

Continental Shelf Delimitation in the Persian Gulf

Persian
Gulf



Oceans and Law of the Sea
Division for Ocean Affairs and the Law of the Sea

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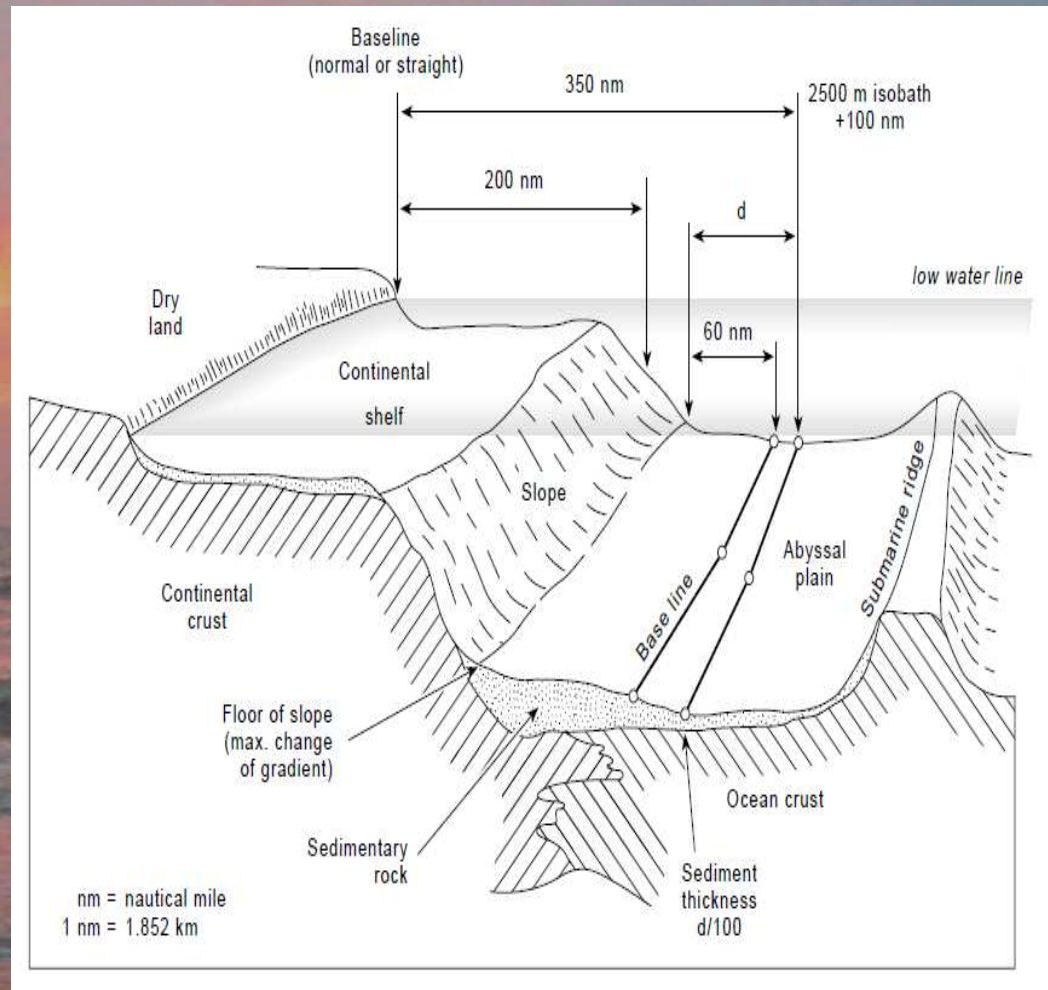
The Nippon Foundation

Outline of the Presentation

- **Definition of the continental shelf**
- **Introduction to the Persian Gulf Region**
- **Geographical Situation of the Persian Gulf**
- **The legal Evaluation of the Region**
- **Review of the Most Important Delimitation Cases in the Region**
- **Undetermined Maritime Boundaries in the Persian Gulf**
- **Conclusion**
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Definition of the Continental Shelf (Article 76(1))

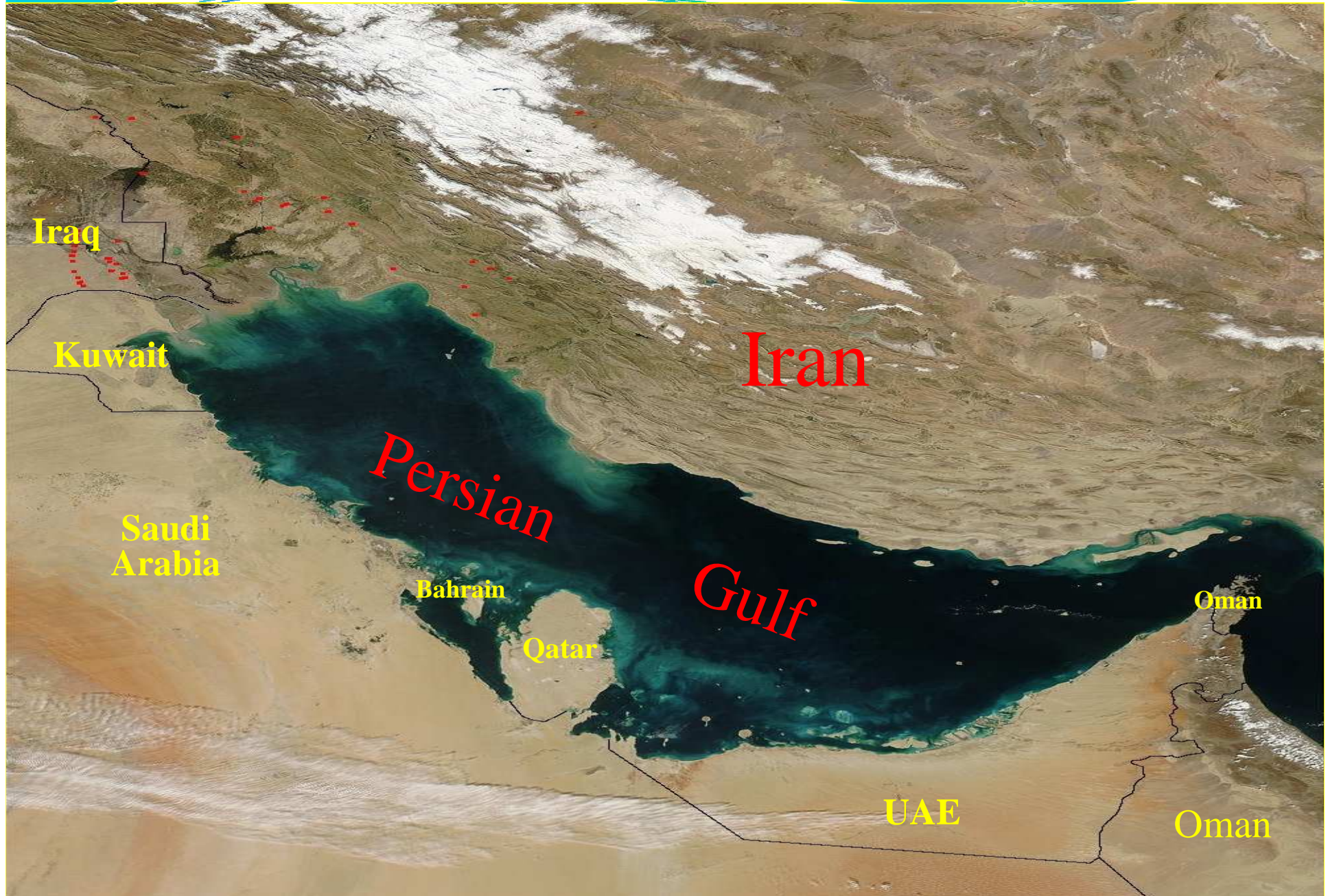
- The continental shelf of a coastal state comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.





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Introduction to the Persian Gulf Region



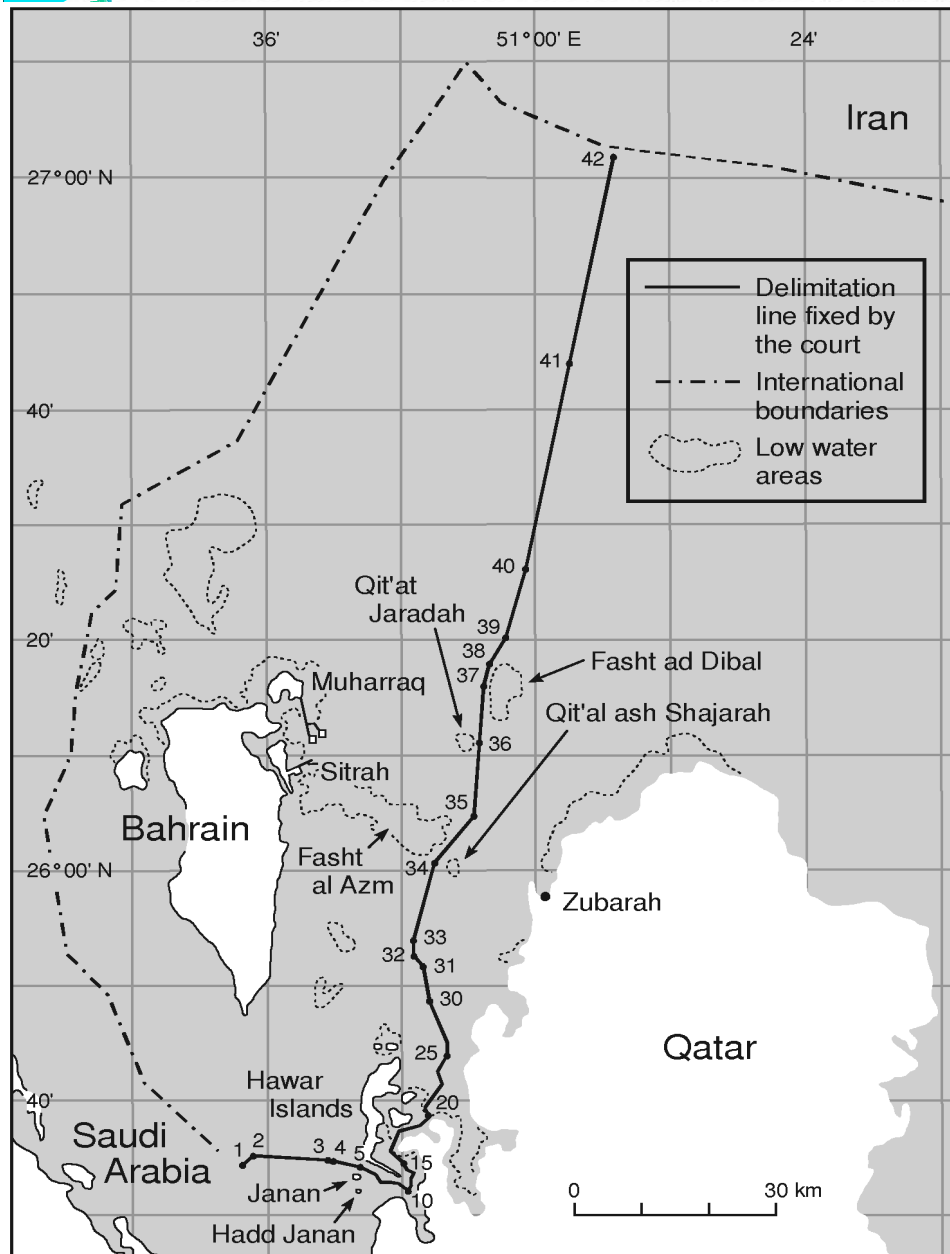
Geographical Situation in the Persian Gulf Region

- There are 8 Littoral States in the region.
- Iran has the Longest Coastline and Iraq has the shortest.
- Bahrain is the only island State in the region .
- The maximum width of the Persian Gulf is about 210 M (336 KM).
- All marine and submarine areas come within the national jurisdiction and need to be delimited.
- There are 2 special circumstances: existence of numerous islands - presence of huge oil and gas deposits.

The Legal Evaluation of the Persian Gulf

- The maritime boundaries in the Persian Gulf shall be determined by 13 Agreements.
- There is no undetermined maritime boundary in the Persian Gulf region between the Arab littoral States, except parts of the Iraq-Kuwait boundary. The maritime borders of these States had to be delimited by six agreements. Four of them are bilateral agreement, one is a demarcation by UN Commission (Iraq-Kuwait) and the last one delimited by the ICJ in its award regarding Bahrain and Qatar case.
- All countries in the region are Party to UNCLOS except Iran and UAE. These two States only has been signed UNCLOS.
- Based on the Article 122 of UNCLOS, the Persian Gulf is a semi-enclosed sea.
- Oman is the only country in the region with

Qatar & Bahrain Case



- It is the only boundary in the region which determined by an international court.
- It is concerned about both territorial question and maritime delimitation.
- The boundary was constructed by the Court in two sectors.
- For the first time in its practice, ICJ applied the equidistance method to a delimitation relating to adjacent coasts.
- The northern turning point of the boundary line has been left undefined.

Iran and Saudi Arabia Agreement(1968)



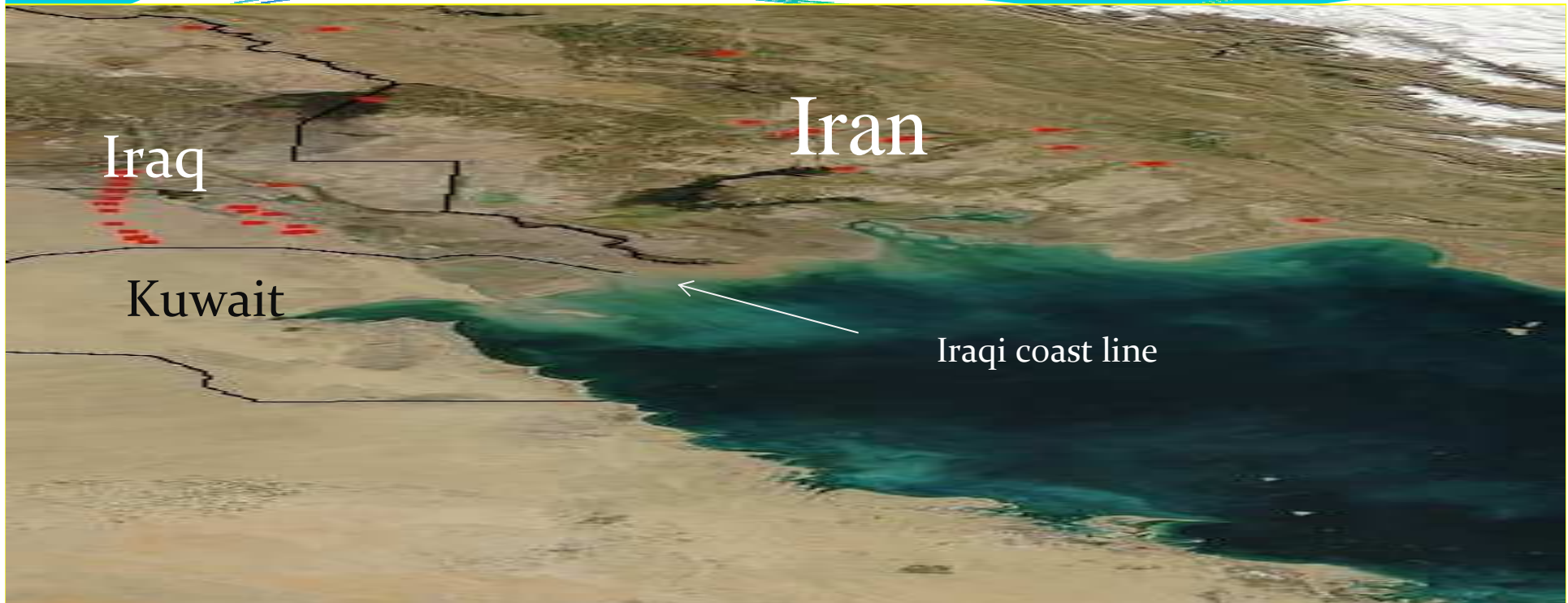
- Longest continental shelf delimitation boundary in the Persian Gulf.
- This Agreement Settled the dispute regarding the sovereignty over Farsi and Arabi Islands
- Equidistance method and also enclaving has been used to draw this boundary line.
- The role of Kharg Island and Fereydoon oil field was very important in drawing boundary line.

Undetermined Maritime Boundaries in the Persian Gulf

➤ Iran- Iraq

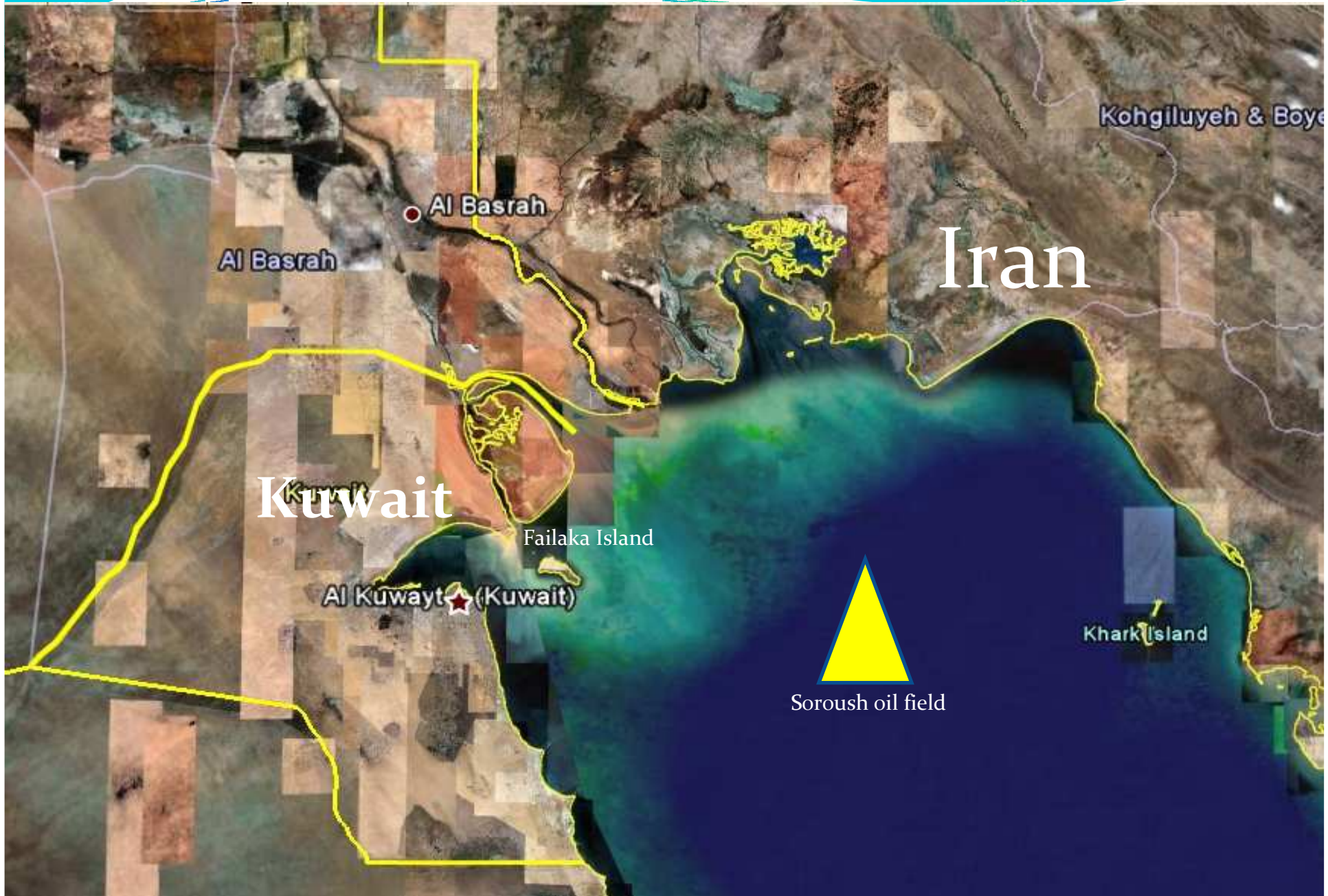
➤ Iran-Kuwait

Iran-Iraq



- The boundary should be extended from the termination of land boundary
- Iraq is the most disadvantaged State in the region.
- Equidistance method will not lead to equitable result
- Both countries are in agreement regarding the application of the equidistance principle for CS in their declarations and practices.
- The length of the Iraqi coastline prohibits this State to follow proportionality method.

Iran-Kuwait



Iran and Kuwait

- The negotiation between Parties started in 1960s.
- Parties are in agreement to ignore all of the small islands.
- The existence of islands of Kharg and Failaka which due to their importance can not be ignored.
- Soroosh oil field is another special circumstance in the delimitation area
- There are no differences between Parties concerning the method of delimitation.
- The main dispute is the selection of the base points to draw median line.
- Iran supported median line with given full effect to Kharg island.
- Kuwait insisted that Failaka island must be considered as a part of Kuwaiti coastline.
- In 1970 Parties agreed that both Kharg and Failaka should be considered as being within the baseline of Iran and Kuwait. But the final CS delimitation has remained suspended in view of the Kuwait boundary dispute with Iraq and Saudi Arabia.
- The delimitation negotiations between Parties is ongoing .

Conclusion

- The role of the oil and gas deposits was critical in drawing boundary.
- Islands were treated differently in different agreements.
- Establishment of a non-drilling operation zone within a certain specified area across the boundary line was a good precedent.
- Neither geology nor geomorphology played a role in continental shelf delimitation boundary in the Persian Gulf.
- Economic consideration did not effect boundary lines, but motivated Parties to reach delimitation agreements.
- Saudi Arabia and Bahrain Agreement is the only agreement in the region which constitutes the joint exploitation mechanism.

Conclusion

- The preamble of most agreements refers to the concept of “justice, equitable and precise manner” for delimitation.
- The most significant character of delimitation agreements is pragmatic application of the equidistance method (modified under special circumstances).
- The method of the enclaving was used regarding the some islands in delimitation area.
- Iran’s straight baselines were ignored in drawing median line.
- Although Iran is neither Party to the 1958 Geneva Convention on CS nor to UNCLOS, but it delimited its CS boundaries with mutual agreements, which is in accordance to Article 6 (paragraph 1) of the 1958 convention and article 83 (paragraph 1) of UNCLOS.

Recommendation

- Regarding the undetermined maritime borders in the northern part of the Persian Gulf, Iran, Iraq and Kuwait can reach to an equitable resolution through the application of the equidistance/median line method which, of course is further open to modification based on some relevant circumstances such as natural prolongation, the length of the coasts and general configuration of the coastline.



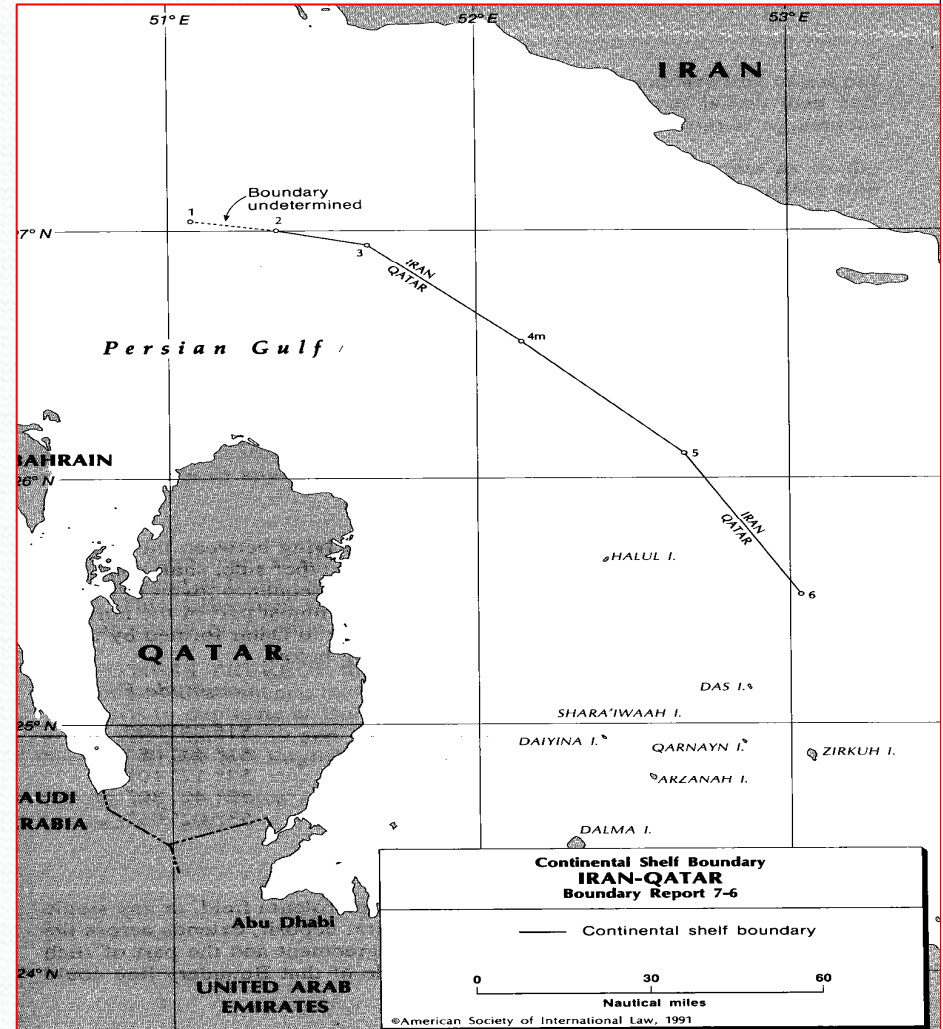
Thank You

Iran's National Legislation on Maritime Zones

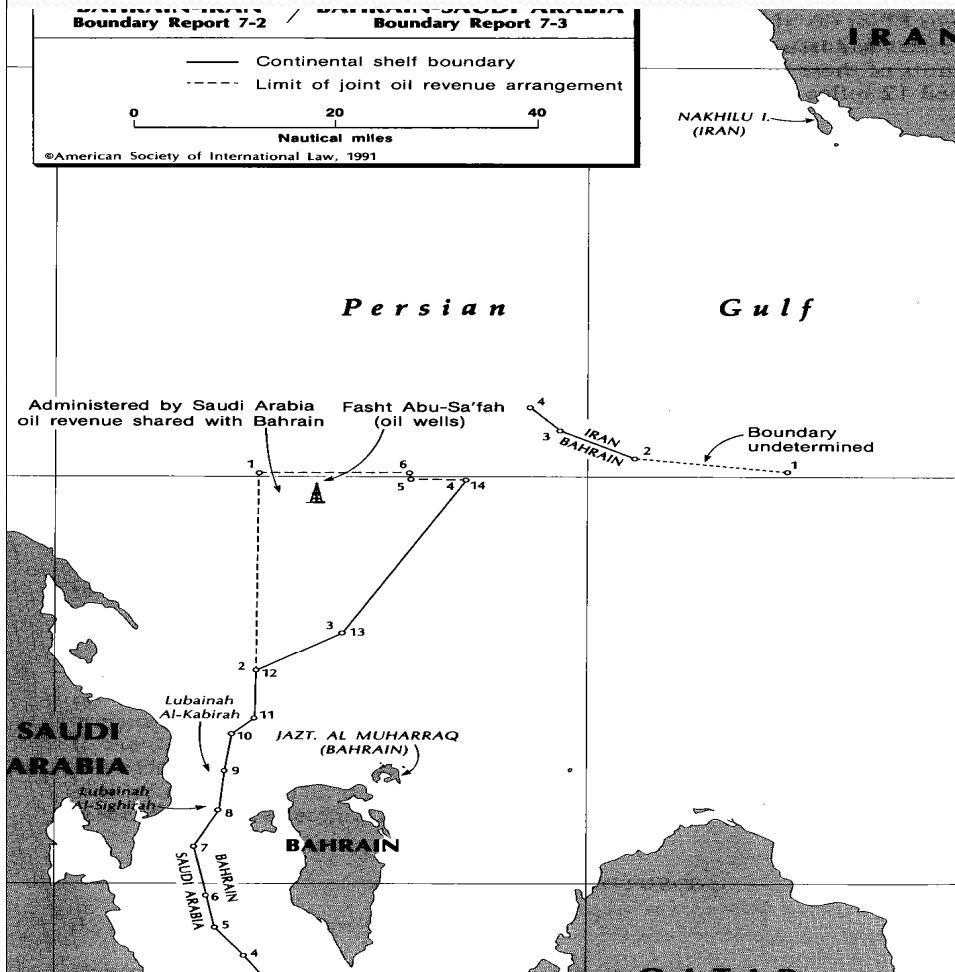
- ❖ Update, Iran issued some Acts and Proclamations regarding the maritime issues, which all of them lead to Act on Marine Areas issued on 29 April 1993.
- ❖ Under Article 23, All laws and regulations contrary to the this Act, upon its ratification, are abrogated.
- ❖ Under Article 3, Iran chose straight baseline to measure its maritime zones.
- ❖ Iran is the only State in the northern coast of the Persian Gulf which faces all 7 other littoral States.
- ❖ Iran has delimited most parts of its continental shelf boundary by 5 bilateral agreements and but still there is 2 undetermined boundaries.
- ❖ Regarding the EEZ, Article 14, does not mention any specific limit and only refers to the rights in this zone, which are largely in accordance to article 56 of UNCLOS
- ❖ The Continental shelf on Iran comprises the seabed and subsoil of the marine areas that extend beyond territorial sea throughout the natural prolongation of the land territory (Article 15). The limit of the CS shall be the equidistance line from the Parties baselines(Article19).

Iran and Qatar Agreement (1969)

- It's based on the equidistance line from the two mainland coasts.
- All islands were ignored to draw boundary line
- Point 1 was left undefined pending conclusion of the delimitation agreement between Bahrain and Qatar.
- Establishment of a non-drilling operation zone within a 250 meters zone across the boundary line.



Iran and Bahrain Agreement (1971)



- It contains 2 tri-points.

- Its based on the median line between Iranian islands and mainland coast of Bahrain

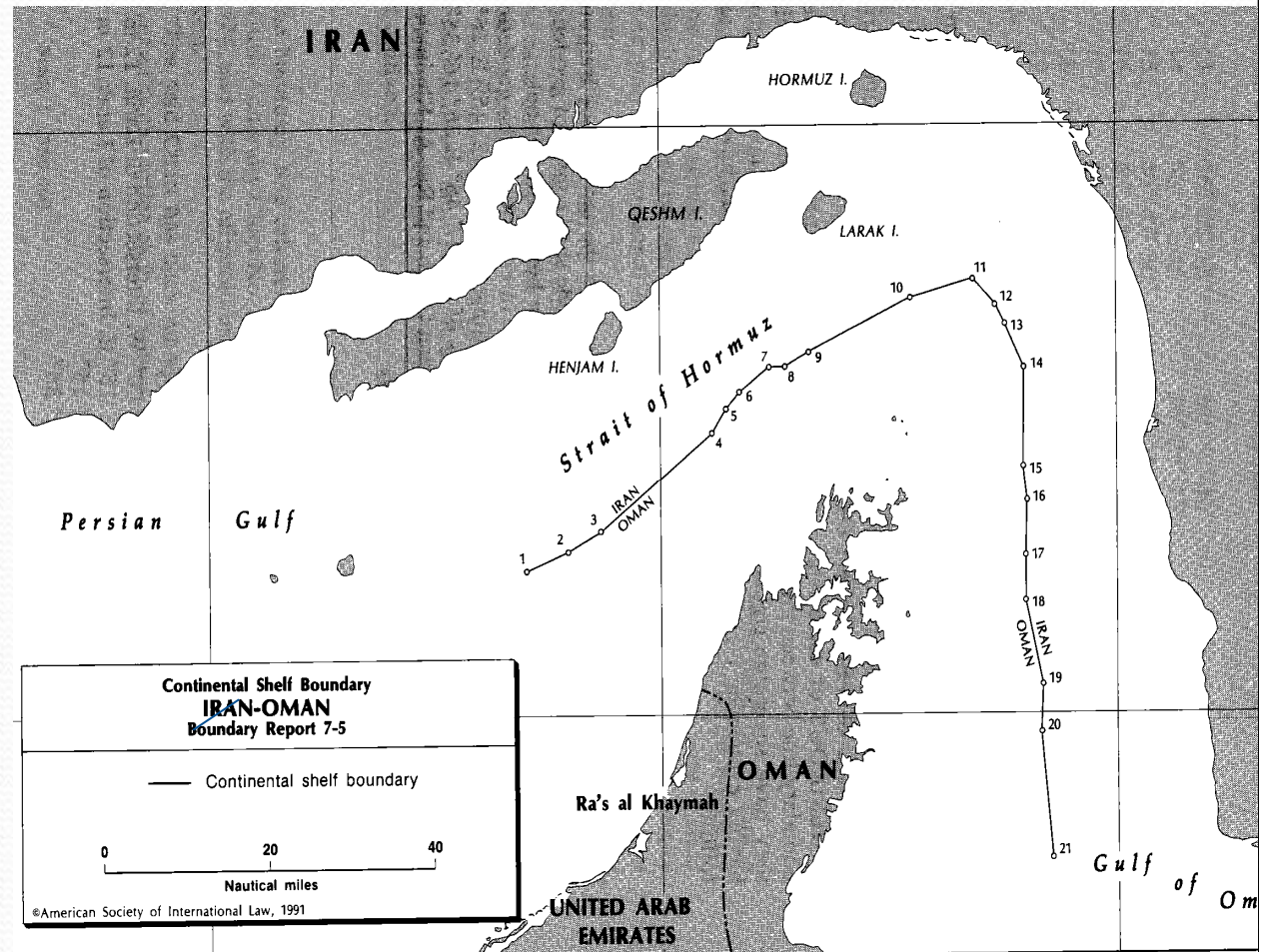
- Iran's and Bahraini islands were treated differently. Full effect was given to the Iranian Islands, but no effect to Bahraini Islands.

- The easternmost point left undefined pending resolution of the Qatar/Bahrain boundary dispute.

- There shall be no subsurface well completion within 125 meters of the boundary without the mutual consent of the Parties.

Iran and Oman Agreement (1974)

- It contains the boundary line in Strait of Hormuz .
- Presence of island was the source of disagreement between Parties.
- The boundary line is based on the principle of equidistance but take into account presence of islands.
- It forbade any drilling in an area extending 125 meters from each side.



Iran and UAE (Dubai) Agreement (1974)

- Its only delimited the boundary line between Iran and Emirate of Dubai
- Ratified by Iran on 1975, but has not been ratified by UAE.
- Its based on the median line between the coasts of the two mainlands coasts.
- Islands, rocks and low tide elevations played no role, except for the island of Sirri.
- The enclaving method has been used regarding the island of Sirri.
- Other parts of the boundary is waiting to be delimited.

