

# Continental Shelf Issue in Iran and Its Southern Neighbors

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## Abstract

The region of the Persian Gulf can be seen as a heartland under the geopolitical influence of which the Arab-Iranian relations are shaped. As one of the world's primary and most significant sources of fossil-energy exports, the Persian Gulf cobbles together the eight countries of the region in a geopolitical panorama, in which they enjoy similarities in economic and strategic life, as well as security concerns. As well, the challenges of maritime political geography seem to be quite dependent on an established set of standards and agreements in order to remain on solid grounds. Currently, these challenges manifest themselves in four major categories, with substantial geopolitical consequences between the Iranians and the Arabs of the region, and the complexity of their relationships. These include: Religious Controversies, which concern the sectarian geopolitics, propagated under Jordan-Israeli concoction of "Shiite Crescent", Territorial Contentions; with its major controversy over the naming of the Persian Gulf. This article examines the process of territorial conflicts, proceedings and eventually the settlements over the maritime areas of the Persian Gulf in the past five decades. The arrangement of the maritime political geography in the Persian Gulf is a fitting example of former disputes over the border and boundaries within the maritime regions of the world.

**Keywords:** Persian Gulf, International Law, Maritime Political Geography, Strait of Hormuz

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## Introduction

Maritime political geography is the study of the implementation of state sovereignty at sea. It could also be referred to as the art of determining the duration of the sovereignty of a state in the maritime areas, and its surrounding territories. The control and ownership of the maritime areas that stand adjacent to state territories, including the areas that have a seaward stretch have long been a controversial topic. Since ancient empires began to sail and trade overseas, supervision and authority over the coastal areas has been a critical subject to the governing bodies of such regions. However, it was not until the twentieth century that countries began to come together to debate over the maritime boundaries in order to finalize and mark their respective territories. Ironically, however, they have yet to come up with a solid agreement (Rosenberg, unknown). Prior to the 1950s, countries were actually able to establish the margins and boundaries of their jurisdictions at sea with free will. While a powerful empire, such as the British navy established a distance of 3 nautical miles to guarantee its access to the 3 mile coast lines of other countries, others gradually established their territorial waters at 12 nautical miles. Several nations would go on to adopt this approach as time passed. It was determined that these territorial waters are considered a part of a country's jurisdiction, subject to all of the rules and regulations of that country.

In 1945, U.S. President Harry Truman claimed the entire continental shelf off the coast of the U.S. (which extends almost 200 nm off the Atlantic coast). In 1952, Chile, Peru, and Ecuador claimed

a zone 200 nm from their shores as well. The need for the standardization of the maritime areas at sea was first realized by the United Nations Conference on the *Law of the Sea* (UNCLOS I) in 1958. In 1960, UNCLOS II was held, which would be followed by UNCLOS III in 1973. Following UNCLOS III, a treaty was developed that attempted to tackle the ensuing boundary issues from the last several decades. The treaty specified that all coastal countries would have a 12 nm territorial sea and a 200 nm Exclusive Economic Zone (EEZ). It was granted that each country would control the economic exploitation and environmental quality of its own EEZ. Most states have adhered to its guidelines and have begun to consider themselves official authorities over their respective 200 nm domain. On a more current note, a recent study on the environmental impact on maritime political geography suggests that rising sea levels in the wake of climate change has the potential to undermine existing legal regimes that have control over the world's oceanic margins and continental shelves.

This means that climate-driven environmental changes are already destabilizing the Arctic, and fostering new types of alliances. By altering commonly accepted standards that once used to determine the regional margins from their shores, they also have the potential to undermine fragile accords in the maritime arena, which may in fact lead to a vulnerable and desperate situation for the authorities over the maritime regions. From a policy perspective, it is imperative to emphasize that rising sea levels will likely threaten the current maritime system, and it calls on the governing bodies to re-establish certain agreements that anticipate and include suitable solutions that answer to unwarranted environmental changes within the coastlines. In the end, the potential for environmental change to alter jurisdictional arrangements highlights the importance of challenging the long-standing tendency to treat the environment as not just an economic issue, but an obligatory concern for the wellbeing and longevity of the environment<sup>1</sup>

## I. Historical Context

It is fair to mention that Iran has a pioneering role in solidifying its ownership over its regions before the surrounding nations followed suit. On July 15, 1934, Iran put its stamp on her territorial waters within the Persian Gulf, Strait of Hormuz and Gulf of Oman, to be specifically six miles from the low-water marks of her coastline. Moreover, on March 19, 1949 Iran announced her rights of continental shelf oil exploration. Thereafter the littoral Arab states of the lower Persian Gulf followed the example, each region issuing a similar declaration; Saudi Arabia on May 29, 1949; Qatar on June 8, 1949; Abu Dhabi on June 10, 1949; Kuwait on June 12, 1949; Dubai on June 14, 1949; Sharjah on June 16, 1949; and Umm al-Quwain and Ajman also on June 20, 1949 (Mojtahed-Zadeh, 1990: 58-59). On May 18, 1955 Iran claimed the seabed resources of her continental shelf in the Persian Gulf, Strait of Hormuz and the Persian Gulf of Oman. On April 22, 1959 Iran advanced and stretched the limits of its territorial sea measures from 6 to 12 nm. In addition, it claimed an area adjacent to her territorial sea, as her contiguous zone, the outer limit of which is 24 nautical miles from the baseline.

The withdrawal of Pax-Britannica from the region in 1971 brought about some prominent changes, particularly once the Americans entered the region in 1981. The interim period was the period of Iranian domination of affairs in the region, and it was during this period that territorial and boundary disputes were peacefully dealt with. Yet, immediately after the British withdrew their armed forces from the Persian Gulf by the end of 1971, Iran began the initiative of settling territorial differences among the littoral states. Negotiations for the delimitation of maritime boundaries in the Persian Gulf, which started in 1968 with Saudi Arabia, continued with each and every Arab state of the region. Finally, by the mid-1970s all of the maritime boundaries of Iran with her Arab neighbors were settled.

In 1975 the age-old Iran-Iraq territorial and boundary disputes were settled in Shatt al Arab, and in the same year Iran's initiative of settling territorial disputes went beyond the region of the Persian Gulf. During this period the Shah quelled the fire separatist movements in Dhufar of Oman, as well as intervening in the Egyptian-Israeli disputes by assisting them to resolve their differences over the Sinai Peninsula. In his 1981 publications on Israeli secret relations in the Middle East, Israeli author, Samuel Segev, admits that "The Shah was the originator of the idea to mediate between Anwar Sadat and Golda Meir" (Abdulghari, 1984: 3).

Iran had already started its supply of oil to Israel when Egypt lost control of the Sinai Peninsula to Israel during the 1973 Arab-Israeli war. Meanwhile, Iran began mediating between the belligerents to save the situation and end the conflict, mainly in favor of Egypt. The purpose of Iran's meddling was immediately realized by the sources from both sides. In 1975 Iran sought to share her oil supplies with Israel as leverage, in an attempt to induce Israel to relinquish its control over the Egyptian oilfields in the occupied Sinai Peninsula. The purpose of this movement on Iran's part was mainly to return Sinai to Egypt in return for Egypt's official recognition of Israel, as well as the Shah's pledge to provide Israel with the amount of oil Israel needed after relinquishing the Sinai Peninsula to Egypt (Ibid). Another example of the Iranian endeavor to safeguard the Arab territorial integrity was Iran's mission to face the threats to Oman's rightful region during the early 1970s. This stance led the Iranian army on a three year mission, to risk their lives for Oman's territorial identity in the Dhufar Province in the face of a fierce communist separatist movement, which even the British forces could not eradicate within a twelve year time frame (Ibid).

In January 1968, the government of Great Britain announced its decision to withdraw Pax-Britannica from the Persian Gulf. This decision triggered a sense of urgency between the states to solidify their relationship, and to strengthen their cooperation with one

another in order to fill the gap that might potentially emerge in the wake of the British withdrawal. It was during this stage that a settlement of the remaining territorial and boundary differences became a necessity, especially within the off-shore areas of the region, where exploration and exploitation of new oilfields were expanding rapidly (Mojtahed-Zadeh, 1990: 59). This expansion in off-shore oil exploitation underlined the urgency of defining various states' boundaries before the matter developed into a new series of conflicts. In 1965, Iran had begun its negotiations with the British for an official off-shore boundaries settlement in the Persian Gulf. This debate however had to wait until late 1960s and early 1970s to eventually come to a successful conclusion. The Anglo-Iranian negotiations established the Persian Gulf as a median line, and a principle upon which the continental shelf between Iran and her Arab neighbors was to be divided at sea. It was on the basis of this principle that the subsequent continental shelf delimitation agreements in the Persian Gulf were achieved (Mojtahed-Zadeh, 2013: 159-216). On February 11, 1966, Mohammad Reza Amir-Teimur of the Iranian Ministry of Foreign Affairs and Sir Roger Allen of the British Foreign Office initialed an agreement, in which Iran and Great Britain, on behalf of its protectorate Arab states on the Persian Gulf, reaffirmed the principle of the median line of the Persian Gulf as the basis for dividing the continental shelf of that sea, which eventually aided in dividing the Iran-Qatar continental shelf.

With an area of 155,000 square kilometers, and an average depth of about 50 meters, the whole of the Persian Gulf is an extended continental shelf, and its geographical shape - a curved rectangle - puts Iranian territories on the one side, and most of the other Arab states within the lower regions of the Persian Gulf on the other, facing each other on opposite sides. With this geographical state, it is necessary to consider the median line down the Persian Gulf, since the problem over rightful ownership ensued, as different states claimed different base lines. The rather distorted locations of

various islands were then claimed by some governments to be the base line, which further complicated and prolonged the matter. Resolving these disagreements required real cooperation, commitment and an understanding, which became even more urgent following Britain's decision to withdraw.

Furthermore, Iran and the Arab states of the region have claimed exclusive fisheries of their own, and the continental shelf required its boundaries to be established at the equidistant lines. In the Persian Gulf of Oman, Iran has claimed an exclusive fisheries zone that extends to the equidistant line with the United Arab Emirates and Oman. While anticipating future discoveries of oil or gas structures across state lines in the maritime areas of the Persian Gulf, Iran decided to enforce a provision in her continental shelf agreements with the states on the opposite side to prevent inappropriate exploitation of the compounds. This provision is documented in detail and appears in Iran's entire continental shelf boundary agreements in the region. For instance, in the case of area coverage, if a petroleum structure disrupts the boundary measures, then there shall be no sub-surface well completion within 125 meters of the boundary (500 meters in the case of maritime boundary with Saudi Arabia) without the mutual agreement of the two parties; and the two parties shall attempt to agree on coordination or unitization of operations with respect to such structures.

In the Persian Gulf, like elsewhere in the world, the laws of the maritime areas of littoral states have developed gradually. In this region, the government of Iran compiled all of its laws regarding the maritime regions of the Persian Gulf and the Oman Sea in one single comprehensive text in 1993, which came to the attention of the United States government in January, 1994, and a subject of protest. Although some rules and regulations have been arranged that prevent horizontal drilling for extraction from cross-border oil fields, no measures seem to exist to regulate the use of energy from the newly discovered cross-border gas fields. Sizeable gas fields such as

south Pars and Arash, between Iran on the one hand and Qatar and Kuwait on the other, remain controversial subjects between Iran and these states. However, unlike some areas mentioned previously, cross-border cooperation here can lead to a just and equitable settlement over these altercations.

However, in 1960 Oman and Yemen had both granted fishing concessions to Japan, the Soviet Union, and South Korea in their "Exclusive Fishing Zone" in the Persian Gulf of Oman and the Arab Sea. In 1981, Oman declared an Exclusive Economic Zone in its adjacent waters so as to clarify the obscurity of such a venture. The regional limits of these zones were unspecified until 1982, when the United Nations declared that all coastal states are entitled to a 200 nautical mile of Exclusive Economic Zone. This UN law of sea convention not only standardized the 200 nautical milecap as the EEZ district of the coastal states, but also standardized the territorial waters of the coastal states to 12 nautical miles off-shore (Blake and Schofield, 1987: 123). Nevertheless, for reasons of their on-going territorial disputes with Bahrain and Iran, the governments of Qatar and the United Arab Emirates did not officially declare their individual 12 mile zones until 1992 and 1993.

The eight states that stand littoral to the Persian Gulf require at least 16 continental shelf boundaries among them. Of these 16 continental shelf boundaries, seven have been negotiated. The following nations have currently taken action to adopt these boundaries: 1) Bahrain-Saudi Arabia, 2) Iran-Saudi Arabia, 3) Iran-Bahrain, 4) Qatar-Iran, 5) Qatar-United Arab Emirates, 6) Iran-Oman, 7) Bahrain-Qatar (the case of Hawar Islands). There are at least nine other continental shelf boundaries to be settled in the region, which include: 1) Iran-United Arab Emirates; 2) Oman-United Arab Emirates (one undefined boundary in the Persian Gulf and two boundary lines in the Persian Gulf of Oman and Arab sea); 3) Qatar-Saudi Arabia (the case of Dohat al-Salwa); 4) Saudi Arabia-Qatar (the case of Khor al-Adid); 5) Saudi Arabia-Abu Dhabi (the case of Khor

al-Adid; 6) Kuwait-Iran (the case of Golden Triangle) which has been negotiated; 7) Kuwait-Iraq (the case of Golden Triangle); 8) Kuwait-Saudi Arabia; and, 9) Iran-Iraq (the case of Golden Triangle).

The five segments of delimited maritime are boundaries between Iran and her Arab neighbors: 1) The Iran - United Arab Emirates continental shelf boundaries appear to be the most complicated of the kind in the Persian Gulf, not only because there are seven emirates of the UAE, with each claiming its own continental shelf limits, but also because of the joint Iranian - Sharjah sovereignty that is exercised in the Abu Musa island; 2) Oman - United Arab Emirates continental shelf boundaries are not clearly defined, due to the age-old inland boundary disputes in the Musandam Peninsula between Oman and the emirates of Sharjah in the Persian Gulf of Oman, and Ras al-Kheimah in the Persian Gulf; 3) Saudi Arabia - Qatar and the UAE continental shelves are not divided, mainly due to the Qatar - Bahrain disputes over Hawar Archipelago in the al-Salwa Bay on the one side of Qatar Peninsula. The 1974 Saudi Arabia - Abu Dhabi Boundary agreement also plays a problematic role, since the Khor al-Adid Bay is positioned on the other side of the area. Eventually, in October 1996, it was announced that Saudi Arabia and Qatar jointly commissioned a French company to demarcate their mutual inland boundaries; 4) Iraq - Kuwait maritime boundaries are not negotiated because of the two states' inland territorial and boundary disputes that automatically include the offshore areas of the two countries; 5) Kuwait, on the other hand, has not been able to define her continental shelf limits with Saudi Arabia, owing to their disagreements on the question of sovereignty over the islands of Kubbor, Qaruh and Umm al-Maradim; 6) Defining the Iran - Iraq continental shelf boundaries in the so-called Golden Triangle will depend, on the one hand, on the settlement of Iraq - Kuwait territorial and boundary disputes, and on the other, it will depend on the final settlement of the Iran - Iraq boundary

dispute in the region of Shatt al-Arab; and, 7) Official delimitation of the continental shelf boundaries between Iran and Kuwait is similarly prevented by territorial and boundary disputes between Iraq and Kuwait, albeit the two signed a draft agreement in 1962 governing their mutual maritime areas. Iran also believes that its baseline must begin from Khark Island, as it did in the case of the maritime boundary delimitation process with Saudi Arabia. Kuwait, in response, claims that its baseline must begin from its Failakah Island, which is situated in the middle of the sea making it difficult for Iran to accept. Iran's four continental shelf boundaries, specified with the Arab neighbors in the Persian Gulf are as follows:

## II. Iran-Saudi

The continental shelf boundary agreement between Iran and Saudi Arabia was signed in 1968. Continental shelf legal experts consider this boundary agreement as a unique and modern example of maritime marginal system in the world. The part of the Persian Gulf where this boundary line is defined is 138.7 nautical miles wide. Nevertheless, the coastline measures that were negotiated for this agreement are between 95 to 135 nautical miles, with the deepest point being 75 meters. For years, the two countries had experienced a complex dispute in the areas of their mutual off-shore boundaries. The dispute included the question of ownership of the two Farsi and Arab islands, including the over-lapping oilfields that they had made claims to. Both Iran and Saudi Arabia had granted concessions to various oil companies. When the overlapping areas of the two concessions were recognized, the two countries decided to settle the problem on the basis of the international principle of the line. The obstacle that interrupted and slowed down the progress of the negotiations was when Iran insisted on the low-water-mark of the Khark Island to be considered as the base line. Saudi Arabia, however, insisted on a shore-to-shore median line with no regard to Khark or any other island.

On April 4, 1996, an interview with Parviz Mina, Iran's chief technical negotiator in the continental shelf delimitation negotiations of 1968 with Saudi Arabia, disclosed that: "Initially, the uncompromising Saudi posture led to the continental shelf confinement between Iran and Saudi Arabia to be negotiated on the basis of no regard for Khark Island. Such an arrangement would naturally shift the boundary line closer to the Iranian coasts within an area of the sea that contains substantial oil deposits, a highly valuable seabed resource". "Once he was aware of the particulars of this method of maritime settlement, the Shah was not accommodating; he asked us to find ways of giving full effect to the geographical situation of Khark Island in the delimitation calculations. Fortunately, King Faisal had enough goodwill to accept a proposal for solution based on giving half effect to Khark Island". "Not only did this adjustment shift the boundary line to the proper median line of the Persian Gulf, but gave Iran her rightful share of the huge oil resources of the border area."

Negotiations continued however, until October 24, 1968, when Iran and Saudi Arabia successfully delimited their mutual continental shelf boundary on the basis of<sup>2</sup>: recognizing Iran's sovereignty of the Farsi Island, and the Saudi Arabian ownership of the Arabic Island; the territorial waters within the 12 mile radius of the low-water-mark of the two islands of Farsi and Arab to be respected for both islands, until they begin to overlap, which is when the median line would run half-way between them; recognition of Khark Island's low-water-mark as part of Iran's mainland coast line and delimitating the median line on that basis; and, 4) A 500 meter oil exploration restriction area to be applied to either side of the entire length of the median line, which would prevent the two parties from drilling diagonally for oil from the other side (Young, 1970: 125-157). This agreement was signed on October 24, 1968 and enacted on January 29, 1969. Article 1 of the agreement cites and recognizes the Saudi Arabian sovereignty over the island of Al-Arabiyyah, and Iranian

sovereignty over the island of Farsi. Article 3 cites the specific coordinates of the turning and terminal points: The boundary is 138.7 nautical miles in length and has 16 turning and terminal points of the above description. Facing the south, it joins the Iran-Bahrain continental shelf boundary. It's worthy of mention that the Small Saudi Arabian islands have not been given effect in the calculation of the equidistant line. Facing north, 25 percent of the boundary, the Iranian island of Khark has been given "half-effect" on the determination of the equidistant line. Khark is situated approximately 17 nautical miles from the Iranian mainland and has an area of about 12 square nautical miles. In principle, this segment of the boundary generally has been determined by calculating equidistant lines, giving full weight to Khark base points and completely disregarding the existence of the island, and later splitting the arial difference. Although this process has been clearly stated in the agreement, it is not known for certain if it was the exact method used.<sup>3</sup>

Compromising these boundaries, with all their complications needed expediency, goodwill and indulgence from both governments. The political urgency that had emerged as a result of the British government withdrawing their presence from the Persian Gulf by December 1971 had no doubt resulted in unrest and disorder. There were a number of coincidences in the Iranian and Saudi Arabian political arenas at the time, which assisted a speedy settlement of this boundary dispute. Both governments had special relations with the United States, who encouraged cooperation between the two nations for the sake and preservation of the status quo, and stability in the region in the wake of the British withdrawal from the Persian Gulf. Furthermore, both governments were determined to keep Soviet Union's geopolitical ambitions in the Persian Gulf at bay, and equally determined to confront the strategic threats posed by the Baathist regime of Iraq in the region. The occurrence of such political affairs were made even more complicated by the British announcement, and created the type of urgency that eventually encouraged the two

governments to employ their top experts in hopes of settling their mutual regional concerns.

### III. Iran - Qatar

Following its continental shelf boundary agreement with Saudi Arabia in 1968, Iran moved to delimit similar boundaries with other states on the opposite side of the Persian Gulf as well. Qatar was, at the time, the only Arab state of the region, other than Saudi Arabia, willing and able to enter into such agreements with her neighbors. Iran and Qatar are situated as opposite states on the Persian Gulf. Their continental shelf boundary was delimited on the equidistance, is approximately 131 nautical miles in length and involves six turning and terminal points. It runs in both a northwest and southeast direction in the central part of the Persian Gulf. The precise location of the terminal point in the northwest will not be specified until a Bahrain-Qatar boundary is calculated. In the southeast, the terminal point coincides with the northern terminal point of the Qatar-Abu Dhabi maritime boundary. In the same year, (1969), Qatar had delimited a continental shelf boundary with Abu Dhabi. The northward terminus of this boundary was defined in the two states' agreement by specific geographic coordinates. Iran and Qatar used this same point, which is approximately equidistant from Iran, Qatar and Abu Dhabi, as the southern terminus of their boundary.

Since Iran was still claiming sovereignty over Bahrain at the time of negotiations with Qatar, plus the fact that Qatar and Bahrain had no continental shelf boundary between them, locating an accurate north-western terminus of the Iran-Qatar boundary became difficult. This made the Iranians decide to specifically determine the north-western point that began their continental shelf boundary with Qatar. In a report to the Minister of Foreign Affairs, the Legal Department of that ministry stated in 1968 that: The north-western terminal point on the Iran-Qatar boundary was described as lying on a specified azimuth. Economic implications motivated the parties to

delimit the boundary, but did not affect its location. Qatar had issued offshore concessions to the Continental Oil Company, Shell Company of Qatar Petroleum Company Limited, and Iran had granted offshore concessions to the Iranian Offshore Petroleum Company and Lavan Petroleum Company. Anticipating the existence of a trans-boundary petroleum structure, which later materialized in the form of a huge natural gas field, the agreement contains a provision that would appear in all of Iran's subsequent continental shelf boundary agreements, providing that, a petroleum structure extends across the boundary, and may be exploited by directional drilling from the other side of the boundary. If so, then: here shall be no sub-surface well completion within 125 meters of the boundary without the mutual agreement of the parties; and, the parties shall attempt to agree on coordination or unitization of operations with respect to such structures.

The environmental ramifications were not taken into account in the delimitation process. From the point of view of the legal regime, the agreement deals exclusively with continental shelf jurisdiction. The document is clearly expressive, in that it states that it does not affect the status of the superjacent waters or airspace. Geographically, the opposite relationship of the parties' coasts was the predominant factor that would alter the location of the boundary, which was delimited by the use of the equidistance method, whereas geology and geomorphology did not affect the delimitation. The seabed in the vicinity of the boundary averages only 30-80 meters in depth, and contains no significant relief features.

The delimitation was part of an effort by Iran to establish her continental shelf boundaries in the Persian Gulf for economic reasons, as well as geo-political ambitions. Iran had declared a system of straight baselines at the time of the agreement, which did not influence the delimitation. The boundary was delimited using the equidistance method, disregarding the islands, rocks, reefs and low-tide elevations. The boundary was also delimited so as to be

equidistant from the nearest points on the coasts of the opposite mainland territories. It consists of geodetic lines that connect the turning and terminal points, illustrated on British Admiralty Chart No. 2837, copies of which were signed by representatives of both governments (Article II and III of Iran-Qatar continental shelf boundary agreement, 1976: 109-111). This agreement was then executed in Persian, Arabic and in English, all carrying a common and solid authoritative tone. This maritime boundary agreement was signed on September 20, 1969, and entered into force upon the exchange of instrument of ratification on May 10, 1970<sup>4</sup>.

#### **IV. Iran-Bahrain**

In 1971, shortly after Iran's claims of sovereignty over Bahrain Archipelago were withdrawn, the two states entered negotiations that aimed to define their mutual boundaries. The actual task of delimitation of the Iran-Bahrain continental shelf areas was not complicated at all. Bahrain's dispute with Qatar over the Hawar archipelago however, which has prevented delimitation of continental shelf boundaries between them, was a matter of some concern. Nevertheless, since the northern tip of the two states' continental shelf boundary could not differ much from whichever direction the Bahrain-Qatar continental shelf boundaries faced, the conclusion of the Iran-Bahrain treaty of June 17, 1971 met with little difficulty (National Legislative Series, 1974: 416). The Iran-Bahrain agreement delimits the continental shelf boundary of the maritime area of the two countries in the central part of the Persian Gulf. This boundary extends for a distance of 28.28 nautical miles, and connects four points by straight lines. The terminal points of the agreed marginal boundaries were determined by Iran's existing state line with Qatar and Saudi Arabia. Point 1 of the boundary is undermined and is to coincide with point 2 of the Iran-Qatar boundary of 1969, and point 4 coincides with point 1 of the Iran-Saudi Arabian boundary of 1968. These points are not equidistant from the nearest points on the two

countries' land territories. Terminal point 1 (Eastern) of this boundary is approximately ten nautical miles closer to the Iranian coasts than those of Bahrain, and terminal point 4 (Western) is approximately five nautical miles closer to Iran than to Bahrain. This occurred probably because of Bahrain's location in the sea, which makes the Iran-Bahrain median line at point 4 of this boundary to fall about five nautical miles south of the general Arab-Iranian median line in the Persian Gulf. The Iranians must have agreed on bringing the two countries' median line at point 4 to the appointed general median line in the Persian Gulf. These two terminal points, nevertheless, appear to have been established by the use of the equidistance method. This can be attributed to the scale of the particular hydrographic chart used to plot these specific points. The agreement which was signed on June 17, 1971, entered the exchange of instruments of ratification into force on May 14, 1972 (Mojtahed-Zadeh, 1990: 60).

Geographically, the equidistance method was used to establish the turning and terminal points on the determined perimeters, reflecting the opposite relationship of the two countries' coasts, while neither geology nor geomorphology played a role in the delimitation of determining its measures. The waters in the vicinity of this boundary are quite shallow, but on the deep scale of the Persian Gulf average, ranging from approximately 60 to 75 meters. The seabed is relatively flat and devoid of any distinguishing geomorphologic features. Delimitation of its margins was primarily inspired by the state's economic circumstance. Prior to the delimitation, both Iran and Bahrain had granted offshore concessions to various companies. The preamble to the agreement states that the parties are "desirous of establishing in a just, equitable and precise manner", the boundaries between their respective continental shelves. The boundary line has been illustrated on the British Admiralty Chart No. 2847, and consists of geodetic lines joining the coordinated points. Furthermore, Iran's claim over a straight baseline system, did not affect the location of the

two equidistant turning points on the boundary line. The Iranian islands of Nakhilu and Jabarin were, nevertheless, given full effect in the location of the two equidistant turning points because the islands stood within Iran's straight baselines. These islands are situated slightly more than three miles off of the Iranian mainland. The Bahraini island of Al-Moharraq (Which is that island-country's second most important island and is connected to Bahrain's main island "Manamah" by a causeway) was considered a part of the Bahrain's mainland for delimitation purposes. With respect to trans-boundary deposits, the agreement provides that if a petroleum structure extends across the boundary and has the potential to be exploited by directional drilling from the other side of the boundary line, then: there shall be no sub-surface well completion within 125 meters of the boundary without the mutual consent of the parties; and, the parties shall attempt to agree on coordination or unitization of operations with respect to such structures.

As for the legal regime considerations, the agreement delimits the boundary "between the respective areas of the continental shelf over which [the two countries] have sovereign rights in accordance with international law..." It provides further that "nothing in this Agreement shall affect the status of the superjacent waters on air-space above any part of the continental shelf". Iran subsequently claimed an exclusive fisheries jurisdiction in the Persian Gulf that's coextensive with its continental shelf jurisdiction. This treaty provides details in regards to 125 meters of restricted zone on both sides of the line, within which the two governments are prohibited from drilling for oil (National Legislative Series, 1974: 428). The agreement was reached on the basis of the British Admiralty map No. 28447 (Iranian Foreign Ministry, Documents & Treaties: 110).

The Iran-Qatar Agreement, which was signed some 21 months earlier than the Bahrain-Iran Agreement, appears to reflect an assumption that the Bahrain-Qatar boundary, once eventually determined, would intersect the common geodesic to the west of the

eastern extreme point (As otherwise no point would exist in which to satisfy the description of Point 1 in the Iran-Qatar Agreement) (National Iranian Oil Company, internal memorandum to the President of the Board of Directors, 1970). The Iran-Qatar Agreement does not, however, impose a westward limit on the location of the intersection point. The point at 27°02'46" N 51°05'54" E (the western extreme point), which is Point 2 of the Bahrain-Iran Agreement, is not referred to in the Iran-Qatar Agreement. The Iran-Qatar Agreement does not, per se, prevent Qatar from claiming a boundary, which will intersect the common geodesic west of the Western extreme point. The Bahrain-Iran Agreement, for its part, appears to reflect an assumption that the Bahrain-Qatar boundary, when eventually determined, would intersect the common geodesic to the east of the western point (as otherwise no point would exist which would satisfy the description of Point 1 in the Bahrain-Iran Agreement) (Iranian Foreign Ministry, Documents and Treaties: 116). The Bahrain-Iran Agreement also appears to assume that this intersection would be located to the west of the eastern extreme point. Qatar may argue on the basis of this assumption that Bahrain, having signed the Bahrain-Iran Agreement, may not today claim a boundary, which will intersect the common geodesic at or east of the eastern extreme point.

#### **V. Iran-Oman**

Iran and the Sultanate of Oman defined and delimited their mutual Continental Shelf boundaries in the Strait of Hormuz. This agreement - signed on July 15, 1974, and entered into effect in January 1975, provides restriction on 125 meters of oil exploration on both sides of the line (Mojtahed-Zadeh, 1990: 61). Also, the twelve mile territorial waters of the two countries overlap at the Strait of Hormuz, in a stretch of 15 miles where the median line puts both territorial water limits and continental shelf boundaries on the same line. The Iran-Oman boundary treaty of July, 1974 defined the two countries'

continental shelf boundaries on the basis of British Admiralty map No. 2888 of 1962. It coincided with another agreement between the two governments, which allows both countries to patrol each other's respective territorial seas for the maintenance of security in the Strait of Hormuz<sup>5</sup>.

Iran and Oman have opposing coasts in the Strait of Hormuz area. The northern Oman coast of Musandam, that part which constitutes the elbow of the Strait, consists largely of offshore islands. Iran's coastline is also fringed with islands. The boundary agreement of 1974 does not specify any method of delimitation except that the boundary line is clearly calculated on equidistance between the coastlines of the two countries' islands. This boundary runs for approximately 124.8 nautical miles and has 20 turning points. The terminal points, both in the Persian Gulf and in the Persian Gulf of Oman, are not yet clearly defined, as it awaits on pending negotiations between Oman and the United Arab Emirates in regards to their mutual continental shelf boundaries on both sides. This boundary in the Strait of Hormuz is essentially an equidistant line, except for one area in which the boundary line follows the 12 nautical mile arcs drawn from the Iranian Island of Larak.

Though no official offshore agreements exist between Iran and the other states within the other areas of the Persian Gulf, the standard principles set up for the median line are actively practiced for the sake of their mutual boundaries. It seems to have become a mutual understanding between Iran and some of the Arab countries like Kuwait<sup>6</sup>, as well as between Iran and some emirates of the UAE. With Sharjah, the 1971 memorandum of understanding on Abu Musa Island reinforces the Iranian regulation of the 12 mile territorial waters, from the island's low-water mark base line. Sharjah had granted a concession to the Bute Oil and Gas Company, prior to the 1971 agreement with Iran, for the exploration and exploitation of oil from Abu Musa's offshore oilfield of Meidan Mobarak. The 1971 the agreement with Iran permitted the BOGC to continue the oil

exploration in that oilfield, but the profit from it was agreed to be equally shared by Iran and Sharjah. Abu Musa's 12 mile territorial waters, on the other hand, overlapped that of Umm al-Quwain, where the Occidental Oil Company was given a drilling concession. The problem was subsequently settled by an informal agreement, which granted Umm al-Quwain 15% share of the oil revenues from the area (Mojtahed-Zadeh, 1990: 60).

An agreement was signed on August 31, 1974 between Iran and Dubai defining continental shelf boundaries between the two sides<sup>7</sup>. Iran ratified the agreement on March 15, 1975, but the United Arab Emirates has yet to renew theirs. It is imperative that the boundaries stay intact, both toward the east and to the west. An eastward extension will further complicate matters, since both Iran and the UAE have individually claimed sovereignty over the whole of Abu Musa Island. The 1974 agreement established a boundary, that is 39.2 nautical miles in length, and appears to be equidistant from the respective mainland, ignoring the very presence of the islands. One section of the boundary follows the 12-nautical mile territorial sea drawn for the Iranian Island of Sirri. Taking all territories into count, the boundary is situated closer to the Island of Abu Musa, as well as Sharjah's Island of Sir Bu Noair than to any other Dubai territory. A draft agreement also exists between Iran and Abu Dhabi defining the two sides' continental shelf boundaries in the Persian Gulf. Still, the borderline measures which exist between Abu Dhabi and Saudi Arabia on the one hand, and Iran and the United Arab Emirates on the other are still far from perfect, which makes ratifying and maintaining the agreements all the more challenging.

Finally, in Tehran, foreign ministers of Iran and Pakistan signed a maritime boundary division agreement on June 16, 1997. The agreement, which defines the two countries' continental shelf boundaries in the Persian Gulf of Oman, and goes as far as Gwater Bay, facing the north-east, is described as a means of maritime cooperation between the two countries. The draft of this agreement

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was prepared in 1992 by the political and marine experts of Iran and Pakistan on the basis of international laws governing the division of seabed and sub-soil resources (Ettelaat International, 1997: 10).

### **Conclusion**

This article examines the process of territorial conflicts, proceedings and eventually the settlements over the maritime areas of the Persian Gulf in the past five decades. The arrangement of the maritime political geography in the Persian Gulf is a fitting example of former disputes over the border and boundaries within the maritime regions of the world.

## Notes

1. Alexander Murphy, lecture delivered at the University of Tehran.
2. Extract from letter of 13.12.1336 (12.3.1958), No. 2682, from Moshfeq Kazemi, Ambassador of the Imperial Government of Iran in India, to the Ministry of Foreign Affairs, "Gozideh-e Asnad-e Khalij-e Fars = A Selection of Persian Gulf Documents", IPIS publication, Vol. III, Tehran 1994, p. 187.
3. Archive of Iran's binding treaties with other states, in Persian, Iranian Ministry of Foreign Affairs, Tehran 1976, p.33.
4. Report (in Persian) from the Legal Department of the Ministry of Foreign Affairs to the Locum Minister of that Ministry, dated Tehran 3.12.1347 (21.11.1968), No. 7193/18, page 2, paragraph 4, Iranian Foreign Ministry documents, File 34, No. 4-12, titled "The Iran-Qatar Petroleum".
5. Article I of the treaty of Iran-Oman Continental Shelf Boundary, Iranian Foreign Ministry's Documents and Treaties, op. cit., p. 177.
6. A draft agreement signed in 1962 governs unofficial Iran-Kuwait maritime boundary arrangements.
7. From Ministry of Foreign Affairs to National Iranian Oil Company, No. 119/18 dated 9/1/1352 (30/3/1973), selection of Persian Gulf Documents, Vol. 4, Document No. 331 34, IPIS, Tehran, 1995, pp. 93-6.

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