, the parties agreed that although these three islands are positioned in the disputed region, they should not be taken into account in calculating the bisecting line. In other words, Iran withdrew its boundary for taking these three islands into consideration in the delineation of the baseline and agreed to set the base line with regards to the hills and ebb outcrops and disregarding these islands.

#### Iran and Oman

The agreement for continental shell delimitation was signed between Iran and Oman on 25<sup>th</sup> of July, 1974 in Tehran. Article two of this agreement, as well, is almost similar to the content mentioned in the agreements between Iran and the two states of Qatar and Bahrain. In fact, the boundary line of the marine boundary between Iran and Oman that specifies the limits of both of the states' continental shells is the very bisecting line passing through the middle section of Hormuz Strait. This agreement includes 58 of articles. The ponderable thing is that the parties seem to have exercised no mercy in calculating their baselines and all of the islands on both sides of Iran and Oman have been taken into account. Article two of this article stipulates that “whenever a single geological-oil formation or a single oil field and/or any single geological formation or a single field of other minerals is found stretched beyond the maritime boundary specified in article 1 and it cannot be partially or wholly exploited by means of a digressive excavation from the other side of the boundary line, then: a) no well can be dug in any of the two sides of the boundary line, set in article 1, even if the productive section of it being less than 125m from the boundary line unless it is agreed by the governments of Iran and Bahrain; b) in case of the occurrence of accidents as specified in this article, both of the parties to this agreement do their best to reach agreement for coordinating the operations and joining efforts on the sides of the boundary line”.

#### Iran and United Arab of Emirates

The governments of Iran and UAE have not still determined their maritime boundaries regarding continental shells. It appears that the rulers of the six sheikh-dwelling states have been seeking to relate the issue of continental shell's delimitation somehow to the disputed island of Abu Musa and simultaneously resolve their conflicts about the parties' marine limits and the UAE's claim for Abu Musa Island. However, two types of agreements were reached between Iran and Dubai, on the one hand, and between Sharjah and Umm Al-Quawain, on the other hand. Since the coasts of UAE overlook the Oman Sea and Persian

Gulf and because any agreement with the foreign party should be confirmed by all members of the union, these two features are the distinctions of the agreement between Iran and this country in contrast to the other coastal countries in Persian Gulf.

However, the agreement reached between Iran and Dubai was endorsed on 13<sup>th</sup> of August, 1974, and amounts to a length of 25.39 nautical miles. This agreement was enacted by Iran's consultative assembly but Dubai has avoided enforcing it up to now. Like other aforementioned maritime boundaries, this border is also composed of geodesic line with its importance stemming from the existence of shared large oil and gas fields in such a way that it accommodates the highest amounts of gas and oil discovered in Persian Gulf. These fields are shared by Iran, Abu Dhabi, Sharjah and Dubai. Numerous factors have been effective in the non-delineation of the maritime continental shelf between Iran and UAE. The first factor is the discrepancy about the claim by UAE which is negated by Iran and that is UAE's claim over Abu Musa Island. Iran disapproves any dispute over this island and declares it as being unnegotiable and also agreed and concluded between Iran and Sharjah's Amir-dwelling state. The second factor is the incoherence and scattering of the decision-making centers in these seven emirates that hold that any decision for the delimitation of the limits of marine boundaries should be confirmed by all the members of the union. This is while every Amir-dwelling region in this union alone owns subterranean resources of its own emirate according to the domestic laws of UAE.

Iran took measures in line with delineating the baselines and determining the internal and territorial waters for Abu Musa Island. This baseline delineation interfered with the maritime boundary limits of Umm Al-Quawain and caused the region's being subjected to occidental company. In this regard, negotiations were made between Iran and this Amir-dwelling state and parties agreed to set a midline in respect to the coasts of the two parties. The agreement remained in its oral form and was not recorded. However, as it was mentioned, Iran and UAE's maritime boundaries are yet to be determined.

#### Iran and Iraq

In its farthest western section, Persian Gulf meets Iraq's coastline. These conditions have caused the infliction of Iraq with ambiguous and difficult conditions due to the colonial delimitations in such a way that the shorelines of Iraq in Persian Gulf have been reduced to 5.18 kilometers which do not seem to be of so much efficiency in shipping terms for this country. As for the use of the resources under the seabed and continental shelf, Iraq does not have a

considerable share. Of course, it has to be mentioned that Iraq is very rich in terms of oil fields in the southern plateaus (Fav, Ramileh, Dejileh and Umm Al-Rasas Islands) to the northern oil fields and Kirkuk and Khanaqin regions and it is ranked second in this regard after Saudi Arabia amongst the OPEC oil exporting countries. In between, Iraq disagrees with any agreement due to its inhomogeneous coast and it can be possibly stated amongst the factors giving rise to an eight-year war between Iran and Iraq and Iran's invasion by ten corps of Iraq's army. Therefore, the coastal line of Iraq and Persian Gulf is very trivial (5.18km) and this does not provide Iraq with much of a maneuvering power so it is amongst the regions with which no agreement has been reached.

#### Iran and Kuwait

The discrepancies arisen regarding the delineation of the lines and demarcation of the marine limits with Iraq have also been spread to Kuwait's case. Put it differently, Iraq disagrees to any contract and agreement with Iran and Kuwait and conclusion of any bilateral disagreement seems impossible due to the relationships between the marine limits of these three countries (Iran, Iraq and Kuwait). As an example, Kuwait sets Bubiyan Island as the baseline of its territorial sea which is objected by Iran and Iraq because it results in an increase in the area of Kuwait's territorial sea and this is harmful for Iraq and Iran, especially Iraq.

#### Iran and Pakistan

Iran and Pakistan both overlook the coasts of Oman Sea which is not a semi-closed sea like Persian Gulf and opens to Indian Ocean and open seas. However, the delineation of the maritime boundaries from the internal waters and territorial sea to the adjacent region and exclusive economic zone, as stated in 1982 convention on international marine laws, there is no interfering and intruding interest in marine transportation and delineation seems possible. Thus, several rounds of negotiations have been so far held between the two countries in this regard and for the delineation of the lines and demarcation of the limits of exclusive economic zone and an agreement has been reached and endorsed by the foreign ministry general legal managers of the two parties in 1997. But, the agreement has not been yet enacted by the two countries' legislation authorities.

Some spaces of the geopolitical area in Persian Gulf have been occupied based on the contracts signed between the interested parties and coastal countries. However, there are still cases of complicated discrepancies. This pattern of discrepancy includes the followings: 1) Iran and

Kuwait over maritime boundary; 2) Iraq and Kuwait over maritime boundary and Verbeh and Bubian Islands; 3) Kuwait and Saudi Arabi over the maritime boundary and Umm Al-Muradom and Qarweh Islands; 4) Saudi Arabia and Emirates over maritime boundary; 5) Saudi Arabia and Qatar over maritime boundary in Khour Al-Adid and Salwa Bay; 6) UAE and Qatar over maritime boundary and Haloul Island; 7) Emirates and Saudi Arabia over maritime boundary of continental shell and Musandam Peninsula; 8) Qatar and Bahrain over maritime boundary and Hawar and Zubareh Islands; and, 9) UAE's Amir-dwelling states with one another over terrestrial borders and with Iran over maritime boundary with UAE's claim over the threefold Island of Abu Musa, Tonb-e-Bozorg and Tonb-e-Kuchak being enumerated as the peak of these discrepancies (Madani, 2006).

## CONCLUSIONS

Essentially, the states are trying to maximally expand their interests and exert their governance and jurisdiction in both the terrestrial and marine breadth and, in the meantime, the semi-closed and open seas as well as the oceans can be the subjects of a lot of disputes and quarrels. Historical attention to the performance of the colonial powers after the second half of the 15<sup>th</sup> century and in the turn of the middle centuries is indicative of the tendency towards augmenting profit, occupation and, finally, exerting governance and jurisdiction in the seas.

Essentially, seas are approached from two important perspectives: one is that the sea is envisioned as the connective way and solution for the countries and the other is that the seas have been seen as a huge source of living and inanimate resources with their possession of abundant reservoirs and supplies. In this regard and according to the two aforesaid aspects, there are various regulations and rules have been defined and codified for organizing and creating a coherent legal system.

The 1982's convention has been signed by some of the countries but it has not yet endorsed. Amongst these countries, our country, Islamic Republic of Iran, can be mentioned as an endorser but an enactor of this convention; however, it has preferred to adopt a silent position about some innovations of this convention like "transit" through Hormuz Strait. Hence, whether this part of the convention is endorsed in future or not, it is necessary for Iran to allow the transit through Hormuz Strait due to the actualization of the norm-constituting factors in regard of both the intellectual and material elements.

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