

Continental Shelf Delimitation in the Persian Gulf

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Overview of the Presentation

- **Review of UNCLOS Provisions**
- **Principles Applicable to Continental Shelf Delimitation**
- **Methods Applicable to Continental Shelf Delimitation**
- **Introduction to the Persian Gulf Region**
- **Iran's Continental Shelf Delimitation in the Persian Gulf**
- **Conclusion**
- **Recommendation**

Review of UNCLOS Provisions (Article 76)

Article 76

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graph TD; A[Article 76] --- B[Definition and Terminology (1,2 and 3)]; A --- C[Application of Terms and methods for establishing the outer limits of CS (4,5,6 and 7)]; A --- D[The Role of the Commission of the Continental Shelf (8)]; A --- E[Depository Function of the UNSG (9)]; A --- F[A Saving Clause Concerning Continental Shelf Delimitation (10)];
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Definition and Terminology
(1,2 and 3)

Application of Terms and methods for establishing the outer limits of CS
(4,5,6 and 7)

The Role of the Commission of the Continental Shelf
(8)

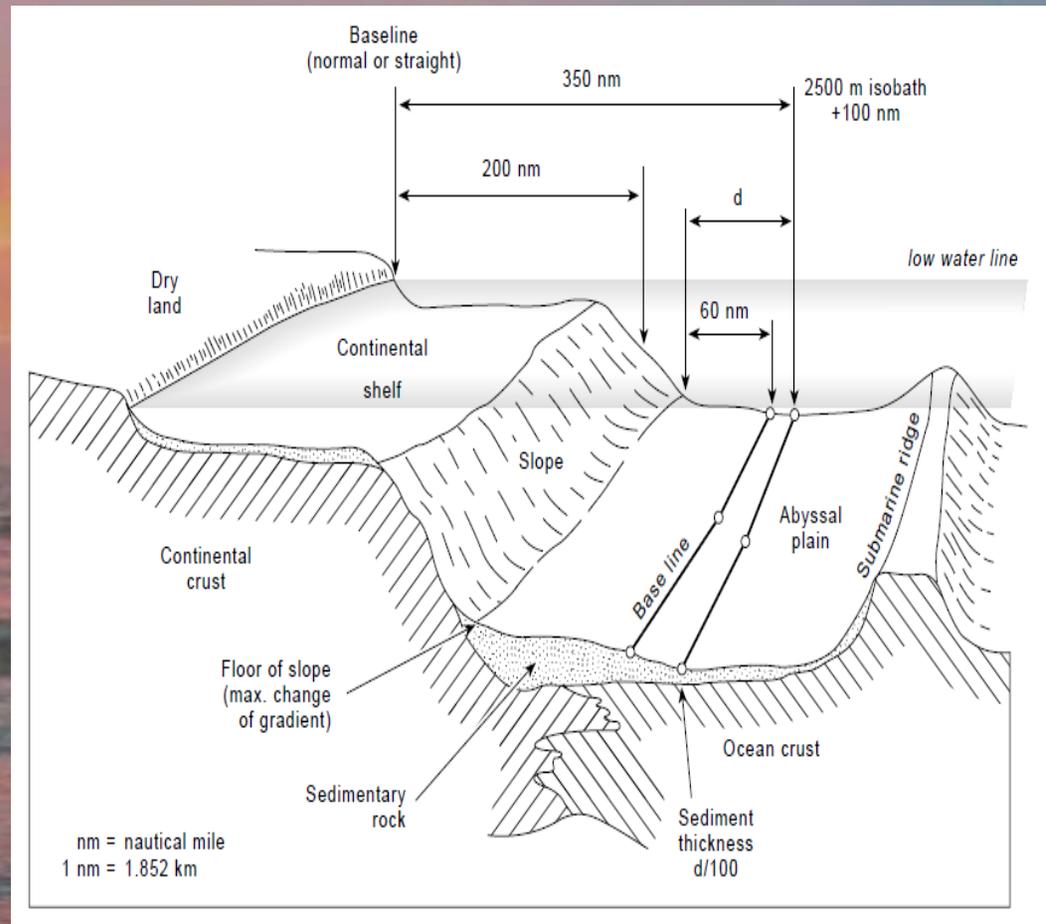
Depository Function of the UNSG
(9)

A Saving Clause Concerning Continental Shelf Delimitation
(10)

Review of UNCLOS Provisions

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.



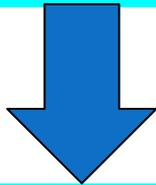
Review of UNCLOS Provisions

Under the provisions of Article 83, Continental Shelf Delimitation:

- Shall be affected by agreement on the basis of international law As referred to Article 38 of ICJ Statue;
- Shall be lead to equitable solution; and
- In case of absence of an agreement, the States concerned are requested to make any effort to enter to provisional arrangement of the practical nature and not to jeopardize or hamper the reaching of the final agreement

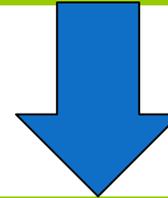
Principles Applicable to Continental Shelf Delimitation

Equity or Equitable Principle



- Equity as a legal concept is a direct emanation on the idea of justice and a part of general international law (ICJ, Tunisia/Libya Case, Paragraph 71).
- It is the final element in the all delimitation process.
- It is at the heart of the delimitation of the continental shelf.

The Concept of Proportionality



- In maritime delimitation, it means that should be taking into account the ratio between the areas of the continental shelf attributed to each Party and the length of their coastline and other relevant circumstances.
- The concept of proportionality in maritime delimitations was generally formulated by the Federal Republic of Germany in the North Sea cases.
- This concept has been emphasized by ICJ in many cases.

Methods Applicable to Continental Shelf Delimitation

- **Equidistance or median line**
- **Proportionality**
- **Parallels and meridians**
- **Enclaving**

Methods Applicable to Continental Shelf Delimitation

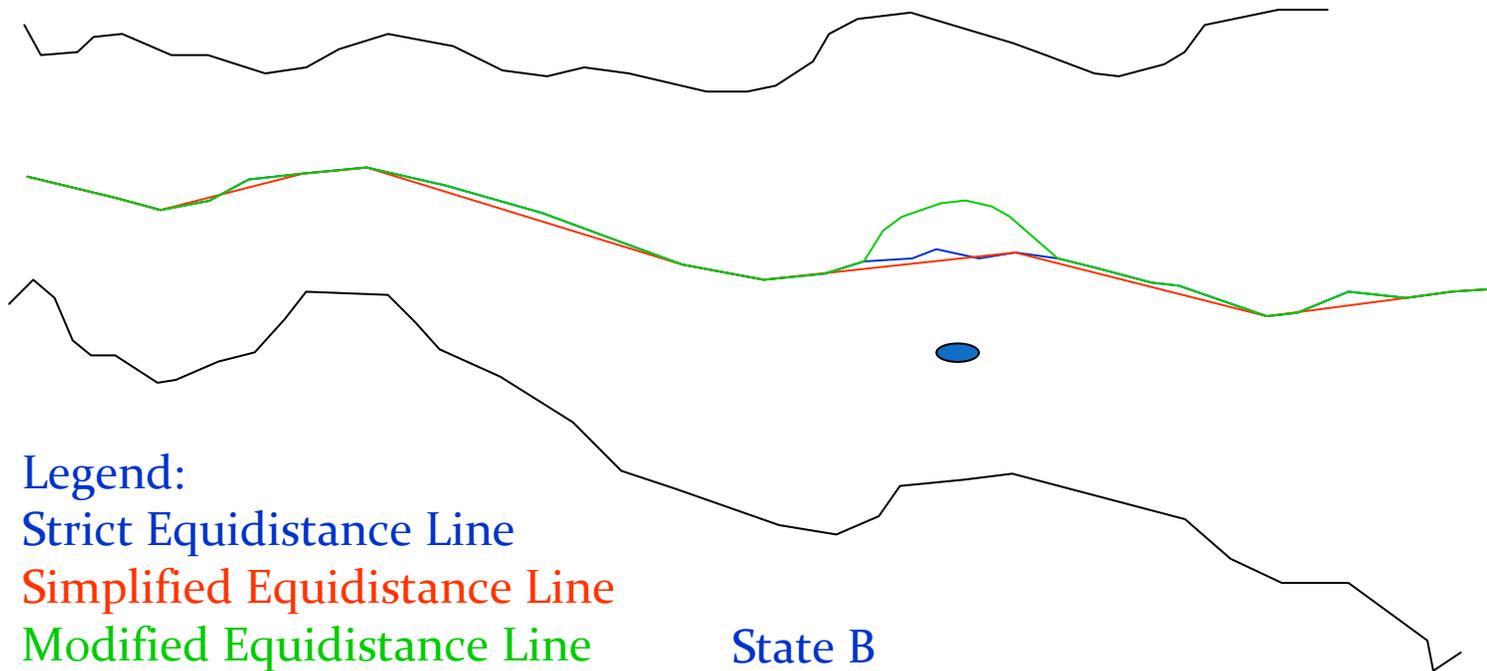
Equidistance Method or Median Line

- The line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each of the two States is measured.
- There are three kinds of equidistance line: strict equidistant line, simplified equidistant line and modified equidistance.

Methods Applicable to Continental Shelf Delimitation

Different Equidistance Line

State A



Legend:

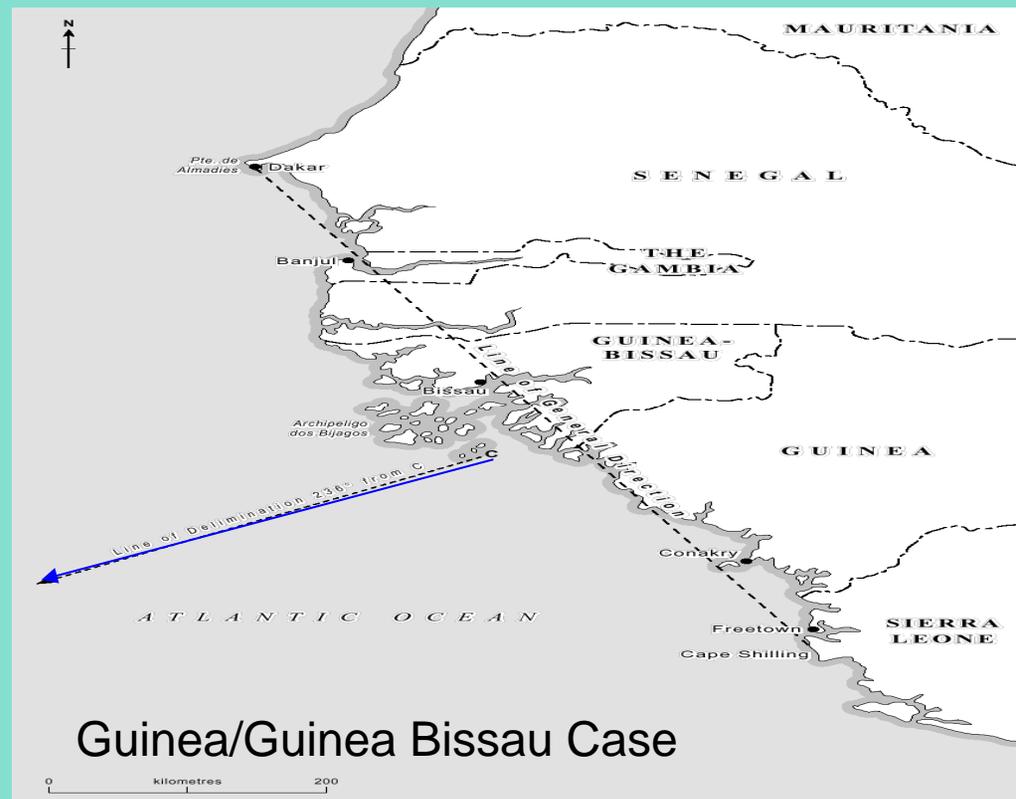
- Strict Equidistance Line
- Simplified Equidistance Line
- Modified Equidistance Line

State B

Methods Applicable to Continental Shelf Delimitation

Proportionality

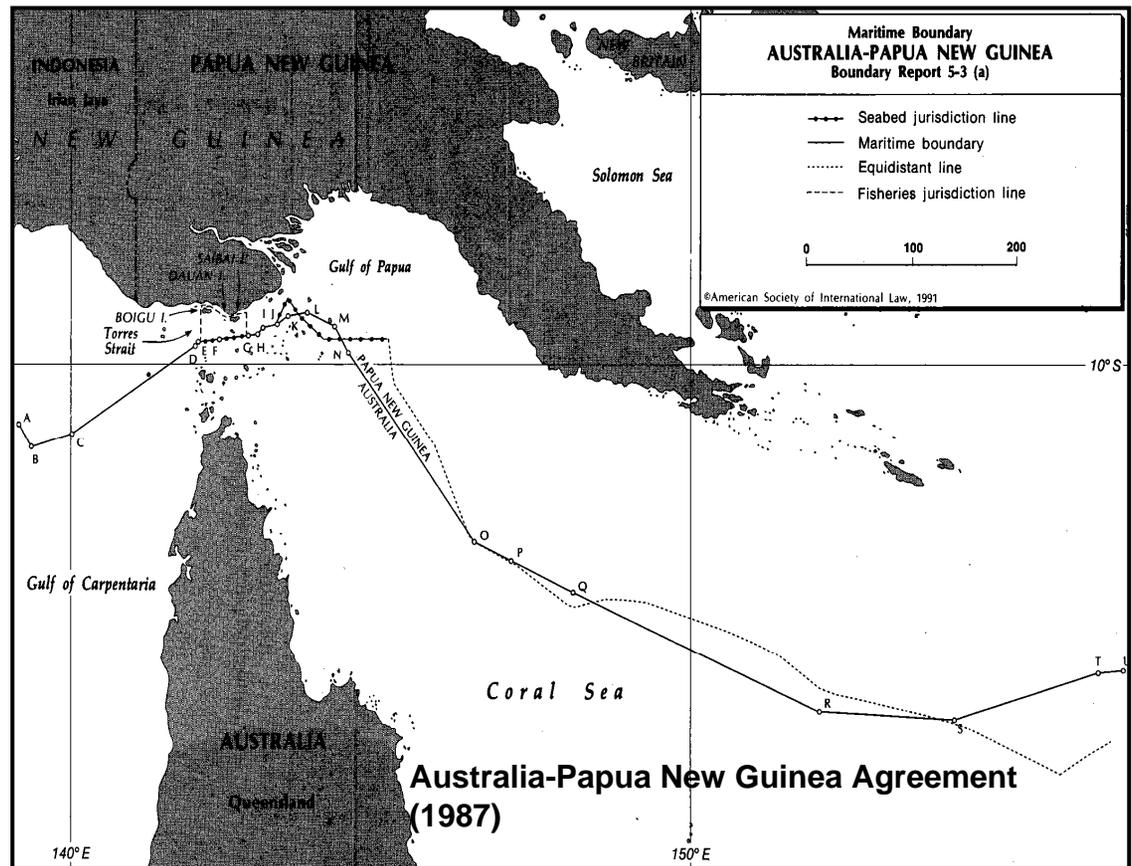
- ❖ This method of delimitation consists of drawing a perpendicular line to the coast or to the general direction of the coastline.



Methods Applicable to Continental Shelf Delimitation

Enclaving

- It is another method of delimitation which is used when full effect or partial effect are given to an island. In such situation a maritime belt of a certain breadth is drawn around that island by means of a line made of arcs of circles drawn from the most seaward base-points.
- The enclaving method can produce either a full enclave or, alternatively, a semi-enclave

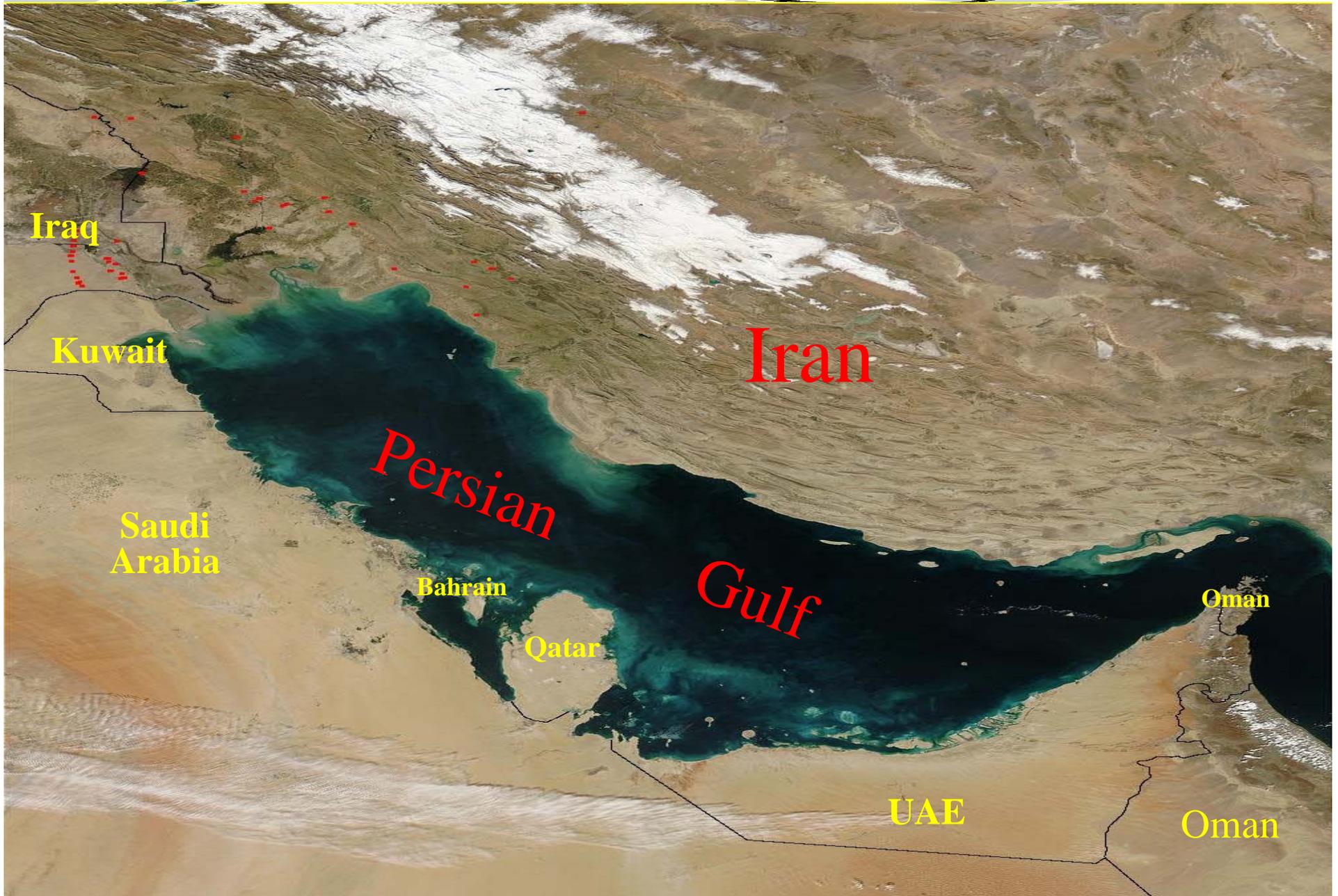


Methods Applicable to Continental Shelf Delimitation

Meridians and Parallels

- This method makes use of parallels of latitude and meridians of longitude to draw the delimitation line. It can be combined with other method of delimitation such as equidistance method. A good example for this method is Colombia-Panama Treaty (1976).

Introduction to the Persian Gulf Region



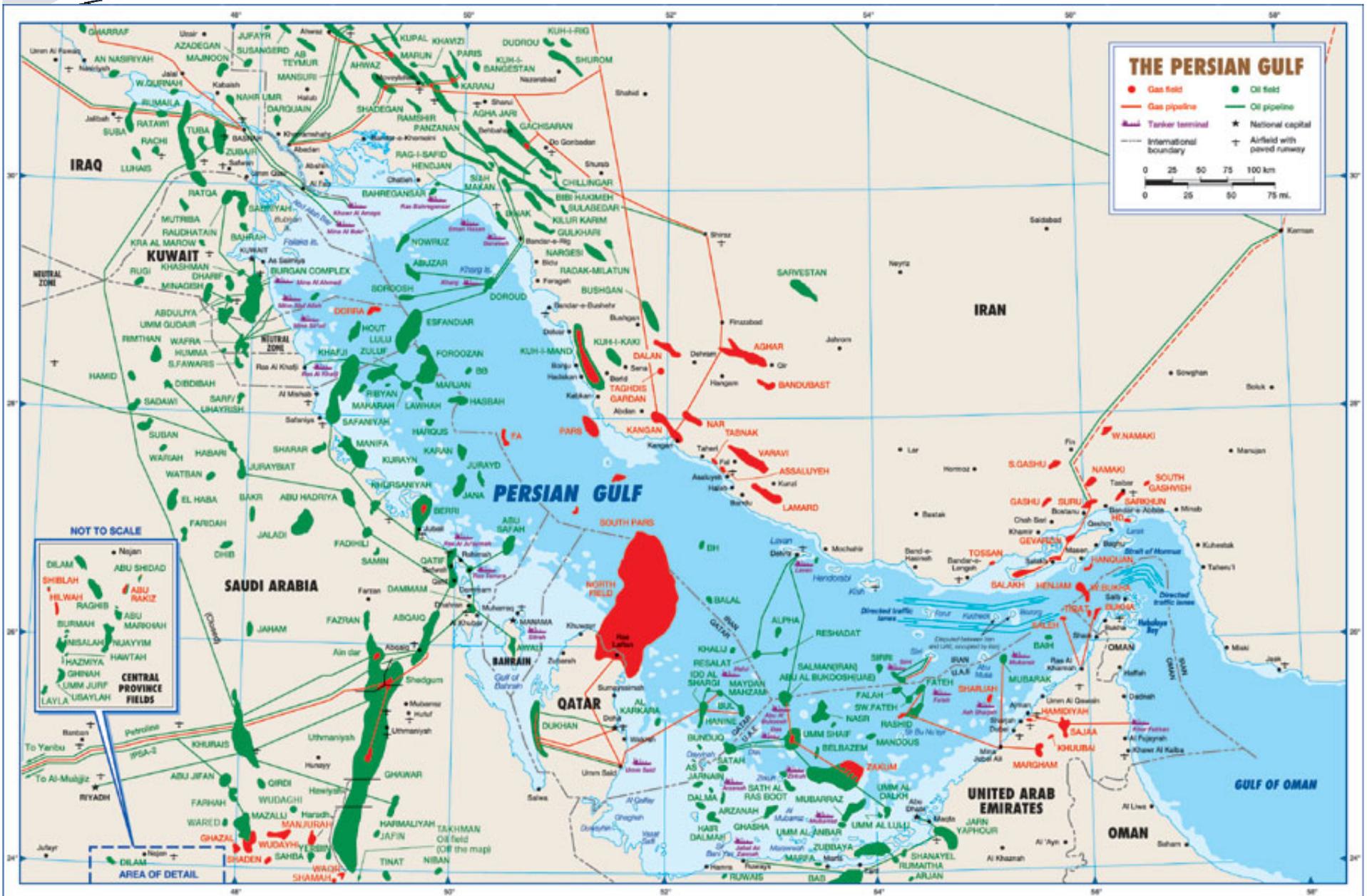
Introduction to Persian Gulf Region

- There are 8 Littoral States in the region.
- Iran has the Longest Coast line 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.

Introduction to Persian Gulf Region

- 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.

Map of the Oil and Gas Deposits in the Persian Gulf



Iran's Continental Shelf Delimitation

Review of the Act on the Marine Areas of the Islamic Republic of Iran Provisions

- ❖ 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.
- ❖ The breadth of the territorial sea is 12 nm (in accordance with Article 2 of UNCLOS), islands have their own territorial sea. If overlapping, the median line constitutes boundary. (Articles 3 and 4)

Iran's Continental Shelf Delimitation

Review of the Act on the Marine Areas of the Islamic Republic of Iran Provisions

- ❖ Under Article 12, the outer limits of contiguous zone is 24 nm which is in accordance to Article 33(1) of UNCLOS.
- ❖ 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's Delimitation Agreements

- **Iran-Saudi Arabia Agreement**
- **Iran-Qatar Agreement**
- **Iran-Bahrain Agreement**
- **Iran-Oman Agreement**
- **Iran- U AE Agreement**

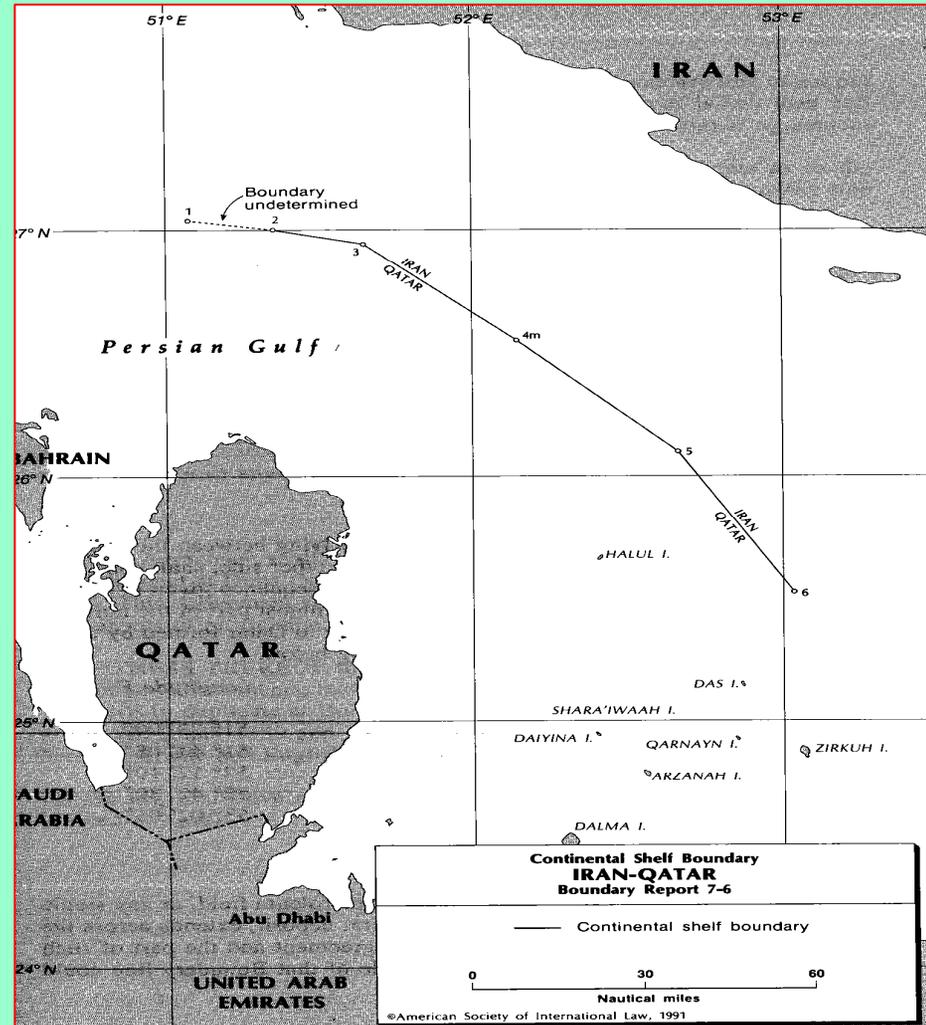
Iran and Saudi Arabia Agreement(1968)



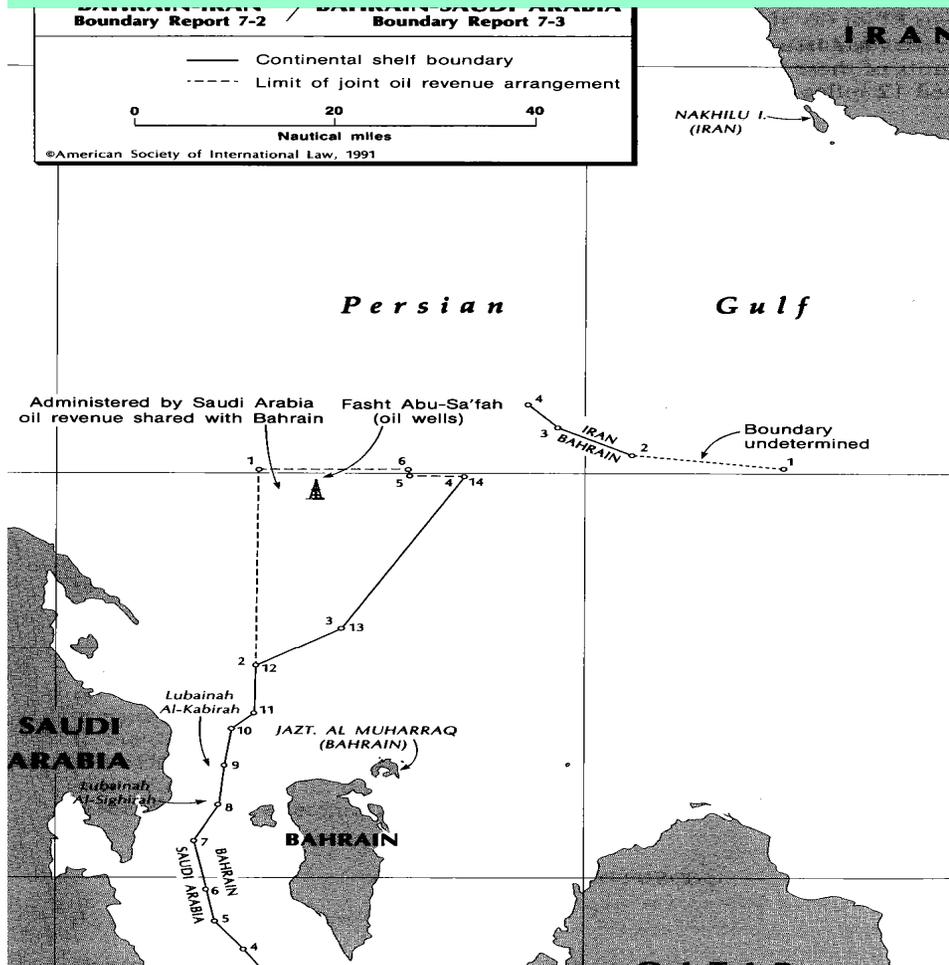
- Longest continental shelf delimitation boundary in the Persian Gulf.
- This Agreement Settled the dispute regarding the sovereignty over Farsi and Arabi Islands
- Equidistance method and also enclaving has been used to draw this boundary line.
- The role of Kharg Island and Fereydoon oil field was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

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.

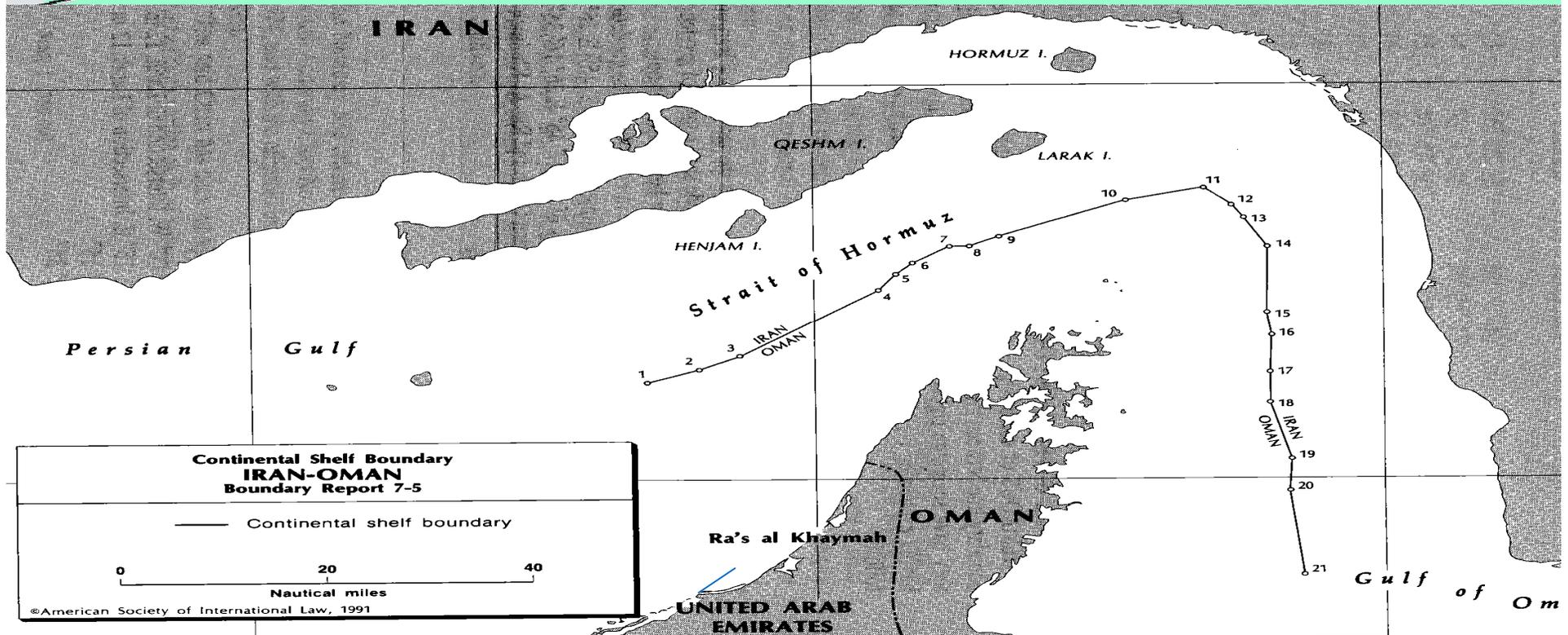
- Its based on the median line between Iranian islands and mainland coast of Bahrain

- 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.

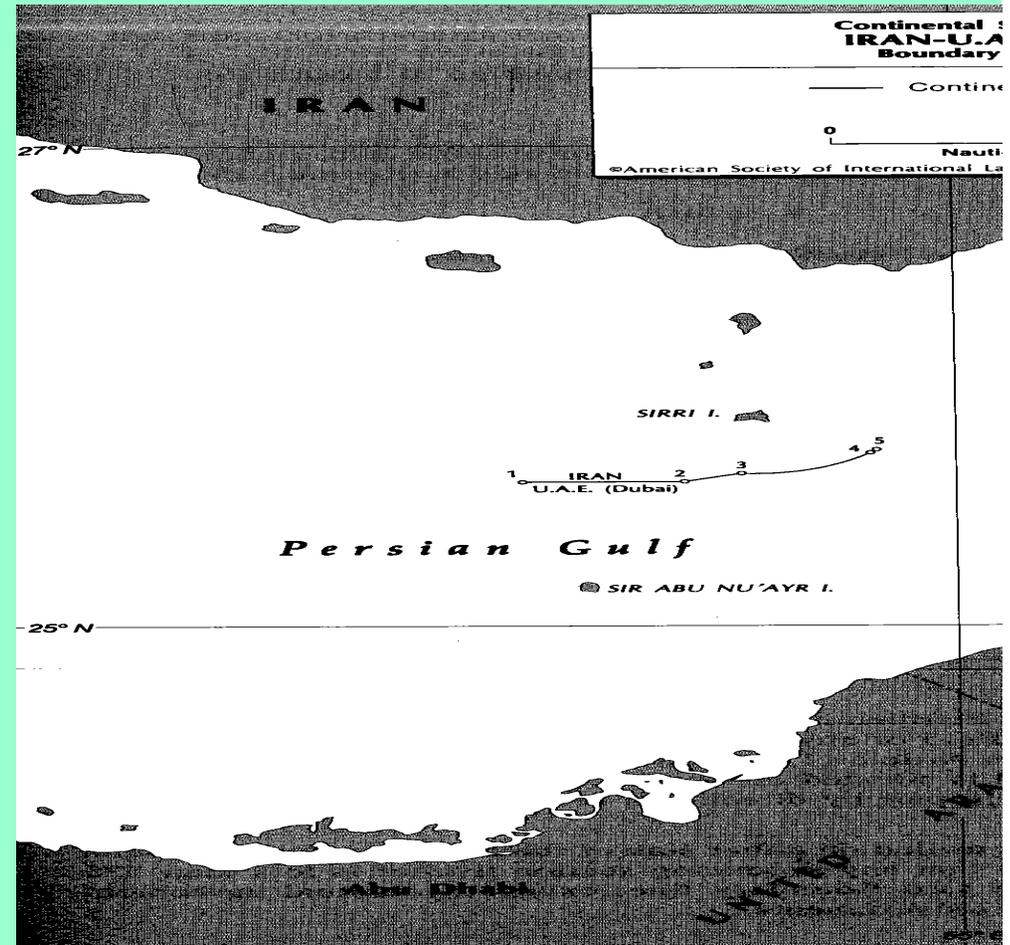
Iran and Oman Agreement (1974)



- 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)

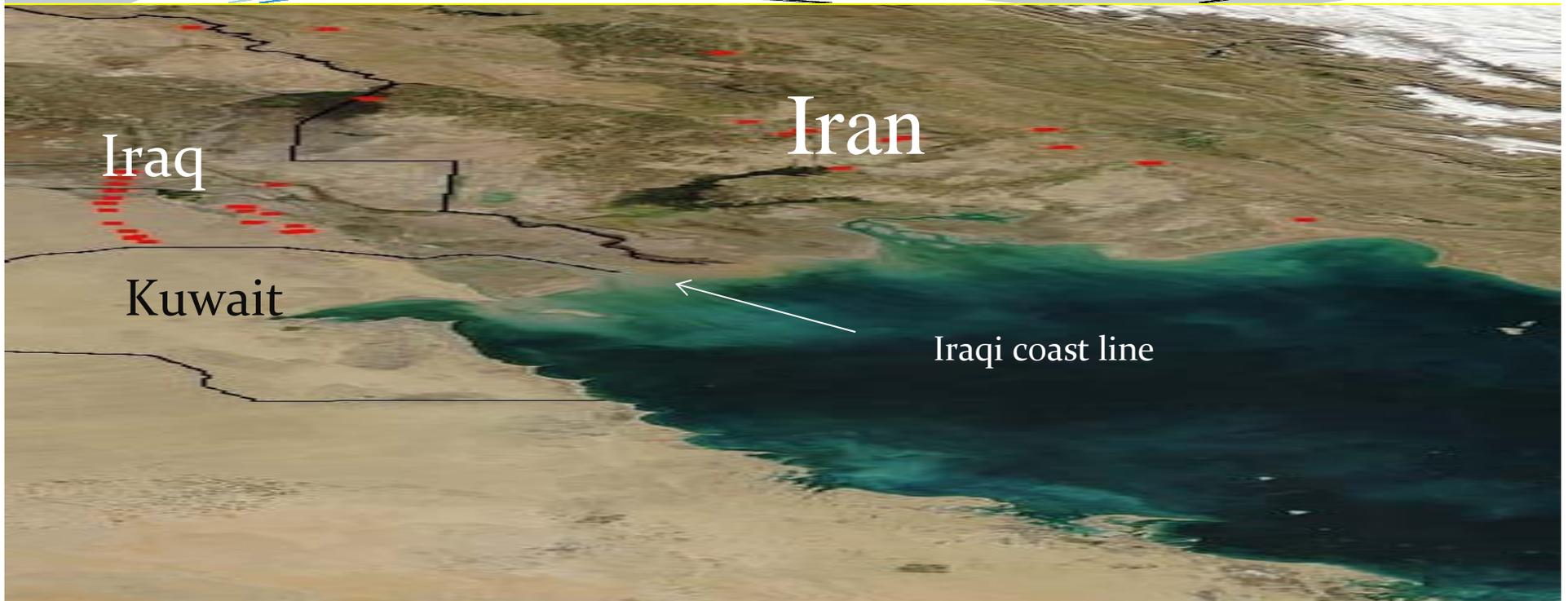
- Its only delimited the boundary line between Iran and Emirate of Dubai
- Ratified by Iran on 1975, but has not been ratified by UAE.
- Its based on the median line between the coasts of the two mainlands coasts.
- Islands, rocks and low tide elevations played no role, except for the island of Sirri.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



Iran's Undetermined Maritime Borders

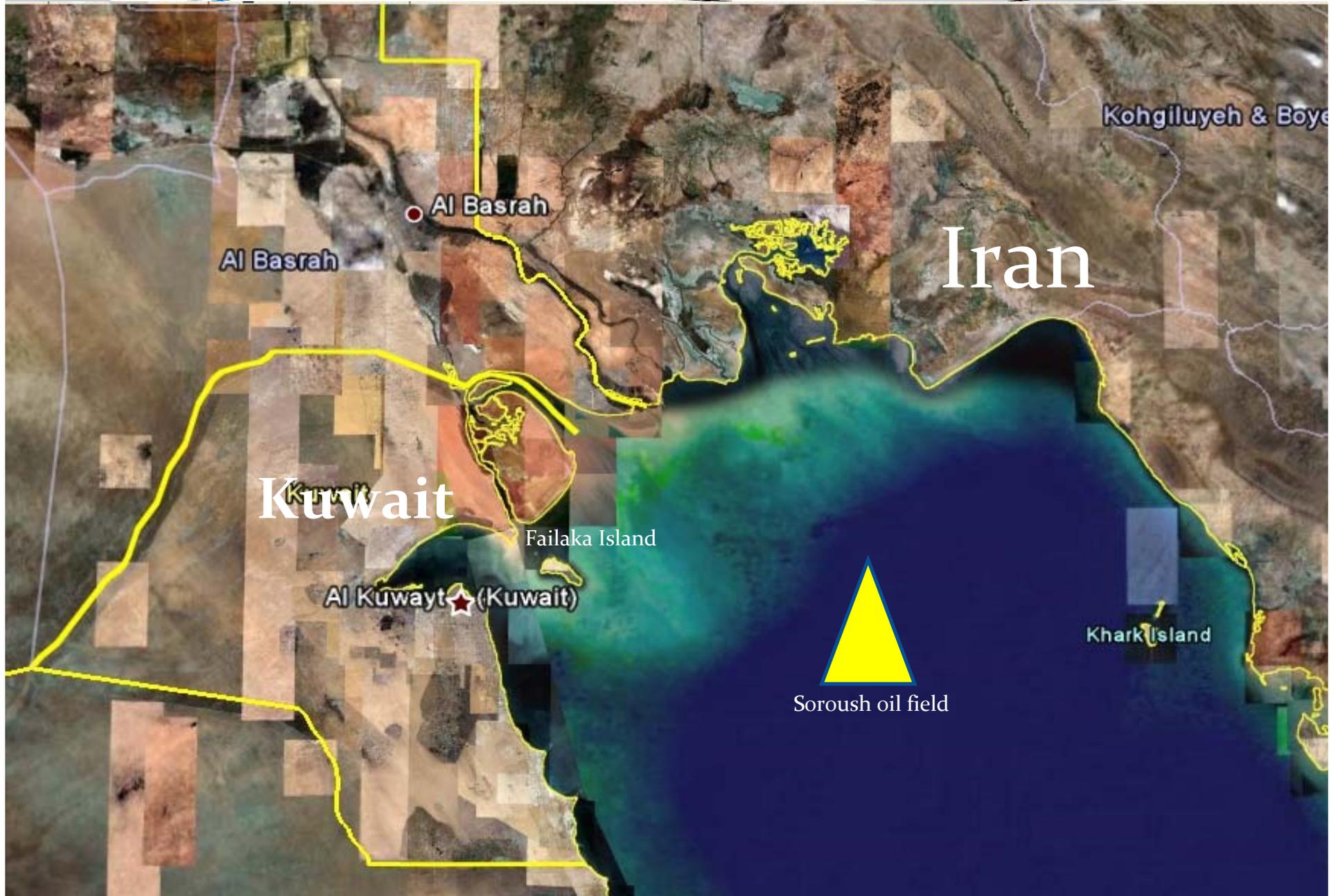
- Iran- Iraq
- Iran-Kuwait
- Iran-UAE

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 .

IRAN-UAE



- UAE includes 7 Emirates
- In the 1974, Parties delimited CS between Iran and Dubai.
- There is no differences between Parties regarding the method of delimitation
- The problem is the continuing baseless claim of UAE concerning the sovereignty over 3 Iranian Islands.
- All of the historical, legal and geographical facts confirm Iran's sovereignty over these islands.

Conclusion

- The preamble of all Iran's agreements refers to the concept of "justice, equitable and precise manner" for delimitation.
- The most significant character of Iran's 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.
- Islands were treated differently in different agreements.

Conclusion

- The role of the oil and gas deposits was critical in drawing boundary.
- 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 Iran's continental shelf delimitation boundary.
- Economic consideration did not effect boundary lines, but motivated Parties to reach delimitation agreements.
- 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.

Recommendations

- 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.
- With respect to Iran-UAE, first, UAE should relinquish its baseless claims regarding Iranian Islands and then the Parties can enter into mutual negotiations in order to delimit their continental shelf boundary.



Thank You

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